

Cyber Challenges to International Human Rights

Title: Big Data and the Right to Have Rights

Name: Dr. Michal Saliternik

Institution: Tel-Aviv University

Keywords: big data, the right to political participation, international law, public law, global administrative law, political theory, Hannah Arendt

Abstract:

The human rights implications of the big data revolution have recently gained considerable attention. Human rights advocates warn that the collection and use of big data may pose a serious threat to privacy, facilitate political oppression, suppress individual expression, and entrench discriminatory practices. These concerns point to the risks associated with the inclusion of one's personal information in big data systems. However, big data can adversely affect not only those who are caught in its net, but also those who are left outside. So far, the problem of exclusion from big data has hardly been explored. This paper draws on Hannah Arendt's concept of the "right to have rights" and on her metaphor of the equalizing political mask to assess the legal implications of exclusion from big data. It argues that in view of the rapidly growing reliance of public authorities on big data analysis, those who do not contribute to the right dataflows may not be able to satisfactorily realize their right to political participation, as it is currently understood in international law as well as in some domestic law systems. The paper demonstrates this claim in the medical, environmental, and economic sectors, and discusses possible legal responses to the problem of exclusion from big data.