Biography
Yafit Lev-Aretz is a postdoctoral research fellow at the Information Law Institute and an adjunct professor at the Media, Culture, and Communications Department at NYU. As the digital environment constantly evolves, Lev-Aretz studies self-regulatory regimes set by private entities and the legal vacuum they create. She is especially interested in the growing use of algorithmic decision-making, choice architecture in the age of big data, and the ethical challenges posed by machine learning and artificially intelligent systems. Her research also highlights the legal treatment of beneficial uses of data, such as data philanthropy and the data for good movement, striving to strike a delicate balance between privacy protection and competing values.

Abstract
The promise of big data is infinite, but so are its perils. Against the backdrop of widespread data collection, analysis, and use, many legal scholars have been immersed in better understanding the practical challenges and ethical concerns, leaving the facilitation of data-driven benefits significantly underexplored. Contributing to filling up the research gap, I explore the sharing of private sector data for socially beneficial purposes, commonly - and controversially - referred to as “data philanthropy.” Data philanthropy presents itself in various configurations including different models of sharing and access, varying stakeholders, mixed engagement incentives, and multiple perspectives on what constitutes the public good. Data philanthropy also faces significant challenges, including costs, loss of competitive advantage, privacy and security risks, and an often unsettled ethical ground. Out of these, privacy has been cited as the greatest conceptual and practical challenge to data philanthropy. I call this view into question by refining the scope of data philanthropy’s informational risks and propose a framework for mitigating some of these risks through the Fair Information Practice Principles (FIPs). Specifically, the purpose specification and use limitation principles, which limit data collection to ex-ante specified uses disaccord with the unanticipated, ex-post quality of data philanthropy. A data philanthropy exception to the FIPs should consider the existence and nature of the privacy conflict, the time frame for action, the social risks of using the data, and the allowed retention time. Such exception would not only provide guidance in a field that currently operates in a legal vacuum, but also reinforce the values at the heart of the FIPs and introduce the possibility of responsible sharing to smaller market participants.