

Breakout Discussion Notes: Social Change

Data & Civil Rights
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<http://www.datacivilrights.org/>

This document was produced based on notes taken during the Social Change breakout session of the Data & Civil Rights conference. This document represents a general summary of the discussion that took place. Not all attendees were involved in every part of the conversation, nor does this document necessarily reflect the views and beliefs of individual attendees. For an overview of the breakout sessions, including a description of the questions participants were asked to consider, see: <http://www.datacivilrights.org/pubs/2014-1030/BreakoutOverview.pdf>

Overview

This breakout session explored possibilities and future steps for effecting social change in the areas of Housing, Education, and Criminal Justice. One of the themes to emerge from the session included the need to foster trust in the collection of data, particularly with regards to groups with negative histories of surveillance, such as the Arab-American community. It was agreed that social change in all areas necessitates bringing in different, often excluded perspectives, specifically among people of color, the LGBTQ community, women's groups, and other historically marginalized communities. Bringing in diverse viewpoints will require not only engagement with these communities but also education and the involvement of more women and people of color in the practice of big data analysis itself.

Furthermore, a dialogue across different social justice groups will need to be initiated to develop a shared understanding of fairness, a common language for discussion, and a sense of openness. While each of the three areas involved in the breakout session identified different paths forward, there was an overarching sense that regulation would be best facilitated through dialogue across different groups and that there needs to be continued dialogue to maintain momentum on pressing issues.

Themes and Discussion Topics

The discussions centered on the salient issues for social change that came out of earlier Workshop sessions, on the topics of Housing, Education, and Criminal Justice.

Housing

One of the most significant concerns in housing has been in price discrimination with the use of targeted offers of loans based on factors such as income level and race. Participants focused on discussing paths for regulation and emphasizing the need to make public available data showing concrete instances of discrimination. It was suggested that the latter results could be achieved through means such as litigation to reveal hidden information, as well as the promotion of empirical research based on testing and studies conducted on housing discrimination. Such moves can then be applicable to other domains, such as racial discrimination in employment or, as in one specific case, the denial of private money transfers of individuals with Arab names.

The role of the Consumer Financial Protection Bureau (CFPB) as an ally to combat discriminatory practices was discussed at length, in the context of better enforcement of legislation such as the Fair Credit Reporting Act as well as advancing more comprehensive regulation. Participants proffered ideas on how to bring together into dialogue different actors, including representatives of the CFPB, data analysts, academics, civil rights groups, and industry professionals to discuss persistent problems and opportunities. Through such exchanges, regulators would be able to identify the right questions to ask and incentives for collaboration. While it was acknowledged that it would be a challenge to bring the field of industry into the exchange, venues for discussion would also have the benefit of allowing industry leaders to express their own concerns and link them with pertinent research.

Education

One of the primary challenges that were identified involved the issue of building trust towards the use of big data in the educational system. The school system, students, and other actors would be more receptive to data collection if they could be reassured of its benefits and disinterested motives. A necessary step towards this end would be to recruit outside institutions to act as unbiased intermediaries. However, it was also noted that one obstacle in moving forward was the difficulty in the present political climate of locating or creating neutral institutions that would be able to use leverage on data gatherers towards positive ends.

Criminal Justice

The concerns that emerged centered around the benefits and challenges towards collection of data on both regular citizens and on police officers themselves. Two prominent domains were in the tracking of military weapons purchasing among police departments and in the use of record trails for police officers. It was pointed out that if criminal records are designed to follow individuals from state to state, then it should follow that the career histories of individual officers ought to be accessible as well. To this end, a way to negotiate around the time costs involved for law enforcement in documenting the data will need to be implemented.

On the other end, there is a challenge in mitigating the level of suspicion from regular citizens towards data collection. It was observed that there is currently a lack of information on very basic elements, such as data on gun purchasing. However, how such data is collected will matter in the long run of fostering trust with the criminal justice system. Sensitivity, respect, and a positive approach will be needed towards communities that have a fraught history as targets of surveillance, such as the Arab-American community.

Areas for Further Exploration

Moving forward, the major considerations to arise from the breakout session revolved around the need to set viable goals and a timeline, such as 10-15 years, for putting into action forms of regulation through independent agencies of the US government such as the CFPB, as well as other institutions that can be trusted as relatively neutral mediators in collecting and analyzing data. Overall, it was emphasized that bringing in members of different sectors and communities while stressing why such dialogue matters will be crucial, even if it will bring people into challenging spaces.