

Jewish Contemporary Ethics Part 35: Business Ethics 2 – Privacy and the Use of Data

by Rabbi Dr. Moshe Freedman, New West End Synagogue



British mathematician and analyst Clive Humby was credited back in 2006 for saying that “data is the new oil”. A 2017 leader article in *The Economist* highlighted the rapid production of this new commodity that is

routinely traded and shared between technology companies. “Whether you are going for a run, watching TV or even just sitting in traffic, virtually every activity creates a digital trace – more raw-material for the data distilleries.... Meanwhile, artificial-intelligence (AI) techniques, such as machine learning, extract more value from data. Algorithms can predict when a customer is ready to buy, when a jet-engine needs servicing or when a person is at risk of a disease”.

The ability to mine such vast quantities of data helps organisations operate more efficiently and more economically. Yet many ethical questions have been asked about the trading of such data as a commodity without the consent of those from whom the data has been collected. While businesses may wish to target new customers or predict buying trends, laws governing the invasion of privacy by corporations or governments go back centuries.

In 1763 the British government aimed to introduce a tax on cider production, sparking riots across the country. One of the concerns was the threat of searches of private properties without a warrant, prompting William Pitt, Earl of Chatham (d. 1778), who strenuously opposed the tax, to declare that: “The poorest man may in his cottage bid defiance to all the forces of the Crown”.

Today, Article 8.1 of the European Convention on Human Rights, which was incorporated into English law in the Human Rights Act in 1998, contains an explicit right to respect for a private life. The introduction of the European Union General Data Protection Regulation (GDPR) in

May 2018 offers greater regulation of the use of personal information collected from individuals, even with their consent.

In terms of Jewish business ethics, the overarching Talmudic dictum of *dina d’malchuta dina* – the law of the land is the law – applies to all privacy laws of our host country. Yet the principles behind the rights to privacy are deeply rooted in our own tradition.

One of the blessings uttered by Bilam (which we will read about next week) when he tried to curse the Jewish people was: “How goodly are your tents, O Yaakov, your dwelling places O Israel!” (Bemidbar 24:5). The Talmud explains that Bilaam noted that the entrances to each tent faced away from one another, so that no one could inadvertently intrude or invade the privacy of another family (Bava Batra 60a). The Rambam (Maimonides 1135-1204) rules that one neighbour may force the other to contribute to building a wall to divide a courtyard to protect privacy. He also forbids building arrangements that could allow someone to see directly into their neighbour’s home.

Privacy is therefore considered important both in secular and Jewish law, which allows people space to be themselves away from scrutiny and judgement of others. Personal data and information must therefore be treated with the same respect. Apart from protecting the rights of the individual, threats to privacy risk making people vulnerable to abuse, unfair treatment and exploitation.

