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Request from:

Federal Trade Commission
Informational Injury Workshop
Dec 12, 2017 9:00AM
Constitution Center 400 7th St SW, Washington, DC 20024

The Federal Trade Commission invites comments from the public on the issues covered by this workshop.

Question Selection:

How do consumers perceive and evaluate the benefits, costs, and risks of sharing information in light of potential injuries? What obstacles do they face in conducting such an evaluation? How do they evaluate tradeoffs?

How do consumers perceive and evaluate the benefits, costs, and risks of sharing information in light of potential injuries?

What is a consumer? What does the word mean? Consumer is 1) a person or thing that consumes, 2) a person or organization that uses a commodity or service, 3) an organism, usually an animal, that feeds on plants or other animals as stated on dictionary.com.

The large majority of consumers fall into the first definition. They are consumer “first”. Their sole function is consumption of goods and services provided by other consumers. The information age has

created a different definition of identity. Consumer “first” concept of identity is the things that makes him/her unique in society.

The consumer “first” doesn’t really understand that his digital identity is a component of the things that make him unique in society. The digital age has created a concept of being a consumer and a commodity at the same time. Consumer “first” just wants to make the purchase and go home.

They will become the commodity to be a consumer at a store or on-line. Consumer “first” doesn’t see a threat to his identity because his view of a threat must be tangible. Our society is now scrambling,

trying to find new definitions of identity that meet the demands of the fast growing criminal element.

The benefit, cost and risk of consumer “first” sharing his information now impacts the economy of many companies bottom line. The information protection is now on the IT industry that created the digital identity of consumer “first”. The regulations do not need to address specific electronics but the principal of what data the device is allow to collect and store.

Example:

I have a Blackberry Phone and I needed to purchase a Call Blocker from the Blackberry World. I made my selection and the install completed successfully.

The App opened and the screen to your left appeared:

I started as a consumer but my desire and need for this App has turned me into a commodity. It is so interesting that the selection all have the little boxes checked. You have to uncheck the authorization box. The average consumer “first” just clicks the OK button and doesn’t even read the screen.

They see all the checked boxes and assume everything is just fine. If you look at what it does, it is freighting. If this person was a top executive in a big data center, he has all his info on this phone. I can see a data breach in his future.

I have found that the Apps do not work if all the boxes are not selected. At the very bottom, it tells you that you can change the security settings.

This little free App has converted me into a commodity with my consent. This is the problem of information responsibility.

CalblockerAFBBDemo Service

Call Blocker Free

AppsForBb.com

would like to access and use:

Device identifying information

Allows this app to access device identifiers such as serial number and PIN

My Contact Info

Allows this app to access your contact info, such access your contact info, such as your name (here available), and he email address you use as your BlackBerry ID username

Phone

Allows this app to identify when you are on a call, and to access identifiers such as your device phone number and BlackBerry ID username

Phone Control

Allows this app to merge calls, use the dial pad during calls, or end calls.

Shared Files

Allows this app to access your pictures, music, documents, and other files stored on your device, at a remote storage provider, on a media card, or in the cloud.

Text Messages

Allows this app to access your text messages, including viewing, creating, sending, and deleting them.

Notifications Control

Allows this app to modify global notification settings.

Run in Background

Allows this app to perform certain tasks in the background without opening he app.

Contacts

Allow this app to access your contacts, including viewing creating, and deleting them

Phone calls Details

Allow this app to view call status and details of in progress calls

You can visit the security page in the system Settings page in the systems settings to change your permissions at any time.

This App company is an example of consumer “two” and “three”. These consumers have created an economy on the consumption of consumer “first”.

I watched the concept of security evolve into a balancing act. Management began to consider ways to cut budget by reducing staff. The reduction was done by using remote login to access desktops while on site.

Then they wanted to be off site and access the computer rooms and the servers. During management meetings, you started to hear the words security and ease of access trade off. As this ease of access continued, it leaked over into the IT Industry. As companies try to maintain their market share, they made the devices more fun and less secure because security hindered consumer “first” desire for the new toy.

Consumer “first” doesn’t evaluate his consumption based on benefits, costs, and risks of sharing, the purchase is all that matters. He will select the “ok” button based on his desire for the new toy.

The Information age has created position called Data Mining. We are now trying to stop a flood with a bucket. The selling of personal information is a billion dollar industry. The companies involved in this industry will rise like bees to resist constraints on their collection of data at the expense of consumer “first”. These companies see consumer “first” as a commodity.

What obstacles do they face in conducting such an evaluation? How do they evaluate tradeoffs?

The obstacles of consumer “first” are: the missing constraints on consumer “two” and “three”. This must be the first line of defense. The greatest leverage to accomplish that goal is the fact that data breaches are increasing. The data collection industry must be held accountable.

Consumer “first” is the prey in the data collection jungle. Consumer “first” doesn’t consider the loss of his identity because the threat is not visible at the time he/she is being a commodity. There is no evaluation of tradeoff if they click the bottom on the App. They either need the app or want the App. It is a desire based decision not a rational based evaluation.

The training and education that the Federal Trade Commission promotes is very effective with the younger generations. This very real danger or injury is an abstract in consumer “first” mind which often is outweighed by consumption.

Tort. Definition,

A tort is an act or omission that gives rise to injury or harm to another and amounts to a civil wrong for which courts impose liability. In the context of torts, "injury" describes the invasion of any legal right, whereas "harm" describes a loss or detriment in fact that an individual suffers.¹
<https://www.law.cornell.edu/wex/tort>

The industry that has grown around this unethical but not illegal practice will not stop. The best recourse for preventing the injury is to put constraints on consumer "two" and "three". Consumer "two" and "three" will point to the "click" on the "ok" button as proof that there is no Tort violation.

The penalty must be placed on consumer "two" and "three" who will sell the information of consumer "first" because he/she is a commodity. The cause of injury should be on the selling of the information and the designing of Technology that needlessly collect the information. There sole purpose is the sell the fraudulently, "legally", gather information. The credit reporting agencies have been on the forefront of that concept.

There must be standards for any technology that collects your information. This app should only block the calls. There is no need for the collection of my personal information. I unselected all of the boxes and I am going to see if it will block the calls. I will be very surprised if it does.

Conclusion:

The only help we can give consumer "first" is to acknowledge that most will never see the danger. Nor, will they analyze the necessary tradeoffs to protect themselves. The information gathering industry is only intensifying. As long as the IT Industry teaches, security tradeoff with ease of access the data breaches will continue.

Consumer "first" will be denied his rights to Tort because of the "click" "ok" button.

Thank You

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