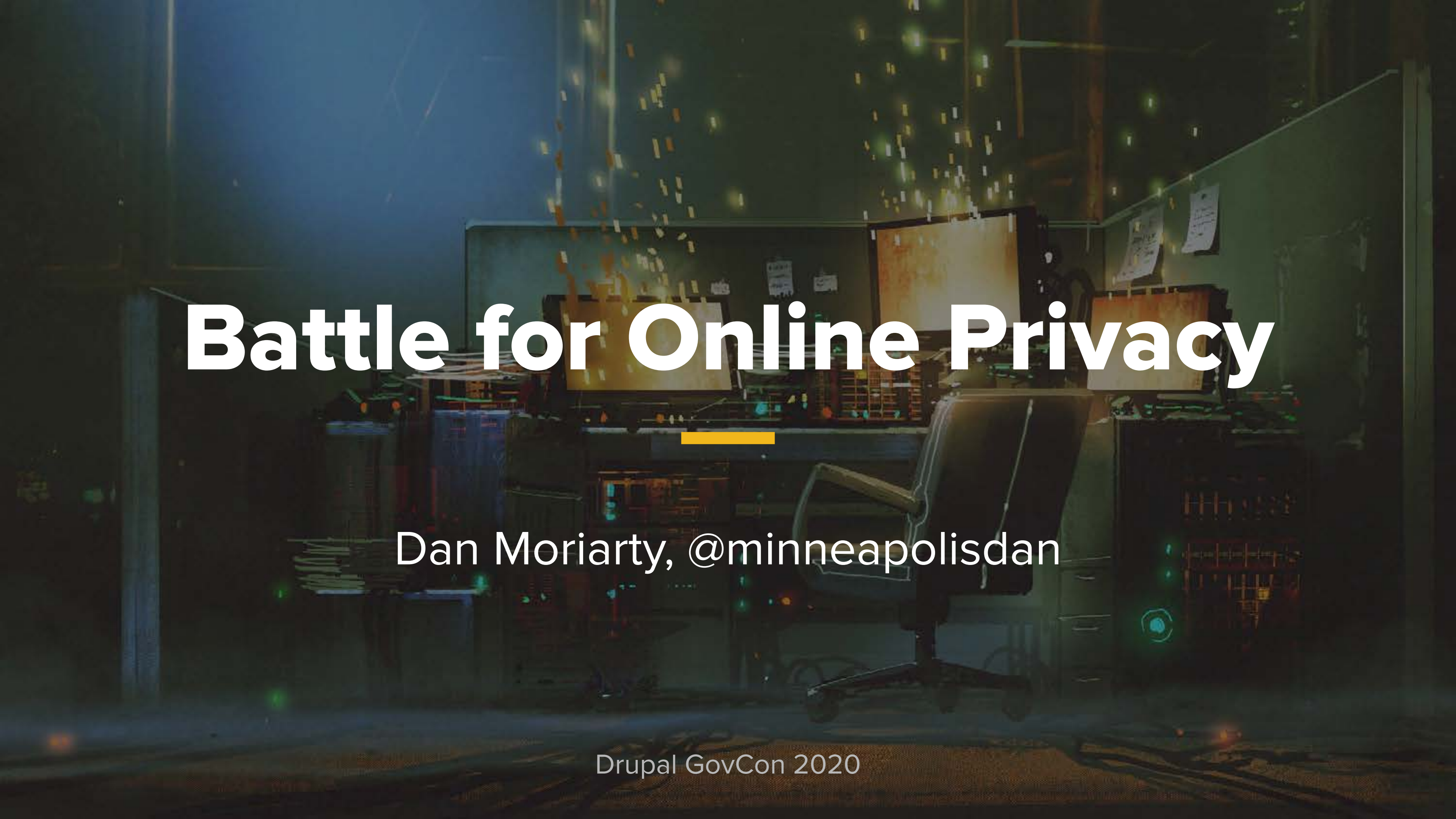

# Battle for Online Privacy

Dan Moriarty, @minneapolisdan

Drupal GovCon 2020

# About Me

Dan Moriarty

# About Me

Dan Moriarty

- Web design for 20+ years
- Drupal for 10+ years
- Twitter: @minneapolisdan
- Drupal: minneapolisdan
- Aka Citizen Dan

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# About Electric Citizen

Web Agency

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CITIZEN

- Based in Minneapolis since 2012
- Focus on civic sector (government, higher ed, nonprofits, arts, science)
- Open-source advocates
- Drupal Supporting Partner
- www.ElectricCitizen.com

### What battle?

# Privacy is losing

# Facial Recognition

- Repressive governments
- Law enforcement
- For profit companies
- Racially biased
- Clearview AI, NEC
- Coming to your browser?

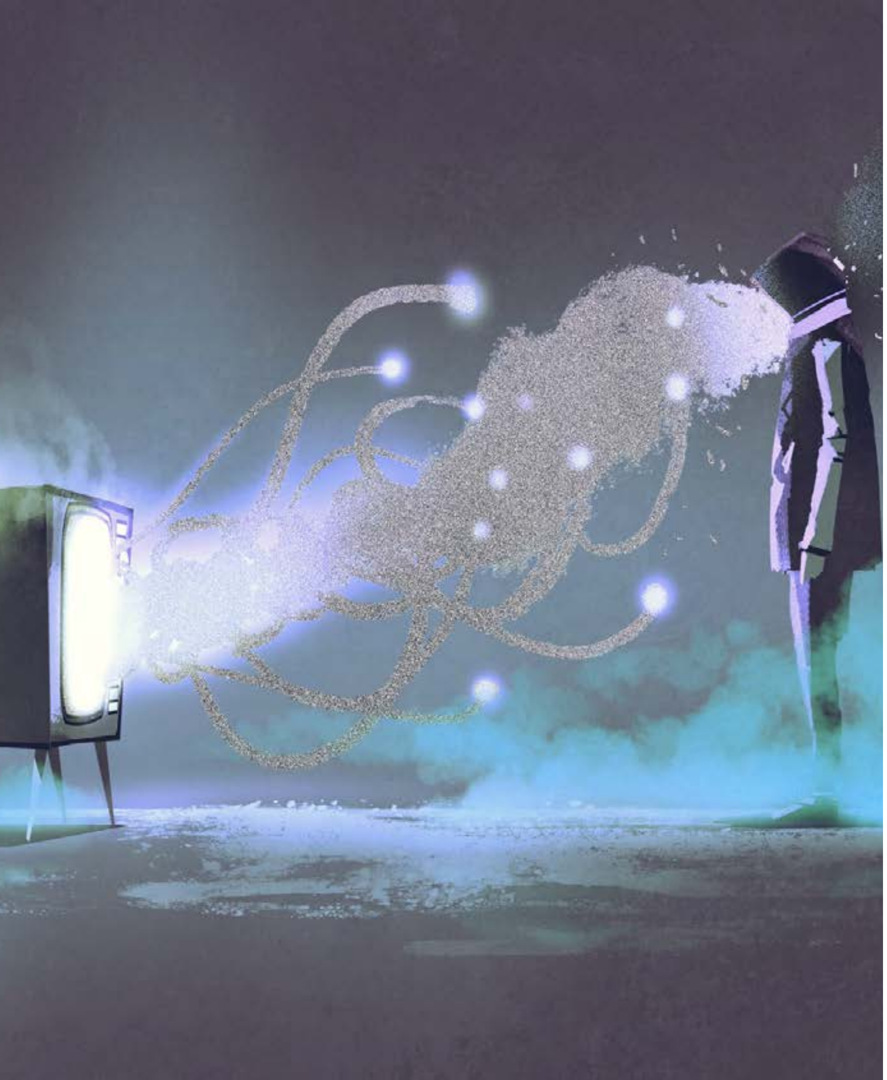
# Data Breaches

- Poor security
- Hoarding personal info
- Hackers from criminal to government spies

EQUIFAX

YAHOO!

Cambridge Analytica



# Data Companies

- Corporations like Google, Facebook, Apple, Oracle
- Data brokers such as Experian, White Pages, West Publishing
- Measuring credit reports, health risk, purchase history, legal, jobs
- Mass personalization
- Little regulation, billions of dollars at stake

# Internet of Things

- Google Home
- Amazon Alexa
- Apple Siri
- Anything “smart”

nest
COOLING
75

ring

PHILIPS
hue
800
White
Starter kit
Automate your lights
for peace of mind

SONOS

OK
amazon
BLOCKBUSTER
MGO
NETFLIX
Roku

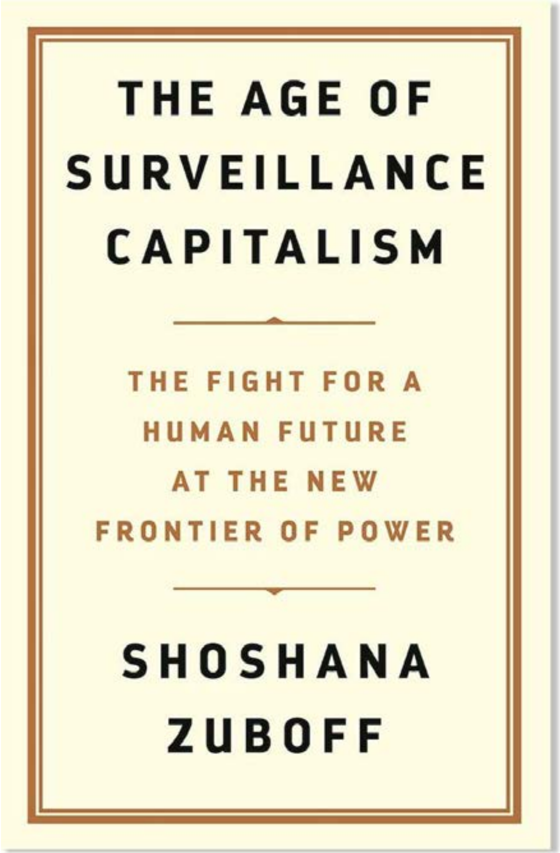
包牌上道

# The Internet

- Websites we build
- Data we manage
- Information we collect
- Products we sell
- Tracking scripts, tracking pixels, geofencing, etc.

# Surveillance Capitalism

- Buying and selling data of predictive behavior
- Human behavior as free raw material
- The new age of robber barons


THE AGE OF SURVEILLANCE CAPITALISM

THE FIGHT FOR A HUMAN FUTURE AT THE NEW FRONTIER OF POWER

SHOSHANA ZUBOFF

# Surveillance Capitalism

Fast rise to incredible power

Microsoft

Google

facebook®

amazon

# What choice?

- Maps to find your way
- Find a job
- Pay for goods
- Find a partner
- Banking
- Customer service

**“Privacy is dead” … we just step into this “discomfort each and every day”**

– Erik Qualman

# The People
# Strike Back

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disclaimer:

*not a lawyer

# GDPR

- General Data Protection Regulation, May 2018
- Give users rights to their personal data
- Protecting user privacy
- ePrivacy Directive (EPD) defines use of Cookies

# GDPR Summary: Rights and Protections

01 Breach Notification

02 Access to Personal Data

03 Right to be Forgotten

04 Data Portability

05 Privacy by Design

# Who Does GDPR affect?

Any Size Organization

For Profit AND Nonprofit

Serving EU users

# What’s Happened Since May 2018

- $490+ Billion in fines!
  - Marriott, $99 million*
  - British Airways, $183 million*
  - Google, $50 million
- New/renewed focus on Privacy Experience (PX)
- New laws in the USA (CCPA)

## Privacy in the USA

# CCPA

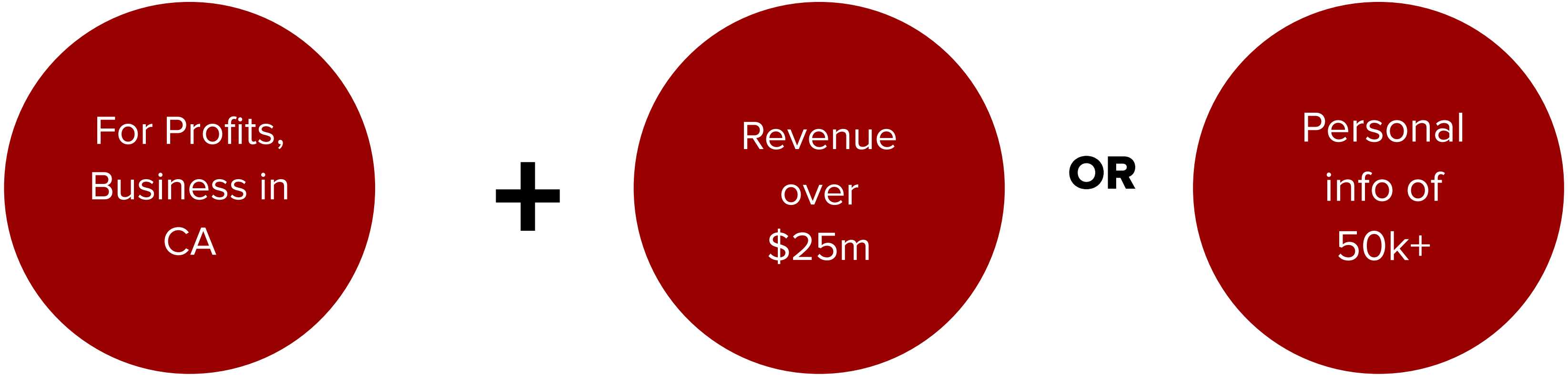
# Who’s Ready for the CCPA?

- California Consumer Privacy Act
- Became state law on Jan 1st, 2020

# CCPA: What it Does

- Know what personal data is collected
- Know if data is sold to others
- Opt out of sale of your personal data
- Request personal data be deleted
- Not discriminated against for exercising privacy rights

# CCPA: Who Must Comply?



For Profits, Business in CA

+

Revenue over $25m

**OR**

Personal info of 50k+

**OR** earn half your revenue selling personal information

# CCPA: Meeting the Requirements

## Security

Reasonable security procedures and practices

## Data

Users can opt-out

Request copy of data

Ask to be forgotten

## Policies

Update privacy policy, detail what is collected

Ask parental consent

Toll-free access to data

# CCPA: What’s Happened Since

- Updated privacy policies
- Billions spent on compliance
- Companies scrambling to make private data accessible to users
- Fines issued
- California Privacy Rights Act of 2020 (ballot)

# Other States

- Massachusetts Data Privacy Law
- New York Privacy Act
- Maryland Online Consumer Protection Act
- Hawaii Consumer Privacy Protection Act

# Federal Privacy Law?

(yes please)

# Other Countries

PIPEDA (Canada)

AAP (Australia)

LGPD (Brazil)

# But what can I do?

**The overwhelming majority of web practitioners have no training, education, or guidance in online privacy.**

– Heather Burns,
webdevlaw.uk

Best practice in PX:

# Privacy Experience

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# Web Design Process

PLAN

DESIGN

BUILD

DEPLOY

**Discovery**

Technical Architecture, Content Strategy, Define Goals and Users

**UX/UI Design**

User Experience, Visual Design, Wireframes, Mockups

**Web Development**

Coding, Building, Testing, Deploying

**Launch**

Move site to live server, update domain records

# Web Design Process

PLAN

DESIGN

BUILD

DEPLOY

### Discovery

Technical Architecture, Content Strategy, Define Goals and Users

+ PX

What data do we need to collect, How can users opt in/opt out, how do protect PII, make data portable, how long to save data

### UX/UI Design

User Experience, Visual Design, Wireframes, Mockups

+ PX

Privacy tools visible

### Web Development

Coding, Building, Testing, Deploying

+ PX

How are developers handling data, add opt tools for cookies, webforms, analytics

### Launch

Move site to live server, update domain records

+ PX

Privacy policy, data breach response team

# PX: yet another (good) thing to know

- Plan for user privacy and security
- Consider privacy in your build
- Budget for privacy
- Focus on protecting PII

# What is PII?

**By Itself:**

- Name: full name, maiden name, mother’s maiden name, or alias
- Personal identification numbers: social security, passport number, driver’s license, credit card, etc.
- Personal address, telephone numbers
- Face, fingerprints, or handwriting
- Biometric data: retina scans, voice signatures, or facial geometry
- Internet Protocol (IP) or Media Access Control (MAC)

**Info Combined with Previous Column:**

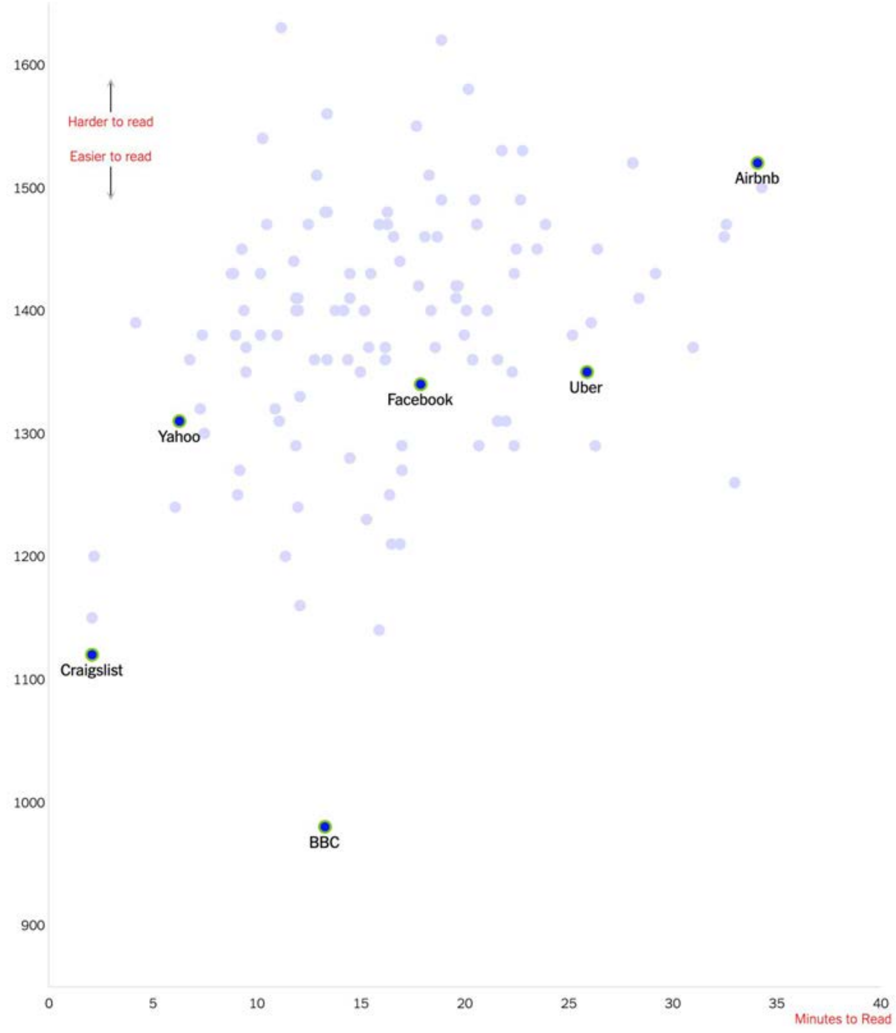
- Date of birth, place of birth
- Business number, address, email
- Race, religion
- Geographical indicators
- Employment information
- Medical information
- Education information
- Financial information

# Set Clear Policies

- Opt-in to data collection (not out)
- Ample documentation
- Limit what you’re collecting
- Set expiration dates on data
- Easy for understand
- Users can export personal data
- Easy to be forgotten

# Have a Strong Privacy Policy

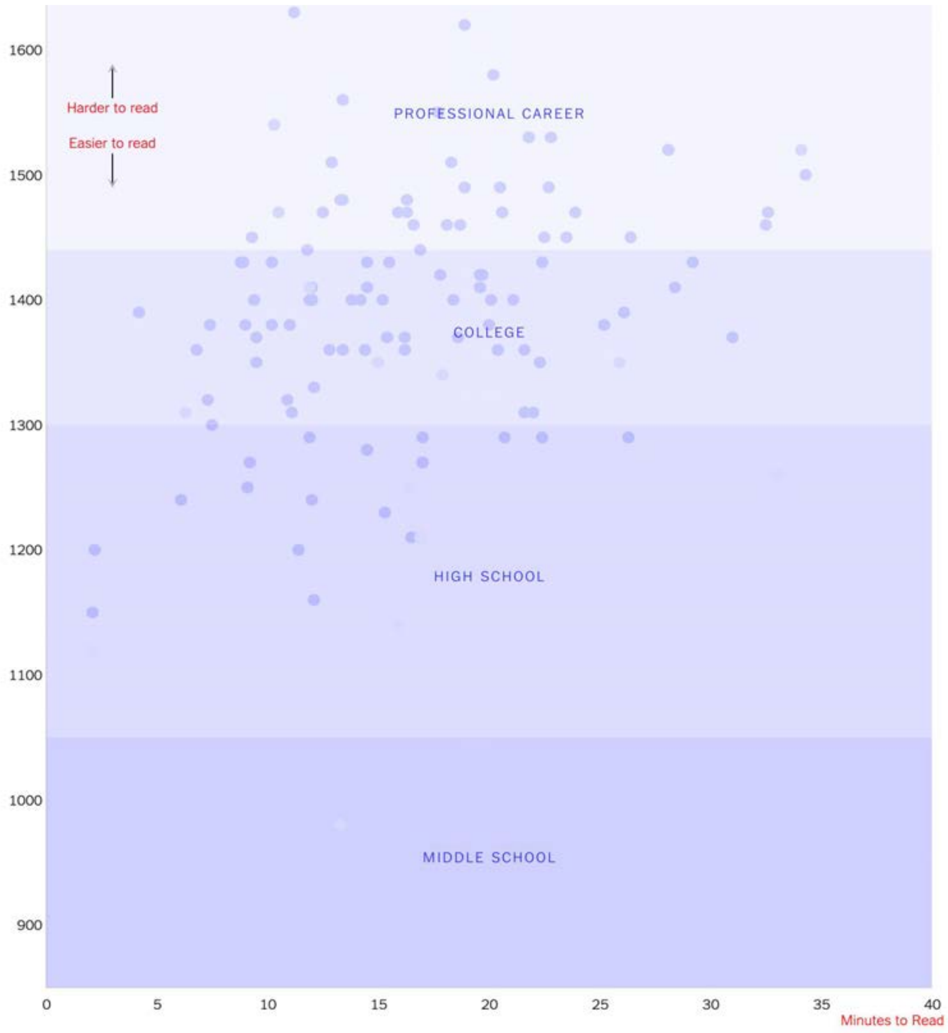
- Don’t wait to end of project!
- Easy to understand
- List all data tracked
- Plan for disasters
- Try a policy creator



# Privacy Policies

- A false choice
- Hundreds of hours per year to read
- Too difficult for most

https://www.nytimes.com/interactive/2019/06/12/opinion/facebook-google-privacy-policies.html



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https://www.nytimes.com/interactive/2019/06/12/opinion/facebook-google-privacy-policies.html

**Accessibility isn't required everywhere yet either,** but we do it because (a) it's the right thing to do and (b) it will be soon

## Privacy Issues:

# Technically Speaking

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# Developers

Change in process

- Plan for managing data and PII
- Plan how to protect users
- Measure privacy impact

# Managing Data

- Developers working locally
    - What data are you handling?
    - Do you need specific records?
    - How often do you purge data?
- Data on servers
    - Is it encrypted? Should it be?
    - Who has access
- Content and marketing
    - What data are you collecting?
    - How are protecting privacy?

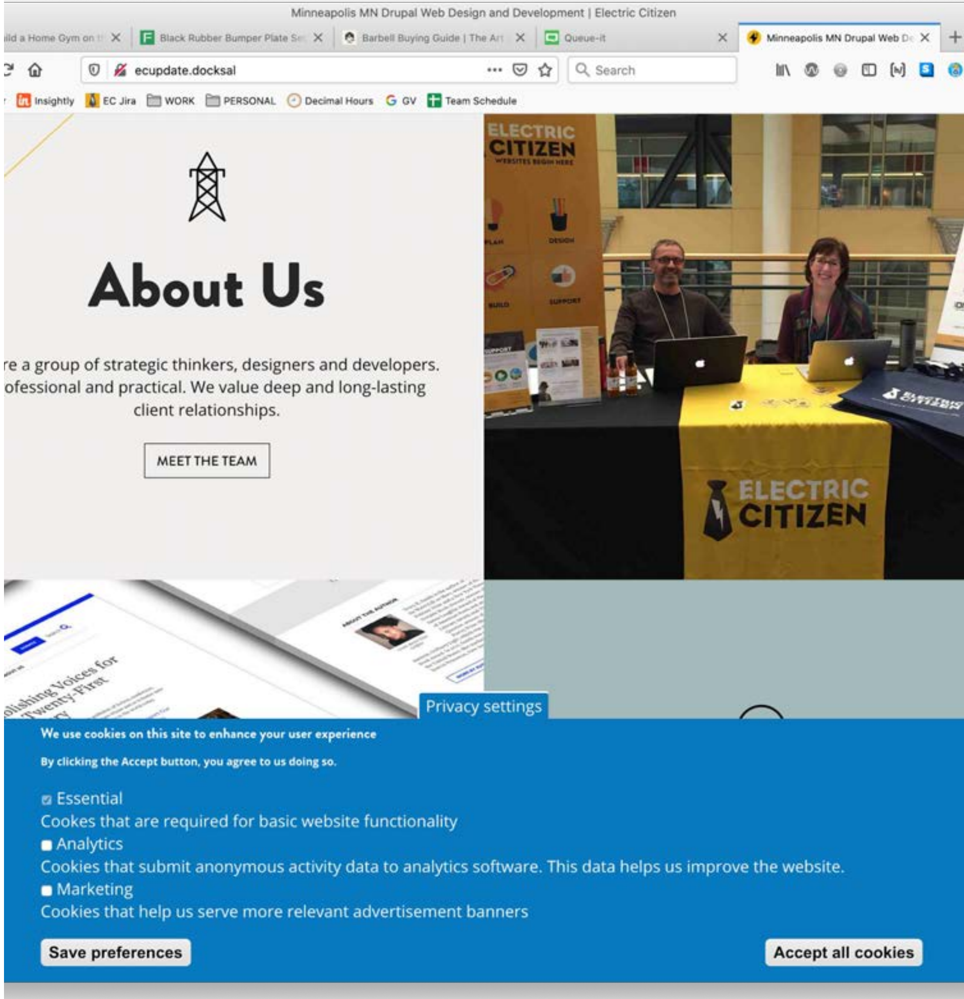
# Cookies

The web’s little spies

- First party and third party cookies, tracking pixels/scripts, web beacons
- Marketing and statistics cookies require consent
- Cookies required to make site function do not

# Cookie Compliance

- drupal.org/project/eu_cookie_compliance
- 3rd party integrations:
    - project/cookiebot
    - project/cookieconsent
    - project/divascookies



About Us

re a group of strategic thinkers, designers and developers. ofessional and practical. We value deep and long-lasting client relationships.

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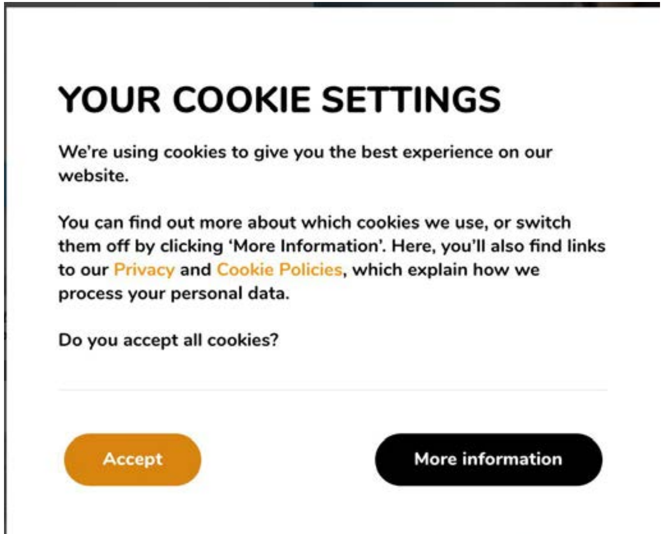
☑ Essential
Cookes that are required for basic website functionality
□ Analytics
Cookies that submit anonymous activity data to analytics software. This data helps us improve the website.
□ Marketing
Cookies that help us serve more relevant advertisement banners

# GDPR Cookie Compliance

- Options to opt-in by default
- Let users control options
- Different types of cookies



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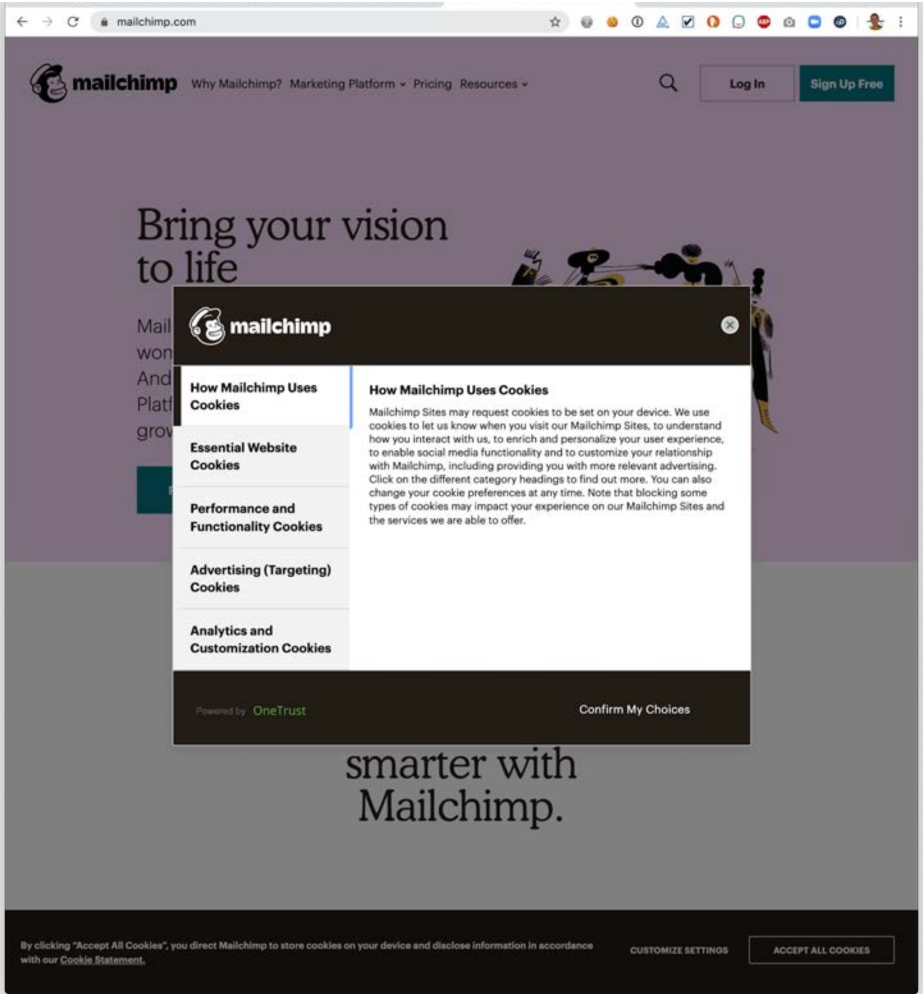
Do you accept all cookies?



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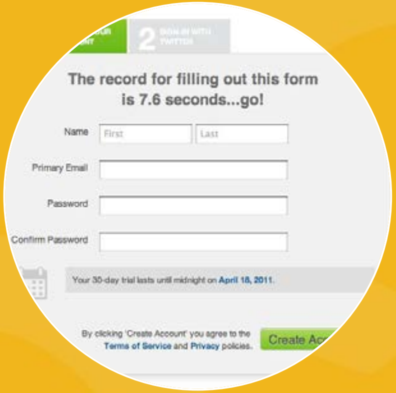
By clicking "Accept All Cookies", you direct Mailchimp to store cookies on your device and disclose information in accordance with our Cookie Statement.

# Site Analytics

More data that you’ll ever need?

- Google Analytics is most widely used. Do they collect PII?
- Disclose use in privacy policy
- Offer users way to opt-out
- Matomo is open-source analytics you host yourself



The record for filling out this form is 7.6 seconds...go!

Your 30-day trial lasts until midnight on April 18, 2011.

By clicking 'Create Account' you agree to the Terms of Service and Privacy policies.

# Online Forms

How do you use **and** protect the data you are collecting?

- What data are you collecting? For how long?
- Explain why each field you include is needed
- Limit what you collect

# Third Party

Libraries, packages and scripts,
oh my!

- NPM and Composer
- JavaScript libraries
- Social sharing widgets
- Tracking scripts
- Embedded media

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# Be Privacy Smart

Encryption is your #1 weapon

- Rely on (and support laws regarding) **encryption of data**
- EARN IT legislation
- Consider DuckDuckGo, Firefox, ProtonMail
- Support advocacy orgs like EFF, ACLU
- Support open-source, open web, ethical design

# Drupal-Specific

Modules and more

- GDPR compliance team
- EU Cookie Compliance
- Encrypt module
- Cryptolog
- Blizz Vanisher
- IP anonymize
- Drush sql-sanitize
- Faker
- Security Kit
- Guardr (security distribution)
- Core Privacy Initiative

# Final Takeaways

# Does Privacy Still Matter?

- Avoid getting comfortably numb!
- Understand new laws and learn best practices for privacy
- All of us have a role to play, especially those making the web

# Thank you!

**Dan Moriarty, @minneapolisdan**
CEO, Creative Director at Electric Citizen

# Additional Resources

### Privacy Laws

- The GDPR is here. Are you ready?
- GDPR will change the way you develop
- California Consumer Privacy Act (CCPA): What Does It Mean For You?
- Major GDPR fines
- CCPA off to rocky start

### Privacy Concerns

- Major privacy breaches

### Privacy Experience

- Privacy and Webforms
- Third-party scripts and privacy
- How tracking pixels work
- Privacy policies