

# COMBATTING CREEPINESS IN BIG DATA

JUSTIN KLOPLOW  
33RD ANNUAL TECHNOLOGY LAW CONFERENCE  
MAY 22, 2020

## CREEPY IS ALL AROUND US...

**The Washington Post**  
Democracy Dies in Darkness

Business + Analysis

### To Escape Lockdown, Don't Be Creepy With Health Data

By Alex Webb | Bloomberg

May 6, 2020 at 9:04 a.m. CDT

The most important trait of any Covid-19 contact-tracing app is that people actually use it. Without widespread adoption, we may all be locked down for a lot longer.

Just how widespread? In the U.K., at least 86% of smartphone users, covering 56% of the total population, will need to use the app to be effective in tracing contacts with those infected to control the novel coronavirus's spread, according to an April report led by Oxford University's Nuffield Department of Medicine. Winning popular trust has to be the priority.

Unfortunately, Britain's National Health Service seems to have gotten off on the wrong foot with the solution it started trialing on the Isle of Wight, off England's southern coast, on Tuesday. The app has caused concern about the centralized collection of information. Even though it's anonymized, and less specific than the location data that many happily share with Google Maps or running apps such as Strava (the NHS app just asks you to identify your

DEC. 6, 2019 at 6:00 a.m. CST

Most people know it is dangerous, and all but two states consider it illegal. But many motorists still drive while texting, contributing to crashes that kill more than 3,000 a year in the United States.

Now, a Maryland suburb sometimes derided as a "nanny state" is debating a controversial new program that would let authorities catch such drivers in the act.

**The New York Times**

Opinion | THE PRIVACY PROJECT


### What if We All Just Sold Non-Creepy Advertising?

The big ad-tech companies know how to sell ads without damaging privacy, but they choose not to.

By Gabriel Weinberg

Mr. Weinberg is the chief executive and founder of DuckDuckGo, a search engine and web browser company.

June 18, 2019



How to cross the "creepy valley," the point at which the technology becomes too creepy and weird.

**The New York Times**

Opinion


### A 'Creepy' Assignment: Pay Attention to What Strangers Reveal in Public

An exercise I gave my students helps illustrate the risks to privacy in our everyday, offline lives.

By Kate Klonick

Dr. Klonick is a lawyer.

March 8, 2019



A survey participant to data.

# TODAY'S AGENDA



3

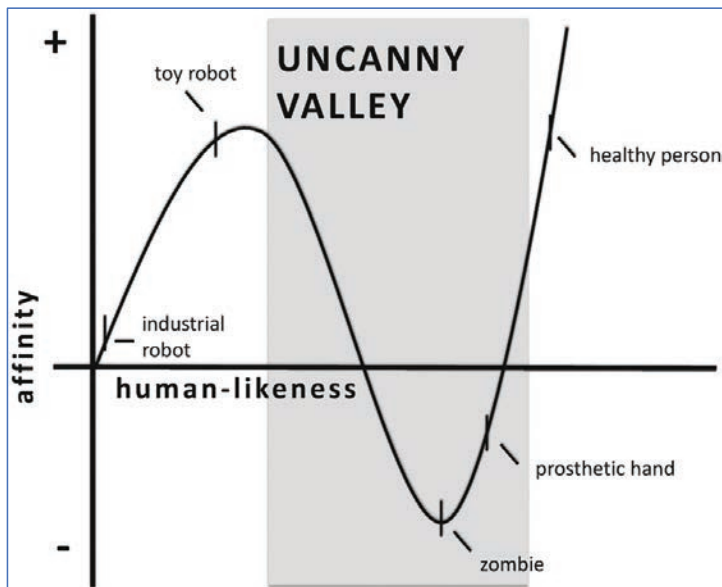
## CREEPY IN CONCEPT

“**CREEPY**” IS:

1. SCARY
2. BUT I DON'T KNOW.

4

# THE UNCANNY VALLEY



## • Prof. Masahiro Mori

- I have noticed that, in climbing toward the goal of making robots appear human, our affinity for them increases until we come to a valley, which I call the *uncanny valley*.
- Since I was a child, I have never liked looking at wax figures. They looked somewhat creepy to me. At that time, electronic prosthetic hands were being developed, and they triggered in me the same kind of sensation. These experiences had made me start thinking about robots in general, which led me to write that essay. The uncanny valley was my intuition. It was one of my ideas.

5

# CREEPIEST EXAMPLES



Cambridge Analytica



Face app



Event	Scary	I Don't Know
Target	✗	✓
Cambridge Analytica	✓	✓
Face app	✗	✓
COVID Location Tracking	✓	✗
Clearview AI	✓	✓

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Combatting Creepiness in Big Data

Also available as part of the eCourse

[Hooked on CLE: November 2020](#)

First appeared as part of the conference materials for the  
33<sup>rd</sup> Annual Technology Law Conference session

"Combatting Creepiness in Big Data"