

Examining the influence of amicus briefs and patents on information policymaking

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ABSTRACT

This study traces a network of strategic power relations between a Google amicus curiae brief and patent to reveal how elite organizations influence information policymaking. The lens of actor-network theory is applied to the selected cases to trace the complex sociotechnical network of heterogeneous relations (Latour, 1993). A microanalysis reveals how information policymaking is influenced by persuasive information presented in amicus briefs and the technical disclosures described in patent claims of black box technologies (Collins, 2018; Frohmann, 1995). This study is part of a larger, mixed methods research project that analyzes over 4,000 geospatial technology patents to reveal the growing trend of inferred geospatial data production where artificial intelligence is leveraged, to demonstrate that constitutional protections for digital privacy rights must incorporate a privacy model that recognizes anonymous data production and not merely user agency to grant consent.

Presently, information policy and data privacy laws are interpreted through a lens of inescapability (Tokson, 2020). This lens situates digital privacy rights within a fallible dichotomic premise that assumes clear, perpetual agency to grant or deny consent to access data. Moreover, the implications of Fourth Amendment rights are exemplified in geofence warrants—an investigative technique that searches location history to identify suspects in a geofenced region and time series in the absence of evidence. Geofence warrants have been utilized to conduct sweeping searches that collect user data of innocent people such as protesters, cyclists, and other passersby. This study offers the potential to improve policymaking to protect the rights of datafied citizens.

ALISE RESEARCH TAXONOMY TOPICS

information policy; information ethics; social media; social justice

AUTHOR KEYWORDS

geofence warrants; actor-network theory; power; amicus curiae briefs; patents

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