

Organizing for Privacy: How Data Privacy Advocates Advance Their Agenda


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On my honor as a University Student, I have neither given nor received
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Introduction

While online user data is collected and monetized on a vast scale (Martin & Murphy, 2016), privacy advocates seek to limit the practice. Groups such as the Electronic Frontier Foundation (EFF) and Privacy International organize politically to advance data privacy agendas.

These groups' agendas fall into three categories: educating, lobbying, and political campaigning. Educating involves the education of both old and new supporters about the reasons and progress of the group's agenda. Lobbying involves pressuring companies and lawmakers to adopt policies that align with their agenda. Political campaigning involves gathering large democratic support for ballot initiatives, candidates, or other democratic goals with the aim of passing a desired agenda. This paper aims to outline how several privacy advocacy groups define and advance their agendas and how each group exemplifies one of these categories.

In September 2021, EFF (2021, September 9) organized a protest opposing Apple software that it contends "will endanger the privacy ... of its customers." Privacy International (2020, July 1) highlights Facebook's ad targeting campaigns to expose "how difficult it is to understand how our data's used" and aid users in protecting their data. Californians for Consumer Privacy (2020, November 4) ran a political campaign to pass California Prop 24 to "give Californians the strongest online privacy rights in the world." I analyze these groups and their interactions with their opposition to understand how privacy agendas evolve and advance.

Literature Review

Data privacy is an active field of academic research. Martin and Murphy (2016) studied the role data privacy concerns play in modern marketing and argued that digital privacy scholarship is young and must be broadened. Schomakers et al. (2020) found that many internet users report concerns about privacy while "huge availability of data attracts abusive usage".

Proposed methods for “privacy-preserving data management” (Soria-Comas & Domingo-Ferrer, 2015) aim to provide technical solutions to preserve user’s privacy while providing the benefits of data analytics. During the Covid-19 pandemic, contract tracing apps omitted potentially sensitive data such as GPS to protect user’s privacy (Fahey & Hino, 2020).

Lacking in current scholarly literature is an understanding of how public concern for data privacy is transformed into public and private sector data privacy policies. Such research is vital to achieving greater understanding of the future of data privacy in the digital world. By providing an understanding of the types of activities undertaken by privacy groups, I aim to provide a basis for this research to evolve in the future. I propose three categories of goals undertaken by privacy advocacy groups and then provide an outline into how to identify which category a given campaign falls under.

Methodology

When a group publicly advocates for a desired agenda, they create many documents in the forms of petitions, newsletters, and public announcements. To understand the goals and methodologies of data privacy groups, I study these primary documents they create while advancing their agenda. I supplement these documents with the occasional secondary source as well. While less inherently reliable than primary sources, secondary sources covering the activity of these groups can offer an objectivity in perspective that primary sources can lack but were avoided when an appropriate primary source could provide the same information.

In this paper, I chose to look at the activities of a few data privacy advocacy groups through specific case studies. Each group was chosen due to the methods they employ as they advocate for a specific case and how those methods exemplify educating, lobbying, or political campaigning. They were also chosen due to the abundance of primary sources they created,

which allows for more in-depth study and understanding. By studying several cases among separate groups and their opponents, I can compare the methods and results to gain a more complete understanding of how data privacy advocates advance their agenda and how these methodologies differ depending on the category of the group's agenda.

I chose to study the following cases. The EFF (2021, September 9) opposes Apple's Child-Safety software that it considers a threat to consumer privacy. Apple delayed the initial release of the software, citing concerns from "customers, advocacy groups, researchers, and others" (Apple, 2021). This case is an example of lobbying by a privacy advocacy group. Privacy International (2020, July 1) educates its users about the lack of data privacy and transparency in Facebook advertising. Finally, Californians for Consumer Privacy (2020, November 4) campaigned to pass California Prop 24: a bill containing consumer privacy rights. This law was passed in November 2020 despite opposition from No on Prop 24 (2020) and other groups.

Organizing For Privacy

Raising Awareness

"Political interest is a precursor to political engagement" (Robinson, 2016). It is essential for any political advocacy group to raise awareness towards their cause, as it is the first step towards increasing support for their agenda. Privacy advocates are no exception to this rule and put forth much effort to support their agenda.

Press releases and newsletters are common tools among all groups studied. Such releases allow groups to shape discourse and increase engagement among their supporters. These releases give insight into the strategy of the groups in advancing their agendas.

Raising awareness for a political cause is educating supporters and potential supporters about the reasons for your agenda. As such, every privacy advocacy group engages in educating its audience in some way. The methods and forms this education take can still help to differentiate between what type of goals the group is hoping to achieve. This is especially true when it comes to differentiating political campaigns from education and lobbying ones. Political campaigns must convince more people to support them than either of the other types of campaigns. As such, political campaigns are often less technical in their education, favoring techniques that have been more proven to help win elections.

The Electronic Frontier Foundation puts large emphasis on informing their supporters about their progress, opportunities for action, and reasons to their agenda. In several newsletters they argue that Apple's child safety software effectively introduces backdoors into iMessage's end-to-end encryption (McKinney & Portnoy, 2022; Opsahl, 2021). These letters also include call for actions, with McKinney & Portnoy calling for their readers to join "nationwide protests" against the software. This emphasis on supportive actions even in educational materials is a defining feature of lobbying campaigns.

The EFF also held public round table discussions about Apple's child safety software proposals. These talks focus on the additional impacts of the changes to encryption, as well as general principles that they would support in implementation of software that could impact digital privacy (EFF, 2021, October 12).

Privacy International approached their campaign as a series of calls to action (Privacy International, 2020, July 1) and responses to actions taken by Facebook (Privacy International, 2020, September 24). Privacy International communications are often technical in their presentation. In their response to Facebook's announcement on advertising transparency, Privacy

International (2020, September 24) provided technical suggestions for improvement. For each suggestion provided, they provided technical reasoning, including citing articles in Europe's General Data Protection Regulations (GDPR) that suggestions would address. In another communication, Privacy International (2020, June 19a) did a technical dive into what data is provided by Facebook's Download Your Information (DYI) feature. This focus on technical communication that is understandable highlights and underlying goal of education in their communication. This focus can also be seen in some of the Electronic Frontier Foundation's communications such as McKinney and Portnoy's (2022) explanation of how Apple's software breaks encryption promises.

Californians for Consumer Privacy, in its fight to pass proposition 24, avoided emphasis on technical details. Their press releases served as updates, often informing supporters of new endorsements (Californians for Consumer Privacy, 2020, October 27, October 29). All press releases also included a current list of endorsements for Proposition 24.

Californians for Consumer Privacy also released regular blog posts, which were similar in content to the press releases, further highlighting the emphasis on political endorsements. A weekly update on Prop 24 was published to the blog every week, highlighting that week's new announcements of public support for Prop 24 (Californians for Consumer Privacy, 2020, October 19).

Opposition to Californians for Consumer Privacy took similar form. No on Prop 24 (2020) sent out press releases highlighting new opposition towards Prop 24. They also dedicated a section of their website to highlighting all opposition to Prop 24. Both groups were engaged in opposing political campaigns. By highlighting their supporters, they were able to raise awareness of their causes due to the positive effects of political endorsement (Chou, 2015).

Neither group completely avoided technical education, but it remained at a prominent level and much rarer than their focus on political endorsements. As an example, Californians for Consumer Privacy (2020, October 31) gave press releases claiming that Prop 24 would “protect Californians from online hackers” but remained sparse on the details of how that goal would be achieved.

The focus on political endorsements over technical explanations in the fight for Proposition 24 underlies the difference in the goals of the three campaigns. The fight for Proposition 24 involved campaigning with the underlying goal of getting the most votes. As such, they rely on communications that have been proven to win elections. The Electronic Frontier Foundation focuses on changing company policy and Privacy International campaigns to educate its readers about the data Facebook stores on their users. Technical education is vital in achieving both these goals, so both groups actively seek to provide it to their supporters.

Organizing Action

Once support is gathered for an agenda, that support needs to be organized into action which expresses the desires of the agenda. The methods these campaigns choose to employ provide insight to their goals and methods. This is especially where education and lobbying campaigns differentiate from each other to the largest degree.

Lobbying campaigns involve several calls to action that are designed to express the scale of the support for the group’s agenda. These calls to action are not as vital in education agendas, which are not necessarily aiming to effect change in policy, or political campaigns, which are leading up to a democratic vote in which support for the agenda will be expressed.

Protests and petitions are common tools of lobbying campaigns, as exemplified by the Electronic Frontier Foundation. The EFF (2021, September 9) organized protests in San

Francisco outside of Apple's corporate headquarters. They simultaneously organized protests in other cities around the United States. Additionally, they have an active petition (EFF, n.d.) addressing Apple directly demanding that they drop their planned child safety software changes. This petition has over 25,000 signatures (Kelley J, 2021), but has less advertising on the Electronic Frontier Foundation's website than their scheduled protests, indicating an emphasis on protests over petitions. This is not necessarily the case in all lobbying campaigns by privacy advocacy groups, but instead is a feature of this specific campaign by the Electronic Frontier Foundation.

Privacy International (2020, June 19b) gives their supporters personal calls to action rather than group actions. They supply their users with an email they can use to submit a Data Subject Access Request (DSAR) to Facebook advertiser's. This request allows users to be aware of the data that companies have about them and how those companies are using that data. The emphasis on this personal call to action, coupled with the educational focus of Privacy International's communications, shows that Privacy International focuses on educating individuals on how to protect their own privacy over lobbying for structural changes to protect privacy. While this campaign had a few actions that could be in line with a lobbying campaign, such as the suggestions for actions Facebook should take to increase transparency, the lack of calls to action like petitions and protests differentiate their education campaign from the Electronic Frontier Foundation's lobbying.

The campaigns for and against California's Proposition 24 by Californians for Consumer Privacy and No on Prop 24 had a specific action that they were campaigning for their supporters to take: voting on Proposition 24. As such, calls to action by both campaigns were limited to calls to voting. This is not always the case in political campaigns that privacy advocacy groups

undertake. However, a call to vote is present in all political campaigns, as it is the defining feature of this category of privacy advocacy agendas.

Conclusions

Privacy Advocacy groups agenda's can be categorized as attempting to achieve one of three goals: educating, lobbying, or political campaigning. These three goals are not mutually exclusive, and many groups will run different campaigns with different goals.

Most privacy advocacy groups attempt to educate their supporters. Even when education is not the end goal, it can be an essential stepping-stone towards increasing support and engagement amongst supporters. Privacy International's campaign for transparency in Facebook advertising sought education for education's sake. The Electronic Frontier Foundation, Californians for Consumer Privacy, and No on Prop 24 all provided education in the hopes of increasing support for their agendas.

The Electronic Frontier Foundation's campaign targeting Apple's child safety software changes is a notable example of lobbying by privacy advocacy groups. After educating supporters about their cause to drive up engagement, the EFF channels that engagement into protests and petitions to show united opposition to Apple's changes to encryption. It is in this organization of supporters that lobbying efforts differentiate from education efforts. Privacy International's calls to action still fit the mold of education by providing their supporters with personal actions they can take to better protect their privacy.

Campaigning done by groups such as Californians for Consumer privacy and No on Prop 24, focus on creating democratic engagement with the ideas and ballot proposals they support. Education is a necessary step in increasing this support, but the education can often be less

technical in nature, instead relying on proven election winning strategies like endorsements. These campaigns focus on a single call to action: voting on their desired agendas.

These three goals share their similarities in strategies but differentiate at key points. By outlining the differences in these goals, I have created a framework for future specific research into all three goals, what methods separate groups use to achieve those goals, and which methods are most effective that will create better understanding of the nature and efficacy of different privacy advocacy groups across the world.

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