

BOOK REVIEW

SUSTAINABLE ETHICS IN DATA PROCESSING DECISIONS IN THE CONTEXT OF INNOVATION (e-book) by D. Cabella, D. Monte-Serrat

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Two Nobel Prizes, in Physics and Medicine, awarded in 2022, considered the impact of computing, engineering, and bioinformatics on people's lives. These awards imply not only the execution of algorithms using data, generating more data, and making the algorithms constantly evolve, but also the influence of these algorithms in processing the behavior of individuals, reconfiguring that process. This argument intends to show that the content of the book *Sustainable Ethics in Data Processing Decisions in the Context of Innovation* perfectly synchronizes with current reality. Authors Daniela M S Cabella and Dioneia M. Monte-Serrat discuss the impacts of computing on the application of ethical principles since social life is permeated by data generated by the various devices that are already part of individuals' daily lives.

Concerned with bringing solutions to the challenges provided by innovation on ethical issues related to the inappropriate use of data and algorithms, the authors propose the concept of sustainable ethics. This new proposal, which associates sustainability with ethics, is not restricted to only particular branches of science but promotes an interdisciplinary approach, connecting the various elements at stake for applying ethical principles. According to the authors, ethics is not only managed in the direct impacts that technological innovation has on the present life of individuals, but the risks of this innovation in the future are also ethically managed, that is, preventing exposure or vulnerability of personal data to danger. In other words, the authors propose ethical measures applicable to data protection in the present so that their implementation is structured to prevent future reflections of aggravation of data exposure and vulnerability. Thus, ethics becomes sustainable, preventing its application in the present from being less than ideal and bringing an awareness of the risks that technological innovation can bring to the data collected from individuals.

Daniela Cabella is a former Head of Privacy & Data Compliance and Data Protection Officer in a big data and innovation company. She is a lawyer, certified as Data Protection Officer (DPO) by Exin, an expert in data protection (GDPR and LGPD), Cybersecurity (IGTI), Innovation Management and Digital Law (FIA), and a Bachelor of Laws from the University of Sao Paulo. Dioneia Monte-Serrat, in turn, is a Collaborating Researcher at the Department of Computing and Mathematics at FFCLRP-USP, Assistant Professor at the Law Department of the University of Ribeirão Preto, Researcher at the C4AI-USP-IBM-FAPESP group, Collaborating Researcher at the IEL-UNICAMP, Ph.D. in Psychology, University of Sao Paulo and Lawyer. Their combined skills and experiences resulted in a book that profoundly addresses issues that affect data protection due to the challenges of applying ethical principles in the dynamic reality of innovation.

Several science areas are permeated by the book, clarifying definitions of ethics and sustain-

ability in a simple and elegant way to arrive at the concept of ethics linked to sustainability. The step-by-step approach allows the reader to understand the need for processing data according to values imposed by norms, rules, and principles without losing sight of the present and future effects that innovation causes.

The book is divided into 5 Chapters and shows that ethics and data protection are intertwined because there can be damage to privacy from illegal data processing decisions and legal but unethical ones. To face the challenges of the digital world, the authors propose that companies adopt a sustainable ethical approach that goes beyond the application of rules to achieve equity (respect, sense of justice concerning the data subjects).

Chapter 1 discusses Ethics as a practical science that analyzes a situation i) for the execution of an action, ii) as a philosophy that focuses on ideal judgments that are not accompanied by the decision process, iii) and focuses on the two ethics strands conceived by Max Weber: the ethics of conviction and the ethics of responsibility. Weber's ethics of conviction is based on ideal principles and a hierarchy of values to apply universalist convictions to concrete situations. On the other hand, the ethics of responsibility evaluates the most appropriate means and recognizes values taken from the real context to achieve the desired ends; that is, it questions the foreseeable consequences of the intended action. At the end of Chapter 1, the authors propose that the concepts of ethics of conviction and responsibility be combined to balance applying laws, principles, and ethical practices in the complex scenario of personal data processing decisions and operations. They claim that this is the best way to reconcile the interests at stake and make a choice that: respects the interests of others, benefits others as much as possible, and does not harm other agents. According to the authors, this balance encourages a self-powered and rechargeable cycle through the organization's internal practices, capable of guaranteeing sustainable practices that embrace all the complexity of the ethical issue in processing personal data.

The concept of sustainability is the focus of Chapter 2, described as structural and dynamic, evolving over time. Cabella and Monte-Serrat suggest that sustainability should be distinct from the elements that make it up. The authors propose the concept of sustainability as a "structure" that organizes those elements to gain consistency and project their effectiveness from the present to the future. Then, the authors show that sustainability presents generic and structural vectors characterized by the interdependence of its elements (which can be a set of sectors, spaces, and relationships between people), providing a multiscale quality. According to the authors, this multiscale quality should be applied to ethical principles. Cabella and Monte-Serrat show examples of a generic structure that characterizes sustainability in actions and decision-making: in the connection between sustainability and ESG (Environmental, Social, and Governance), in market-oriented sustainability, and the connection of sustainability with issues involving the environment. By concluding this Chapter, the authors justify the need to give ethics the characteristics of sustainability, stating that what is legally compatible and technically feasible is not always ethically and morally sustainable (p. 27). Sustainability has the characteristic of being the same and constant structure working behind the application of legal and ethical norms, in the vital role of combining elements of the context and human relations. It also synchronizes and articulates them to values so that the ethical practices remain stable over a long period.

The construction of sustainable ethics is the subject of chapter 3, in which there is an explanation that ethics implies the application of principles or values to guide human actions. For this reason, ethics is a human activity linked to the linguistic-cognitive process. Since ethics and cognition have the same structure, the authors suggest that interpretive and decision-making activities related to processing personal data must present the characteristic of sustainability, which goes beyond what the law requires, respecting and promoting human rights. On the other hand, there is a warning that the unsustainable use of data increases the chances that personal data might be manipulated to suppress rights and freedoms or commit crimes. Next,

the authors explain the basic architecture of sustainable ethics founded on the human linguistic process, conceived as a “form” and not as a “substance”. They show that the architecture of sustainability links and synchronizes two main vectors - “Value” (estimated ethical value and intrinsic ethical value) and “Time” (present time and future time) - preventing damage and ensuring technological development and innovation. *If the raw information changes, so can the processed information - which may result in a new and different decision than the previous one. It is, therefore, a process that must be frequently reviewed*, they state (p. 36). Thus, according to the authors, in order to establish sustainable ethics in the context of innovation, elements and actions must be synchronized, such as, for example, *the ethical analysis by design (carried out when the product, service, or functionality is designed), which should be reviewed at each product stage, and change or update made. There should also be a coalition, mutual respect, and commitment between the public sector, private organizations, legislators, regulators, and society - interdependent parts of the same context* (p. 38).

The application of the concept of Sustainable Ethics to decisions regarding the processing of personal data in the context of innovation is the subject of Chapter 4. Cabella and Monte-Serrat state that the application of ethics only acquires sustainable characteristics when analysis, interpretation, and decision related to a given context are considered in synchrony with values imposed by previously established norms, rules, and principles without losing sight of the present and future effects. Then, the authors make considerations about the practical application of ethics with sustainability in data protection and privacy, stating that the organizational activity of judgment or decision-making about the collection and use of personal data must consider norms, rules, and principles together with the context. In this way, the organization’s practice starts to consider diverse elements without giving up its own interests and, simultaneously, does not harm the others involved. This practice leads to the mitigation of risks both in the present and in the future.

Chapter 5 is devoted to final considerations. Cabella and Monte-Serrat bring up the recommendation of the EAG (Ethics Advisory Group - European Data Protection Supervisor, 2018) to avoid an instrumental approach (checklist) of ethics and measures that exhaust ethical reflection. While the EAG discourages governance approaches that equate data protection with the enforcement of dos and don’ts, it encourages proactive reflection on the future of human values, rights, and freedoms, including data protection.

In conclusion, Cabella and Monte-Serrat show that technological innovation will constantly challenge the rules and concepts of law. The solution to these challenges lies in sustainable ethics, which is proactive, dynamic, and capable of self-monitoring the technological innovation environment, thus seeking stability for organizations and society as they move toward the future. The authors state that Sustainable Ethics involves appreciation and judgment, articulating the parties (who perform and suffer the action and the interested parties), the object, and the complex and dynamic relationship. It consists of a concept capable of encompassing innovation, multifaceted decisions, and criteria of justice and equity, therefore integrating theory and practice under a universal structure capable of giving consistency and sustainability to data processing.

References

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