

**Data Privacy Under Attack: Proposal to Improve Data Privacy Legislation in the United States**

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On my Honor as a University Student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments

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## Abstract

A major problem I have encountered when studying the influence of social media companies and their applications in the United States is how much user data is collected, used, and sold when no legislation or regulations limit the power, influence, and reach of large media conglomerates.

To prevent companies from violating users' right to data privacy, I propose passing stricter legislation, similar to that utilized in European countries. By increasing education on technology and data, citizens will begin to understand how their data is being collected and used differently from other countries. Actively advocating for the transparency of companies will greatly help in spreading awareness of data being collected and where it is being sold. Using these methods to increase awareness of data privacy and support for change will greatly aid in pushing data privacy legislation. Further research will need to be conducted on how exactly to implement legislation on data privacy protection in countries where it is lacking.

## 1. Introduction

Since the beginning of time, people in different geographical areas have evolved differently to best suit their needs. The same can be said for how people adapt to their social, political, and cultural environment as new technologies are introduced into society. The development of media is no exception to this phenomenon.

Although the introduction of digital media occurred at similar times in history in the United Kingdom and in the United States, they have followed significantly different paths in their use. In the first half of the 20th century, the UK created a public-funded network to provide quality, truthful, and unbiased information known as the British Broadcasting Corporation (BBC). At the same time, the government of the United States, for various reasons, decided it was important to keep private ownership of all major media corporations and keep its involvement in the media space at a minimum.

This led to the modern-day dynamic of media in the UK vs. the US. The UK has a trustworthy media entity that is not incentivized by profit, while media in the US is riddled with profit motives, resulting in excessive amounts of fake news, misinformation, disinformation, and attention-grabbing controversial statements. This leads to major distrust in the media, which is harmful because the purpose of major news media outlets is to provide pertinent, factual information and hopefully produce a knowledgeable populace. Distrust in the media leads to distrust in everything.

## 2. Related Works

Klosowski (2021) does a great job analyzing the failures of data privacy legislation in the United States. I drew heavily on his article in the *New York Times* when prioritizing the data privacy issues that are most harmful to

the user. Klosowski also covers the most prominent components of Europe's comprehensive privacy law, the General Data Protection Regulation (GDPR), drawing a clear parallel between the two countries. Synthesizing the information from his source, my project focuses on the shortcomings in US data protection that are most feasible to fix.

Pop (2022) does a thorough job comparing and contrasting the social and political culture in the United States with that of the European Union. My project utilizes this cultural analysis by drawing connections between cultural norms and the resultant data privacy regulations.

### 3. Proposed Design

The situation regarding the genesis of the digital media age is analogous to the overarching issue of data privacy in social media in the US and the UK today. The overall social and political culture, historically, in the US resulted in a society where the right of corporations to utilize user data trumps the right of privacy of the individual, despite highly valuing individualism or the collective. By contrast, the UK has much more stringent data privacy laws that protect users. European cultures are much harsher on corporations and value the collective good of the people much more. One of the biggest challenges is that due to the phenomenon of path dependency, even though we know what works in the UK we cannot expect the same results using the same methods in the US.

A great resource to use in determining the most feasible solutions to the data privacy rights issue in the US is the General Data Protection Regulation (GDPR) in the European Union. Although no longer part of the EU, the UK maintains the same set of data privacy regulations, so I will refer to the EU's GDPR when discussing the UK. One of the revolutionary declarations made in the GDPR is the control it gives users over their data and information on the internet, or the "right to be forgotten". It essentially allows citizens to have their personal information erased without 'undue delay' from any corporation's database, so long as that the data is no longer being used for the purpose it was initially collected for.

Another prominent pillar of the GDPR is its much higher standard of anonymization. "While the GDPR applies a very high standard for "anonymisation", U.S. state laws consider "de-identified" data to be outside its scope so long as the company has implemented certain technical and organisational measures" (Lawne, 2023). Considering the culture and historical context of media in the US, as well as effective legislation passed in the European Union, I propose giving users much more control over their data, similar to the GDPR, giving them the "right to be forgotten". It is also paramount that, to protect from data leaks/breaches and unethical use of data, a higher standard of anonymity must be applied to user data, keeping only the essential information identifiable and accessible only to select authorized personnel.

## 4. Anticipated Results

If the legislation proposed is successfully passed in the US, it will result in much lower rates of data privacy violations. With an increased standard of anonymity, data leaks, hackers, and malicious actors do far less damage when accessing personal and potentially sensitive data and information. By giving citizens the right to delete their personal information off the internet, corporations that collect data are more incentivized to be careful and responsible with the user data they collect. Negative press regarding an insecure data situation will have a plethora of users requesting for their data to be deleted, which will adversely affect their finances. I believe successfully following through with the solution proposed in this paper will be a strong first step in improving data privacy rights in the United States.

## 5. Conclusion

Attempting to pass the legislation proposed previously in the United States would be very difficult in today's political and cultural climate. Convincing US citizens to invite increased government involvement in the media space currently dominated by private corporations is an insurmountable task itself, let alone getting the piece of legislation proposed in Congress. These are the reasons I believe that focusing on fostering a paradigm shift in American culture through increased education and awareness is crucial. Until more widespread support for increased data privacy regulations exists, awareness campaigns through social media,

educating citizens on how their data is being used, how data privacy is different overseas, and cases of flagrant data privacy violations. Creating content that is controversial and emotion-eliciting, ensures that the data privacy awareness campaign will be favorable by social media algorithms and, therefore, result in a more successful campaign.

Through these means, the idea of stronger data privacy regulations will become favorable to the public, which is the first step in changing the values of the politicians that pass legislation. Although I do not think it will contribute much towards getting US politicians to pass such legislation as public opinion in the US generally has very little correlation with legislation that is passed.

## 6. Future Work

The proposed strategy for improving the state of data privacy in the US is a long, arduous process. Although we see similar situations in other countries such as the UK, every situation is new and different, making it difficult to predict exactly what the results of any given action will be. This is why it will be important for there to be plentiful and continuous studies and surveys conducted on the values and beliefs of the American people, as this is the main metric I believe needs to change before meaningful data privacy legislation can be passed. The plan I have proposed will need to be altered along the way over the next several years, if not decades, to correct for unexpected circumstances or consequences. I hope that this paper can serve as a foundation for

those closely studying the evolution of data  
privacy in the US in the future.

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