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Greening the Media

Nobody's Business: Data Barons and Digital Sneaks

What's troubling those growth-obsessed purveyors of platform profits?

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When it comes to culture, Americans rarely stop to ask how much is enough. Culture is one area where unbridled growth has been beyond question. Imagine a major U.S. politician proposing to cap the number of plays staged, novels published, films produced, or music recorded. The idea goes against deeply felt social standards and expectations; some might say it's downright un-American, given the First Amendment.

This growth norm extends to digital culture as well—who dares contest the proliferation of apps, the extension of social networks, or the juggernaut of an internet of things? There is a sense of inevitability to digital culture swelling and swelling, especially since it has given millions of people a supposedly creative role in an ever-expanding electronic heritage. Deflating it would be like taking away our freedom or besmirching our digital legacy.

But what happens when our unbridled digital culture creates unforeseen social liabilities or clashes with rival social values? In past columns, we have described some of the social liabilities—in particular, costs of negative environmental outcomes paid by society—that have accompanied the expansion of high-tech living. Among them are harmful carbon emissions linked to the energy consumption associated with cloud computing, network operations, and electronics; distractions and hazards of mobile communication; and the growing amounts of e-waste, poisoning land, air, and water.

As for competing social values, the always-aspiring challenger has been privacy, expressed as a right and valued as a characteristic of personal autonomy. These privacy challenges tend to be weak in the U.S., because of built-in compromises with data barons and digital businesses. By comparison, member states of the European Union (EU) are required by [data protection legislation](#) to balance the informational needs of [government](#) and businesses with their citizens' right to decide how their personal data is used. The balance still tilts toward business interests, but safeguards are supposed to be strong enough to reassure citizens that it's safe to participate in the digital informational marketplace.

But as Edward Snowden showed, these protections have turned out to be bogus. We now know that phone companies, social networks, and cloud-computing monopolies—the drivers of digital culture—worked as front line operatives for the National Security Agency (NSA) and allied spy agencies in Europe through the so-called Prism program and the longstanding tradition of the Five Eyes, a treaty on sharing [intelligence](#) between the U.K. and its former white-settler colonies (Australia, Canada, New Zealand, and the United States). In the post-Snowden era, heightened awareness of ubiquitous surveillance has resulted in renewed efforts to mitigate invasions and prosecute violations of privacy. Smartphone encryption and stronger privacy settings in social media are part of this trend, but we continue to have a seemingly unshakeable [faith](#) in the growth norms of digital culture—more is better.

By comparison, [recent legal decisions in the EU](#) have rattled the imperialist platforms of growth in digital culture. In one case, a Spaniard named [Mario Costeja González](#) wanted Google to remove links to an old

newspaper item involving legal action against him. His personal problems had been resolved and Costeja González wanted to put them behind him by having the record erased. He filed a complaint against Google Spain and Google Inc. with the Spanish Data Protection Agency, employing his right, under the EU data protection laws, to erase links to an old story about his lapses. Google balked, saying they didn't control the data and had no knowledge that personal information was involved in their search engine's data collection. The European Court of Justice ruled that Google was responsible as a "data controller" under the legal definition of the term, despite the fact that its algorithm automatically, unthinkingly identified a third party's website in the search results for Costeja González (in this instance, via a Spanish newspaper).

In a second case, The European Court of Justice decided that Facebook was in violation of data protection laws when it allowed an individual's private information to flow to the U.S., where privacy laws don't meet EU standards for adequate protection. The Court went further to say that some 4,000 U.S. companies (including Google) could no longer transfer data in bulk under a provision known deceptively as a *safe harbor* (though they could still move personal data using what's known as a "model clause" that allows non-EU based companies to arrange approval). Facebook is subject to EU laws because its European headquarters are in Ireland, a member state. A Facebook user named Max Schrems, who is Austrian, filed the complaints because he wanted to manage his personal information, a right guaranteed by EU data protection rules. It's a very simple idea: you have some say in what intimate information can be stored and, if conditions resemble those of the Google case, request its erasure.

Legal scholars and privacy advocates on both sides of the Atlantic are still deciphering these rulings in the light of upcoming revisions to EU data protection law. Meanwhile, for the merchants of digital culture, the message is clear. U.S. Commerce Secretary, Penny Pritzker, described the Court's rulings as direct threats to a "thriving trans-Atlantic digital economy," meaning, of course, U.S. business domination of digital culture. Snowden countered that Schrems had "changed the world for the better." At the very least, the kingpins of digital culture have been schooled about a robust social value that could continue to check their growth-obsessed business plans.

As for environmental sustainability, it's important to remember that surveillance leaves behind a huge carbon footprint, in addition to invading people's privacy. In 2006, the NSA blew a fuse, literally. Its Fort Meade headquarters—the largest user of electricity in Maryland, consuming as much as a city of 40,000 people—overloaded the system, causing outages. Its massive facility near Bluffdale, Utah uses 1.7 million gallons of water daily and consumes 65 megawatts of electricity, with massive surges and power outages that destroyed equipment and delayed its completion until 2014.

So as you tool around this wonderful digital culture and partake in its making, be alert to its environmental impact and its appetite for private matters that you thought were nobody's business.



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