



**TESTIMONY OF BRANDI COLLINS-DEXTER
Senior Campaign Director, Color Of Change**

**Before the
Subcommittee on Consumer Protection and Commerce
United States House Committee on Energy and Commerce**

Hearing on “Protecting Consumer Privacy in an Era of Big Data”

February 26, 2019

Good morning Chairwoman Schakowsky, Ranking Member Rodgers, and Members of the subcommittee.

My name is Brandi Collins-Dexter, and I am a senior campaign director at Color Of Change. Color Of Change is the nation’s largest online civil rights organization in the United States, with more than a 1.5 million members who use technology to fight for change.

We motivate our members – and hopefully their friends and family – to believe in a better world and join campaigns for systemic change across many key domains of Black community life in service of dignity, equity, opportunity and justice. I’m here today representing the voices of our members because the privacy fight in the internet age cuts across many, if not all, of those planks, including economic justice, media justice, criminal justice and democratic freedom. Setbacks for net neutrality, threats to privacy, and increasing surveillance continue to compromise the potential the internet has as a venue to amplify voices from traditionally marginalized communities. Whether intentional or unintentional, the tracking of users across the web and what happens to that data disproportionately impacts communities of color.

A few grounding facts- Black and Brown families use many social media platforms at higher rates, including Twitter, Instagram and WhatsApp (both owned by Facebook), and YouTube (owned by Google). Children, teens, people who are low-income, and Black and Brown people regardless of economic status rely more on their smartphones than others as their primary device to use the internet —meaning they may share detailed information about their whereabouts, their contacts, and their communications with the tech giants that provide mobile operating systems and applications. Black and Brown communities also over index on androids, unable to afford the built-in anonymized data and encryption protections offered by iPhones. This leaves Black and Brown communities grappling with how to engage with platforms not built for, operated by or meant for us.

The growth of the tech giants has led directly to a concentration of control over communications platforms that are now fundamental to participation in democracy, the



economic marketplace, and civil society. People say that in some countries, Facebook *is* the internet- but there are many communities right in here in the US where the same is true. For most people, their circle of communication can be restricted to their neighborhood, their workplace and what they experience on Facebook. It's a tension that we have to struggle against. Particularly, Facebook's model is centered around continual growth, being able to monetize data in increasingly personalized and specific ways, and being able to shape public sentiment in any number a ways- regardless of how actively one engages with the product.

But Facebook does not stand alone. Tech giants, including Google and Amazon, and Internet Service Providers like Comcast and Verizon, have grown so large, so quickly that they have completely overtaken vital institutions and industries, leaving little room for anyone to compete who is not an already-established corporate actor. These companies have gained their dominance in part through anti-competitive practices, such as acquiring emerging competitors, practicing predatory pricing, exploiting workers, and taking advantage of the power of network effects to cement their positions.

Even if we think some of the information we share may feel innocuous, our data can easily become a proxy for protected class and sensitive information. Right now corporations are able to easily combine information about you that they've purchased, and create a profile of your vulnerabilities. Algorithms, which increasingly drive consumer and employee access, work as a kind of black box that can drive exclusionary practices. Artificial Intelligence and algorithms rely on assumptions about behavior, these programs then often embed stereotypes into technology, such as facial recognition software that routinely misidentifies people of color and algorithms that racialize search results for people or businesses.

Some examples of key impacts:

- Proxies for race, including name and geo-targeted advertising, often result in discriminatory employment, advertising and marketing practices.
 - Staples, Home Depot, Discover Financial Services and Rosetta Stone, have all been found to use information on user physical locations to display different online prices to different customers. Instead of doing this to benefit those living at or below the poverty line, higher-income locations are offered better deals, while those in poorer areas are forced to pay more with fewer alternatives.
 - Credit card companies like Capital One show different offers with different credit card deals based on view locations and guesses by the company about their income.
 - Googling Black sounding names is also more likely to trigger ads for criminal databases, leading the mind to associate the name with criminality. This can lead



to loss of employment and housing opportunities, particularly for young people and teenagers newly on the job or housing market.

- Sensitive information and changes in daily habits are tracked and sold to third party data mining companies and marketers.
 - Internet Service Providers and third party analytics partners can track the times when someone goes online, the sites visited and the physical location. So when a home connection that's normally dormant during the day, suddenly becomes active and the sites visited include job search sites, the ISP can infer a subscriber has lost their job. Without regulation that information can be sold to predatory financial vendors.
 - Similar to the example above, visits to a doctor's website or to a prescription refill page could allow the ISP, platform, or a data broker partner to infer someone in the household has a specific medical condition. That information could be sold without consent to pharmaceutical and healthcare companies or even potential employers without the consent or authorization of the user.
- Advertising targeted to children circumvent established rules and guidelines enacted for their safety.
 - A resurgence of predatory junk food marketing practices online regularly violates decades old regulations for children's television.
 - University of California-Berkeley found that thousands upon thousands of children's apps available on Google play violated The Children's Online Privacy Protection Act.
 - Tech giants have also intentionally designed products to be addictive and inescapable. This leads to a cascade of other problems, including heightened rates of depression, suicide, and sleep deprivation among young people.
- People in abusive relationships are exposed to digital methods of targeting, tracking and stalking, endangering their mental and physical health and safety.
 - More than 200 apps and services offer potential stalkers a number of capabilities, from location tracking to harvesting texts and even secretly recording video. Over two dozen services are actively promoted as surveillance tools for spying on romantic partners.
 - With the rise of the Internet of Things, the information about everyday habits that can be tracked will continue to grow and put our safety and information increasingly at risk. Traditional home appliances and parts—from thermostats to televisions to door locks—are already "smart." Cars are now commonly Internet-equipped. According to a report from the New York Times last year, these are all routinely used as a means for harassment, monitoring, revenge and control.

These are just a few examples. That's why earlier this month, Color Of Change joined with 40 advocacy groups to urge congress to put civil and human rights at the center of the privacy fight.



We offered a number of principles that I would like to share here, but are included more in depth as an addendum to my testimony.

1. Stop High-Tech Profiling and the rampant use of digital stop and frisk disproportionately targeted towards communities of color.
2. Ensure Fairness in Automated Decisions. Look at the impact of computerized decision making in the areas of employment, health, education and lending.
3. Preserve Constitutional Principles. Digital tools, platforms and tracking should not be used to circumvent due process, warrants, or other independent oversight of law enforcement. Government databases must not be allowed to undermine privacy and freedom of association.
4. Enhance Individual Control of Personal Information. Individuals should have meaningful, flexible control over how a corporation gathers data from them, and how it uses and shares that data. Non- public information should not be disclosed to the government without judicial process.
5. Protect People from Inaccurate Data. Government and corporate databases must allow everyone the ability to ensure the accuracy of personal information that is used to make important decisions about them. This requires disclosure of the underlying data, and the right to correct it when inaccurate.

Ultimately, privacy as a concept in its most aspirational sense is not merely about the freedom and ability to close your “digital curtains” so no one can peek in. Instead, I would respectfully challenge all of us to consider privacy and digital rights for all as a necessary framework crucial to ensuring that our human, civil and constitutional rights are not confined to our offline lives but are also protected online where so much of our daily life occurs. I would even say that if we fail in the mission to ensure our rights online are protected, we stand to render many of our offline rights meaningless.

Strong privacy rules are crucial to ensuring economic growth and opportunity, informed consumer choices and data protection. It has become increasingly clear by the day that decision makers have to do better. Strong privacy rules passed by the Federal Communications Commission were obliterated in 2017, leaving a wide open lane for an explosion of unchecked predatory practices. The Federal Trade Commission currently has no power to enact privacy rules since they have no jurisdiction over Internet Service Providers; their privacy framework is a non-binding set of recommendations that require industry self-regulation; and they have shown an unwillingness to forcefully exert what power they do have. What we need is clear, federal baseline legislation that does not preempt innovative state policy laws but ensures basic rights for everyone in the United States. A basic framework should do the following:

- Establish limits on the collection, use and disclosure of sensitive personal data;
- Establish enhanced limits on the collection, use and disclosure of data of children and teens;



- Regulate consumer scoring and other business practices that diminish people's physical health, education, financial and work prospects;
- Prohibit or prevent manipulative marketing practices; and
- Establish a data protection agency that is empowered to ensure that privacy rights are protected through enforcement mechanisms.

More about a proposed framework developed in partnership with several privacy groups is also included in the addendum to this testimony.

Finally, I'd like to mention one more document included for your reference, the Our Data Bodies project. The Our Data Bodies Project focused on three cities and interviewed people on the ground about their feelings and concerns about how data intersects with our daily lives: in Charlotte they focused on the relationship between data, re-entry and processes like applying for a job; in Los Angeles, interviewees came from communities like Skid Row and face housing insecurity and issues with public benefits; while in Detroit, themes emerged around data, foreclosures, evictions and utility shut-downs. It's an unfiltered, at times rough, but candid look at the impact of data collection and data-driven systems on the ability of marginalized peoples to meet their human needs. The frustrations are clear and as you read through it, it serves as a reminder of the ways beyond pieces of our whole selves are collected, stored in databases, the cloud, and other spaces of digitally networked flows, and used to make decisions or determinations about us.

I have heard it said that privacy is the currency you pay to engage in our digital ecosystem. We should not have to make that choice. Our communities need to trust that when we go online, we can count on our privacy and the safety of our information for ourselves and for our children. This shouldn't be a game of political football- 80% of Americans support making it illegal for companies to sell or share their personal information. At least 80% of us believe that we should have control over how these companies use our personal information.

Ultimately, I do not envy the work ahead of you all. The reality is that no one intervention will magically wipe away inequities, if such a magic concoction existed, I would like to think we would have all taken it by now. But I and others have done our best to offer a set of principles and an aspirational framework as your north star. My hope is that you will be guided by an unwavering desire to ensure that hard fought, bipartisan, civil rights wins of the past are not undermined, models of discrimination are not replicated online and that we all have ability to take advantage of all the opportunities a safe and secure internet can offer.

Thank you for your time, I look forward to your thoughts.

February 13, 2019

The Honorable Roger Wicker
Chairman
Senate Committee on Commerce,
Science, & Transportation
512 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Maria Cantwell
Ranking Member
Senate Committee on Commerce,
Science, & Transportation
425 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Lindsey Graham
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
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The Honorable Dianne Feinstein
Ranking Member
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The Honorable Frank Pallone, Jr
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The Honorable Greg Walden
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House Committee on Energy and
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The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, DC 20515

The Honorable Doug Collins
Ranking Member
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chairs Wicker, Graham, Pallone, and Nadler, and Ranking Members Cantwell, Feinstein, Walden and Collins:

We, the undersigned members of the civil rights and racial justice community, write to ensure that civil rights retain a fundamental place in the ongoing online privacy debate, hearings, and legislation in your committees.

For over 50 years, federal law has prohibited discrimination and our economy has thrived as more people had opportunities to pursue their dreams. Our groups have been at the forefront of ensuring that civil and human rights, equity, and equal opportunity are recognized and respected as technology, society, and the economy evolve. To further

that effort, many of the undersigned organizations supported the Civil Rights Principles for the Era of Big Data in 2014.¹

In the years since 2014, our groups have continued to raise the alarm as data security and privacy abuses have disproportionately harmed marginalized communities, especially communities of color. These harmful practices include:

- Deceptive voter suppression and misinformation targeting African Americans.
- Housing discrimination and digital redlining.
- Employment discrimination through profiling and targeted advertising.
- Predatory lending, such as for student loans and payday loans.
- Exploitation of poor tech literacy through misleading notice and choice practices.
- Facilitation of discriminatory government surveillance and policing practices.

These practices violate the Civil Rights Principles for the Era of Big Data, which underscore the importance of ensuring fairness in automated decisions, enhancing individual control of personal information, and protecting people from inaccurate data.

Civil rights protections have existed in brick-and-mortar commerce for decades. It is time to ensure they apply to the internet economy as well. Platforms and other online services should not be permitted to use consumer data to discriminate against protected classes or deny them opportunities in commerce, housing, and employment, or full participation in our democracy. Companies also should be required to be transparent about their collection and use of personal information in automated decisionmaking, and to anticipate and protect against discriminatory uses and disparate impacts of big data.

To address these concerns, any new privacy legislation should be consistent with the Civil Rights Principles for the Era of Big Data:

- *Stop High-Tech Profiling.* New surveillance tools and data gathering techniques that can assemble detailed information about any person or group create a heightened risk of profiling and discrimination. Clear limitations and robust audit mechanisms are necessary to make sure that if these tools are used it is in a responsible and equitable way.
- *Ensure Fairness in Automated Decisions.* Computerized decisionmaking in areas such as employment, health, education, and lending must be judged by its impact on real people, must operate fairly for all communities, and in particular

¹ The Leadership Conference on Civil and Human Rights, *Civil Rights Principles for the Era of Big Data*, (Feb. 27, 2014), <https://civilrights.org/civil-rights-principles-era-big-data/>.

must protect the interests of those that are disadvantaged or that have historically been the subject of discrimination. Systems that are blind to the preexisting disparities faced by such communities can easily reach decisions that reinforce existing inequities. Independent review and other remedies may be necessary to assure that a system works fairly.

- *Preserve Constitutional Principles.* Search warrants and other independent oversight of law enforcement are particularly important for communities of color and for religious and ethnic minorities, who often face disproportionate scrutiny. Government databases must not be allowed to undermine core legal protections, including those of privacy and freedom of association.
- *Enhance Individual Control of Personal Information.* Personal information that is known to a corporation — such as the moment-to-moment record of a person’s movements or communications — can easily be used by companies and the government against vulnerable populations, including women, the formerly incarcerated, immigrants, religious minorities, the LGBT community, and young people. Individuals should have meaningful, flexible control over how a corporation gathers data from them, and how it uses and shares that data. Non-public information should not be disclosed to the government without judicial process.
- *Protect People from Inaccurate Data.* Government and corporate databases must allow everyone — including the urban and rural poor, people with disabilities, seniors, and people who lack access to the Internet — to appropriately ensure the accuracy of personal information that is used to make important decisions about them. This requires disclosure of the underlying data, and the right to correct it when inaccurate.

Privacy rights are civil rights. Protecting privacy in the era of big data means protecting against uses of consumer information that concentrate harms on marginalized communities while concentrating profits elsewhere. Both individuals and the government must be empowered to enforce these fundamental principles of civil rights through agency rulemaking authority, strong enforcement, and the availability of effective legal redress. Historically, marginalized communities could not rely on government actors to protect their rights; this is why most civil rights laws contain a private right of action. **Privacy legislation that does not reflect these values should be rejected.**

It is long past time to see effective privacy laws for commercial data practices established in the United States. We look forward to offering our expertise and vision as the debate continues and your committees craft legislation to protect everyone's rights and create a more just and equitable society.

Sincerely,

Access Humboldt
Access Now
ACLU
Action Center on Race and Equity
(ACRE)
Algorithmic Justice League
Asian Americans Advancing Justice –
AAJC
Campaign for a Commercial-Free
Childhood
Center for Democracy & Technology
Center for Digital Democracy
Center for Media Justice
Center on Privacy & Technology at
Georgetown Law
Color Of Change
Common Cause
Common Sense Media
Consumer Action
Consumer Federation of America
Consumer Watchdog
Electronic Privacy Information Center
Ella Baker Center for Human Rights
Fight for the Future
Free Press Action
Human Rights Campaign

Lawyers' Committee for Civil Rights
Under Law
Media Alliance
Media Mobilizing Project
NAACP
National Consumer Law Center (on
behalf of its low income clients)
National Hispanic Media Coalition
National Organization for Women (NOW)
Foundation
National Urban League
New America Public Interest Technology
New America's Open Technology Institute
Open MIC (Open Media and Information
Companies Initiative)
Organization United for Respect
Partnership for Working Families
Public Citizen
Public Knowledge
Ranking Digital Rights
Stop Online Violence Against Women
The Leadership Conference on Civil and
Human Rights
UnidosUS
United Church of Christ, OC Inc.
Upturn

THE TIME IS NOW: A FRAMEWORK FOR COMPREHENSIVE PRIVACY PROTECTION AND DIGITAL RIGHTS IN THE UNITED STATES

The United States confronts a crisis. Digital giants invade our private lives, spy on our families, and gather our most intimate facts for profit. Bad actors, foreign and domestic, target the personal data gathered by U.S. firms, including our bank details, email messages, and Social Security Numbers.

Our privacy laws are decades out of date. We urgently need a new approach to privacy protection. We must update federal laws and create a data protection agency specifically tasked with safeguarding the privacy of Americans. The time is now.

1. ENACT BASELINE FEDERAL LEGISLATION

We call for federal baseline legislation that ensures a basic level of protection for all individuals in the United States. We oppose the preemption of stronger state laws. U.S. privacy laws typically establish a floor and not a ceiling so that states can afford protections they deem appropriate for their citizens and be “laboratories of democracy,” innovating protections to keep up with rapidly changing technology.

2. ENFORCE FAIR INFORMATION PRACTICES (FIPS)

Baseline federal legislation should be built on a familiar privacy framework, such as the original U.S. Code of Fair Information Practices and the widely followed OECD Privacy Guidelines. These frameworks create obligations for companies that collect personal data and rights for individuals. Core principles include:

- Transparency about business practices
- Data collection and use limitations
- Data minimization and deletion
- Purpose specification
- Access and correction rights
- Accountability
- Data accuracy
- Confidentiality/security

“Personal data” should be broadly defined to include information that identifies, or could identify, a particular person, including aggregate and de-identified data.

Federal law should also:

- Establish limits on the collection, use and disclosure of sensitive personal data,
- Establish enhanced limits on the collection, use and disclosure of data of children and teens,
- Regulate consumer scoring and other business practices that diminish people’s life chances, and
- Prohibit or prevent manipulative marketing practices.

3. ESTABLISH A DATA PROTECTION AGENCY

Many democratic nations have a dedicated data protection agency with independent authority and enforcement capabilities. While the Federal Trade Commission (FTC) helps to safeguard consumers and promote competition, it is not a data protection agency. The FTC lacks rulemaking authority. The agency has failed to enforce the orders it has established. The US needs a federal agency focused on privacy protection, compliance with data protection obligations, and emerging privacy challenges. The agency should also examine the social, ethical, and economic impacts of high-risk data processing and oversee impact-assessment obligations. Federal law must establish a data protection agency with resources, rulemaking authority and effective enforcement powers.

4. ENSURE ROBUST ENFORCEMENT

Robust enforcement is critical for effective privacy protection. Arbitration clauses do not protect consumers and permit dangerous business practices to continue. If a company violates federal privacy law, consumers must be able to pursue a private right of action that provides meaningful redress without a showing of additional harm. Statutory damages are an essential element of an effective privacy law. Robust enforcement also requires independent action by State Attorneys General.

5. ESTABLISH ALGORITHMIC GOVERNANCE TO ADVANCE FAIR AND JUST DATA PRACTICES

The use of secret algorithms based on individual data permeates our lives. Concerns about the fairness of automated decision-making are mounting as artificial intelligence is used to determine eligibility for jobs, housing, credit, insurance, and other life necessities. Bias and discrimination are often embedded in these systems yet there is no accountability for their impact. All individuals should have the right to know the basis of an automated decision that concerns them. And there must be independent accountability for automated decisions. Protecting algorithms as a trade secret overprotects intellectual property and creates a barrier to due process. Trade agreements should uphold algorithmic transparency. Algorithmic transparency is central to algorithmic accountability.

6. PROHIBIT “TAKE IT OR LEAVE IT” TERMS

Individuals cannot have meaningful control of their personal data if the terms of service require them to waive their privacy rights. Furthermore, requiring individuals to pay more or receive lower quality goods or services if they do not waive their privacy rights is unfair and discriminates against those with less means. Federal law should require that consent, where appropriate, is meaningful, informed, and revocable, and should prohibit “pay-for-privacy provisions” or “take-it-or leave it” terms of service.

7. PROMOTE PRIVACY INNOVATION

Federal law should require innovative approaches to privacy and security, including strong encryption, robust techniques for deidentification and anonymization, and privacy enhancing techniques that minimize or eliminate the collection and disclosure of personal data, and make privacy by design an affirmative obligation. The consolidation of personal data with a small group of firms has stifled innovation and competition. Antitrust enforcement agencies should consider privacy interests in merger review. Mergers that fail to protect the privacy of consumers should be rejected.

8. LIMIT GOVERNMENT ACCESS TO PERSONAL DATA

Personal data held by companies are often sought by government agencies for law enforcement purposes. We do not object to the disclosure of specific records that are required for legitimate criminal investigations and obtained through an appropriate judicial procedure. However, there should be a clear standard in a privacy law for such disclosure. U.S. companies cannot disclose user data in bulk to government agencies.

Signed,
Berkeley Media Studies Group
Campaign for a Commercial-Free Childhood
Center for Digital Democracy
Center for Media Justice
Color of Change

Consumer Action
Consumer Federation of America
Defending Rights & Dissent
Electronic Privacy Information Center
Media Alliance

Parent Coalition for Student Privacy
Privacy Rights Clearinghouse
Privacy Times
Public Citizen
Stop Online Violence Against Women
U.S. PIRG

OUR DATA BODIES

RECLAIMING OUR DATA

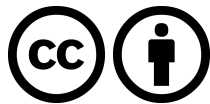
INTERIM REPORT | DETROIT



Oculus 7 (Andrew Ginzel) | CC BY-NC-SA-2.0

JUNE 15, 2018

TAWANA PETTY, MARIELLA SABA, TAMIKA LEWIS, SEETA PEÑA GANGADHARAN, VIRGINIA EUBANKS



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Introduction

Our Data Bodies (ODB) is a research justice project that examines the impact of data collection and data-driven systems on the ability of marginalized peoples to meet their human needs. For the past three years, ODB has been working in three cities—Charlotte, North Carolina; Detroit, Michigan; and Los Angeles California. To date, we have completed nearly 135 in-depth interviews with residents of these cities' most historically marginalized neighborhoods. Our project combines community-based organizing, capacity-building, and rigorous academic research.

Our goal is to find answers to three main questions:

How do marginalized adults experience and make sense of the collection, storage, sharing and analysis of their personal information?

How, if at all, do marginalized adults connect their ability to meet their basic material and social needs to their inclusion in (or exclusion from) data-based systems?

What strategies do marginalized adults deploy, if any, to protect their digital privacy, self-determination, and data rights?

Through collective community building and analysis of the stories we've collected, the ODB project has identified many similarities in how people across the three cities experience data collection and data-driven systems. Patterns have emerged like insecurity and targeting, resignation and resistance, the separation of family—whether through incarceration, detention, deportation, or foster care systems— and speak to the way that individuals are forced to trade away their data to attain basic human needs.

Our community members describe the experience of being forced to engage with intrusive and unsecure data-driven systems because of their membership in groups that have historically faced exploitation, discrimination, predation, and other forms of structural violence. They've shared with us their experience of being caught in a cycle of injustice and the impact this feedback loop has on their livelihoods.

Our interviewees also tell a story of wanting both privacy and the ability to be seen and heard as whole human beings. Charlotteans, Detroiters, and Angelinos are resilient in spite of persistent and destructive forms of surveillance and profiling. They believe in their humanity, value human relationships, and want respect and recognition in and beyond the systems of data collection that try to govern their lives.

Overall, surveillance and data collection are deeply connected to diversion from public benefits, insecure housing, loss of job opportunities, and the policing and criminalization of our communities. Whether an error or something they have overcome, people's data stays with them—far longer than more advantaged groups, and its impacts are profound.

About This Report

The work that we present is the culmination of years of working with our communities and building on popular education, critical literacy, and other participatory strategies to identify the productive ways in which people want data collection and data-driven systems in our lives. In January 2016, when Center for Community Transitions (CCT) in Charlotte began its involvement with ODB, CCT had been strengthening its support structures for reentry, including teaching digital know-how and skills in a city strategizing the growth of healthy digital infrastructure. When the Detroit Community Technology Project launched ODB efforts in Detroit, it had been extending a model of digital stewardship and principles of digital justice to demystify citywide open data initiatives, co-design community wireless networks, and use digital technologies to strengthen human connections amongst Detroiters. In Los Angeles, when Stop LAPD Spying Coalition (SLSC) launched its ODB efforts, SLSC had been seeding Power Not Paranoia, an organizing framework that exposes the impacts of and deepens collective resistance to surveillance and policing.¹

Since ODB efforts launched, this collective, community-based work continues to grow. Our interactions have included countless community meetings, interviews, focus groups, and workshops that bear witness to the lives and experiences of individuals as they confront data collection and data-driven systems in the process of meeting basic human needs. These interactions ground our work and show us how community-driven practices and visions will continue to take these conversations into the future.

In the pages that follow, we present our interim findings. We have combed through our interviews to identify commonalities and differences that are emerging between the cities. In the process, we have attempted to honor the diverse histories and contexts of our interviewees and the particularities of the neighborhoods in which they live. Our interviewees come from:

- Five districts in Detroit
 - District 2,
 - District 3,
 - District 5, and
 - District 6
- Several pockets of Los Angeles
 - Skid Row,
 - Public housing projects in Southeast LA, and
 - Other neighborhoods that serve as home to LA's unhoused populations
- Neighborhoods scattered across seven different zip codes of Charlotte,
 - 28201
 - 28205
 - 28206

¹ See Montenegro, Ken, "PowerNotParanoia.md," Github, available at: <https://gist.github.com/kmontenegro/112cbb6ec9919c4e0a241ee195ce6519>.

- 28208
- 28213
- 28215
- 28216

We are grateful for the time our interviewees gave us and for their continued interest in our broader, collective efforts

About Our Team

ODB is a five-person project concerned about the ways our communities' digital information is collected, stored, and shared by government and corporations. We are:

- Tamika Lewis: A Charlotte-based organizer and artist whose primary focus is advancing Queer People of Color and marginalized communities;
- Tawana Petty: A mother, anti-racist social justice organizer, author, and poet, born and raised in Detroit, Michigan;
- Mariella Saba: A mother-to-be in Los Angeles who practices popular education, cultural work, and healing arts, to collectively, creatively, and healthily uproot the genocidal set-ups of our global dis-ease;
- Seeta Peña Gangadharan: A mother and research justice organizer born in New Jersey and working in London; and
- Virginia Eubanks: A writer, teacher, and welfare rights organizer from Troy, NY.

We are a predominantly women-of-color research team that is interested in how technology can intersect with social, economic, and racial justice.

Who Funds This Work

This work is made possible in part by a grant from the Digital Trust Foundation. The Digital Trust Foundation was set up by Facebook after losing a class action lawsuit. DTF funds projects that promote online privacy, safety, and security. We are also thankful for support from Institute of International Education, Media Democracy Fund, and Mozilla Foundation.

Additional Acknowledgments

We are also grateful to staff at Center for Community Transitions, Detroit Community Technology Project, Los Angeles Community Action Network (SLSC's organizational home), and Stop LAPD Spying Coalition. In particular, we want to thank Myra Clark (CCT), Diana Nucera (DCTP), and Hamid Khan (SLSC) for welcoming ODB into these organizations and for their leadership.

What We Know: City Perspectives on Data Collection and Data-Driven Systems

Since 2016, the ODB Project has been listening deeply to the concerns, analyses, and self-defense strategies of communities targeted for intensive data collection by government agencies and corporations. In each city, we identified a specific set of experiences that would serve as a lens to focus our explorations. In Charlotte, we focused on the experience of re-entry, of returning from jail or prison back to your home community. Here, we were interested in how data impacted all areas of re-entering people's lives—their housing, community relationships, social service experiences, etc.—but we dug most deeply into how re-entry data affected the search for employment.

In Detroit, we focused on the experience of foreclosure, evictions, and water and utility shut-offs. Here, we were interested in how your "data trail"—the collected digital record of your past decisions, resources, and interactions with government—impacts your access to the basic human rights of shelter and water. Our relationship with the Detroit Community Technology Project (DCTP) also reminded us to be attentive to how affordable and secure access to the internet created benefits and new opportunities.

In Los Angeles, we focused on how data and digital surveillance impacts the experience of housing or houseless. At Jordan Downs, one of the country's oldest public housing projects, we asked community members about how data collection, sharing, and analysis shaped their experiences of a \$1 billion redevelopment plan they fear will displace them. In Skid Row, and throughout the city, we also spoke with unhoused residents about how data affected their experience of finding shelter and navigating the criminalization of homelessness and poverty.

Charlotte

Background

A beacon of the New South, Charlotte's population has transformed dramatically over the past century. As one of the country's most important financial centers, the city is undergoing dramatic demographic changes that include a forty percent increase in residential population over a ten-year period and growth in per capita income that outpaces that of the entire state.²

However, Charlotteans do not reap the benefits of Queen City's booming economy equally, and many argue these changes link to a longer history of gross inequities due to the displacement and forced labor of Black populations.³ According to a 2014 study, the city ranked last out of 50 large cities for income mobility.⁴ Skyrocketing rates of income inequality combined with segregation, mass incarceration, and the hollowing out of middle-class jobs have overwhelmingly contributed to the racialized disparities that exist now. According to Bureau of Justice Statistics, while Blacks make up 22% of the state population, they account for 55% of the incarcerated population.⁵ At the county level, police are more likely to arrest Blacks than Whites for marijuana possession: out of nearly 2,000 arrests in 2014, 91% were Black, while the remaining 9% were White.⁶

² Jen Wilson, "Boomtown: Charlotte among Fastest-Growing Big Cities in U.S.," *Charlotte Business Journal*, December 4, 2014, <http://www.bizjournals.com/charlotte/news/2014/12/04/boomtown-charlotte-among-fastest-growing-big.html>; Gene R. Nichol and Heather Hunt, "Economic Hardship, Racialized Concentrated Poverty, and the Challenges of Low-Wage Work" (Charlotte, NC: NC Poverty Research Fund, Spring 2016), https://crisisassistance.org/clientuploads/Advocacy/PovertyinCLT_NCRResearchFund_2016.pdf; U.S. Department of Commerce, Bureau of Economic Analysis, "Real GDP by Metropolitan Area" (Washington, DC: U.S. Department of Commerce, Bureau of Economic Analysis, 2016), <https://www.bea.gov/iTable/iTableHtml.cfm?reqid=70&step=10&isuri=1&7003=900&7035=-1&7004=naics&7005=-1&7006=16740&7036=-1&7001=2900&7002=2&7090=70&7007=-1&7093=levels>.

³ Vermelle Diamond. Ely, Grace Hoey. Drain, and Amy T. Rogers, *Charlotte, North Carolina* (Charleston, SC: Arcadia Pub., 2002); "The Charlotte Ghetto: The Never Before Told Story of Queen City," *TheRealStreetz.com*, January 29, 2018, <http://www.therealstreetz.com/2018/01/29/charlotte-nc-story/>; Sherrell Dorsey, "Charlotte's Oldest Black Neighborhood Grapples With Gentrification," January 21, 2016, <https://nextcity.org/daily/entry/charlotte-cherry-gentrification-oldest-black-neighborhood>.

⁴ Raj Chetty et al., "Where Is the Land of Opportunity? The Geography of Intergenerational Mobility in the United States" (Cambridge, MA: Equality of Opportunity, June 2014), http://www.rajchetty.com/chettyfiles/mobility_geo.pdf.

⁵ Prison Policy Initiative, "North Carolina Profile," n.d., <https://www.prisonpolicy.org/profiles/NC.html>; NC Dept of Public Safety, "Prison Statistics--2012 Fact Card," n.d., <http://www.doc.state.nc.us/Publications/2012%20Fact%20Card.pdf>.

⁶ Steve Harrison, "For Small Amounts of Marijuana, Blacks Are Far More Likely than Whites to Go to Jail in Charlotte," *Charlotteobserver*, February 12, 2016, <http://www.charlotteobserver.com/news/local/crime/article60170981.html>.

Meanwhile, the city spends millions to equip police with body cameras in the name of countering bias and promoting accountability of law enforcement.⁷ These cameras did not prevent officers from shooting dead Keith Lamont Scott in 2016, nor did they help to bring justice or increased accountability to the citizens of Charlotte and to the Scott family.⁸ When community outrage boiled over in the streets, Charlotte Uprising was borne, and today organizing efforts continue for broader criminal justice reform. While Charlotte holds a place in history books for its centrality in racial equality and civil rights movements,⁹ the severity of current-day racial disparities and the fierceness of residents fighting back now define the city.

Our work in Charlotte grapples with the impact of data collection and surveillance on people who have past convictions or arrest. In the 50 interviews we completed for the Our Data Bodies project, we heard from a multitude of community members who are currently trying to harness the economic successes of the city during their re-entry process. These interviews highlighted the connection between data collection and data-driven systems to barriers of employment, services, and housing.

Word on the Streets...

By and large, Charlotte's community members identified their criminal record as a critical piece of the cycle of injustice that perpetuates immobility, lack of opportunity, criminalization, discrimination, and systemic exclusion. Their stories describe how the stigma of being a "criminal" has negatively impacted their ability to meet their basic human needs while making them more susceptible to digital surveillance, police targeting and identity theft. They frequently highlighted the ways in which a criminal record holds people back.

Some themes that have emerged from our analysis:

My data doesn't represent who I am.

Whether criminal records or bad credit, people expressed concern and frustration about the unrepresentative nature of data collected about them and how it is used to profile them as they reenter society. They emphasized that a low credit score or criminal records reflect the choices, judgments, or actions they made in their past, most due to scarcity, being young, or survival.

I mean, the credit score part, I really don't think that represents who I am, because first of all, I don't really even understand that. I understand that it needs to be at a certain level, but I just don't get why you need that. It's not necessary to me. I mean I'd rather have no credit than bad credit. I'm just saying, what is the point. – Nabresha

⁷ Ben Bradford, "CMPD Set to Expand Reach of Surveillance Network," *WFAE*, January 31, 2013, <http://wfae.org/post/cmpd-set-expand-reach-surveillance-network>.

⁸ Jen Kinney, "Searching for Police Transparency from Charlotte to California," *Next City*, September 22, 2016, <https://nextcity.org/daily/entry/charlotte-police-transparency-race-data-collection>.

⁹ Jeffrey J. Crow, Paul D. Escott, and Flora J. Hatley. *Wadelington, A History of African Americans in North Carolina* (Raleigh: N.C. Dept. of Cultural Resources, Division of Archives and History, 1992).

And even though their circumstances have changed, Charlotteans themselves have transformed, and have “served their time,” people are haunted by the profiles that follow them from place to place or job to job and impact their ability to move forward. These records—a kind of data *trail*, do not give others a full sense of who they are and where they want to go in life.

I have a criminal background. It's 15 to 30 years old. I plead guilty to worthless checks. It was 2003. Again, that's almost 15 years ago, but it's still held against me and it still hinders me. It makes it extremely hard to get employment, permanent employment. Basically, all of my jobs have been temporary positions or contract positions. – Jill

In our data-driven society, people desire for their humanity to be respected and honored. In countless interviews, we heard people say they want to be seen as their full selves, as entire human beings—not as their profiled selves. People talk about having moved past their mistakes and wanting to rid themselves of that history.

I think just mainstream society period is like once you have a criminal record, no matter if you stole bubblegum when you was 16, it's like you're a criminal. You're a bad person... I think once you get a criminal record everybody looks at you like Trayvon Martin. And that's pretty sad that they even have to bring his name up in a situation, but it's like, you know, if you would really sit down and get to know me, I'm a very intelligent person. But if you're just going off this paper, then it's like... – Bonnie

The system isn't all bad. It's the people with decision-making power and policies that hold me back.

People matter to data collection processes and modulate the impact of data-driven systems on their daily lives. Individuals on the front lines of institutions and who receive or process information—such as with an application for a job, housing, or other social services—have the power to hold people back. Our interviewees described two kinds of individuals who process their data: 1) people who come from similar backgrounds, such as individuals with a criminal record who are now administrators; and 2) people who come from opposite backgrounds, such as people who do not have any relationship to or understanding of the criminal justice system or mass incarceration.

A lot of people forget where they come from and a lot of people ain't been through some things to realize where they could go. In other words, they abuse it. They misuse it. ... [A] Black lady, Pam, she used to be out here. She forgot where she came from. She used to be homeless, on drugs, under that same bridge down there, buying drugs, doing everything.... I came in there from work one day to eat lunch, and they were giving out boots. I didn't have enough time. I said, "Pam, can you save me boots? I'm still staying there until I get off." She said, "What size do you wear?" I said, "I wear a size 9." She goes in there and looks and goes, "Now, I got a 9 ½." I said, "I can wear them. I'll just put on a pair of socks." She said, "No, you told me you wear a size 9. You

can't get these." She wouldn't give me the work boots because it was a half size too big. – Joker

The worst thing I ever heard was, "You probably should give up on finding a job." He was like, "I don't even know why you came today because you know you got a background, you know it's recent, and you know most places are not going to hire you so you probably should just stop trying. Go to school or something." – Karriem

Our interviewees also talked about the multiple ways in which company policies or procedure interferes with their ability to move past a criminal record. Charlotteans shared stories about how frank they were about past arrests or convictions, how well they performed in a job interview, and how recruiters assured them of their ability to be hired only to find out days or weeks later that someone in human resources or elsewhere blocked their employment, despite the candidate's honesty.

I had extensive history in the medical field and I had an interview with the manager, she hired me right on the spot. I was upfront about my background, and so she said that she would do a drug screening. Even though I told her about the background, it was still their policy to run one, so I said fine. She gave me my start date and tell about the benefit package and this and that, and so within two weeks, I received a certified letter from them. They didn't even call me. They sent a certified letter, I guess their human resources, and was like we can't hire you. We have to rescind our offer. Yeah. They rescinded the offer based on the background check... I was devastated. – Debra

This event happens with companies and agencies that work with local organizations to hire individuals who have been previously incarcerated,

I actually tested for a data entry position back in February here with Goodwill. I had to come in and take a test, data entry test with keystroke testing, and everything worked out fine... She said I did exceptionally well on the test. My skills exceeded what they were looking for. She said, hey, you should have no problem getting this position, so I didn't hear anything else from her. Three days went past. I said, well, let me call her, and just check the status. When I called her, she said, "Oh, everything was fine. It's just that they don't hire anyone that has larceny."

It was really, really discouraging. I mean, it's just hard, and sometimes it just makes me want to give up... I'm a single mom. I have a 14-year-old, and I have custody of my 4-year-old granddaughter. It's like it really discourages me because it makes me feel like, hey, you're never going to advance. – Jill

When candidates are highly qualified, knowledgeable, and have the credentials to fulfill a position, Charlotteans are turned back by companies' policies whose hiring criteria rely on criminal records rather than people's ability to perform and advance.

I would say it's the policies and procedures of the company. Number one, whoever created those, whether it's the board of trustees, members of the organization, whoever. Those people that created those policies, I think it comes from the top. If you are a CEO of a company and you say we are felon friendly and I expect to have people with colorful backgrounds here, you're going to have a really good company, in my opinion. You're going to have people that go above and beyond because they want that opportunity to show.

– Kristie

I will reach my goal if I just put my best foot forward.

Community members have an awareness of how systems are currently working, but they are resilient and persevere despite the difficulties of reentry, repeated denials, and barriers to personal prosperity.

To me when I was in prison or what not, I heard a lot of people that came back... people that was even out here in this world tell me it's hard out here in this world and jobs ain't hiring. But to me, different strokes for different folks and what not. In my case, I had to have to gain the attitude to basically do something with myself. You know? By doing that I went forward. As I went forward opportunity came to me. I took advantage of that opportunity. To me personally, my experience I'm going to say it ain't so much jobs not hiring or you get turned down because in life you can get turned down regardless. There's so much, if you got the ambition to continue going, regardless if you been turned down or not, so it's all on your decision and what you want for yourself. I got opportunity to basically come out and show them that you know, change is available. Change wasn't just available to me but you know, change is available to anyone that want to take hold to it. – Jeremiah

They have a deep understanding of how data driven systems, their criminal records, systematic oppression, and discrimination impacts their viability and ability to take care of their basic human needs, but that doesn't deter them from trying, no matter how difficult it gets, with the hope of getting the break they need.

I know I can go to a library and print me out a resume and send my resume or just keep my resumes with me or send them out to people and let them know I'm struggling; I'm homeless; I had a couple jobs; I don't have too bad of a record. I still can get on my feet. It's all a matter of who's going to help you, who's going to let you in the door. – Young Boy Dez

All in all, they keep a positive mindset in order to move forward, focusing on the future they want to create for themselves

Yeah. You've got to keep motivating. You have to always encourage yourself, even now, after the fact, you have to encourage yourself because if you don't, you'll give people power over you. Your situation should not have power over

you. You should have power over your situation. It makes you feel bad but then you keep going somewhere down the road a no is going to turn into a yes and then you can get the money, get the work. People work towards getting it rectified and paying it off. – Diddo

We want systems that work for us, not against us.

From public welfare to reentry organizations to prospective employers that welcome returning citizens, many support systems do not appear to offer the help people need. These support systems brand individuals a certain way and chastise them if they do not fit the mold. People want and need help in meeting their basic human needs—be it shelter, medical care, a job, and more. But we heard many talking about the difficulty of accessing services, feeling stigmatized, and getting fed up to the point of wanting to give up, leave shelters, or quit Charlotte.

*At this point where I am right now, I feel like I benefit from these services, but right now, I feel like if I was to go ask them or anything, they would look at me funny like, "You grown man. You're old enough, able-bodied..." They give me a stare, "You aren't supposed to be here. What are you doing here?" It's just like a funny room. I feel like I will be near homeless, starving to the bones... to even step into that atmosphere... They make me feel like, "You can get a job." You don't know, for somebody that's my age and my position, it's pretty hard to ask for services. It's like they play on your manhood. That's what I get a feeling of. These people look at me funny. [Like] I don't need nothing, but I do need help.
– Lamont*

A catch-22 emerged in some of the descriptions people shared: in order to access different social services, such as childcare, you need to meet a requirement or stipulation. For example, when reentering, people need to enroll in a class or classes, but they take place during the day and interfere with the times needed to engage in a job search process. Without evidence of a job, a person is barred from maintaining access to services, acquiring additional support, or finding help through social programs. We heard people say the incompatibility of these reentry requirements with the vicissitudes of daily life discouraged them and made them want to go back to their old lives. They also describe how the data-driven systems use and collect their information in order for them to receive the service, and how judgment and isolation is very much a part of those experiences.

She helps me with that, but I feel like I don't want to let nobody know what I've been through. I feel like they're judging me. Just like when I got to the herb (Urban Ministries), they always ask you for the digits [social security number], but I feel like I'm homeless, you all are using the information from me to just get money from me. It's my social security number. I've been going through the herb about 10 years, so I feel like you all been drawing money from me for 10 years. – DO

Systems are communicating but not for my benefit.

Even though our interviews highlighted that data-driven systems are not all bad, it is mostly the policies and individuals that block them, they do agree that these systems communicate with each other, but not to help community members, just for the sole benefit of the data collector.

They're not. But then they're talking to each other when they're giving out your information and trying to sell or make a profit off of it. So when it comes to taking money from you or when it comes to you needing information from them, they're not willing to give it out, but when it's giving information out for profit, they're going to do it... If I don't pay my taxes, you'll send a cop to my house, because they don't play with taxes. If you don't pay your taxes, they will send a cop to your house and they will arrest your ass within a couple days. Same thing with rent, if you don't pay that rent, they evict that ass, but when it's time for you to get money from them or you need documentation from them, "Oh, well, you need to fill out this form. It's going to take 10 to 15 business days for us to process the request, and it's going to take another additional seven to 10 business days for us to send it out to you." – Quincy

Some things might keep you from getting the job. Credit score might keep me from getting a job. My background might be keeping me from being able to get a job. Then I can't pay for the necessities. I need to be able to pay lights, water, gas and keep a roof over my head. Then that way, you're selling me short. You're selling my information but you're not selling it to where it benefits me – Diddo

Detroit

Background

Once the industrial center and the fourth largest city in the United States, Detroit is a crucible of social transformation and participatory democracy, where residents—as the African-American folk saying goes—have been making a way out of no way for decades.¹⁰

Since the dramatic shifts in the city's demographics from majority white to majority black following the 1967 Detroit rebellion, and the subsequent election of the city's first black mayor, Coleman Young, Sr., Detroit residents have endured the weight of a dominant narrative that portrays them as "dumb, lazy, happy and rich."¹¹ This narrative has reached global acceptance, while systematic disinvestment and discrimination against its residents festers, with little notice from the rest of the world.¹² Following the 2014 election of its first white mayor in 40 years, global perception of Detroit shifted, with media narratives heralding the city's rebirth again to the exclusion of black residents and the realities of persistent inequities.¹³

Residents have challenged the "comeback" narrative that largely focuses on corporate-led initiatives, especially the well-publicized decision of billionaire Dan Gilbert to move Quicken Loans, an online lending giant, to the downtown corridor of Detroit. Gilbert is credited with attracting businesses, generating much-needed tax income for the city, and protecting Detroit's neglected architectural treasures.¹⁴ Yet, enthusiastic coverage of these and other revitalization efforts neglects mention of the extraction of public resources, hi-tech surveillance of the downtown "Gilbertville," corporate fraud, and redlining practices leveraged by commercial actors against the residents of this majority Black city.¹⁵

¹⁰ James Boggs and Stephen M. Ward, *Pages from a Black Radical's Notebook: A James Boggs Reader* (Detroit, MI: Wayne State University Press, 2011); Dianne Swann-Wright, *A Way out of No Way: Claiming Family and Freedom in the New South* (Charlottesville: University of Virginia Press, 2002).

¹¹ Carolyn Clifford, "White Flight and What It Meant to Detroit in the Wake of the 1967 Riots," *WXYZ* (Detroit, MI: WXYZ, July 12, 2017), <https://www.wxyz.com/news/detroit1967/white-flight-and-what-it-meant-to-detroit-in-the-wake-of-the-1967-riots>.

¹² Shea Howell, "Distorted Reality in Detroit," *Common Dreams* (blog), July 21, 2014, <https://www.commondreams.org/views/2014/07/21/distorted-reality-detroit>.

¹³ David Uberti, "50 Years After the Detroit Rebellion, the Media Is Making the Same Mistakes on Race," *Splinter*, July 28, 2017, <https://splinternews.com/50-years-after-the-detroit-rebellion-the-media-is-maki-1797244331>.

¹⁴ Ryan Felton, "Redefining Eminent Domain," *Detroit Metro Times*, May 13, 2014, <https://www.metrotimes.com/detroit/redefining-eminant-domain/Content?oid=2202018>.

¹⁵ Thomas J. Sugrue, "The Rise and Fall of Detroit's Middle Class," *The New Yorker*, July 22, 2013, <https://www.newyorker.com/news/news-desk/the-rise-and-fall-of-detroits-middle-class>; Felton, "Redefining Eminent Domain"; Anna Clark, "Detroit's Dan Gilbert and the 'Savior Complex,'" *Columbia Journalism Review*, August 18, 2014, https://archives.cjr.org/united_states_project/dan_gilbert_detroit.php?page=all; Julie Creswell, "Quicken Loans, the New Mortgage Machine," *The New York Times*, January 21, 2017, <https://www.nytimes.com/2017/01/21/business/dealbook/quicken-loans-dan-gilbert-mortgage->

Any “renaissance” the city has experienced is profoundly uneven in its distribution. The comeback story omits that only 7.2 square miles or 5% of the city’s total area forms part of the revival.¹⁶ Detroit led the country in unemployment and child poverty rates in 2013, and in 2015 the Federal Communications Commission found that 40% of residents lack access to broadband internet, highest among big cities.¹⁷ Between 2011 and 2015 the city foreclosed on one in four homes due to overdue property taxes, and a dense area of foreclosures and property seizures extend across the city with the exception of the downtown area and a few neighborhoods.¹⁸

Meanwhile, beginning in 2014, the Detroit Water and Sewage Department—an agency shouldering nearly \$6 billion in debt—announced that it would target homes with unpaid bills, tweeting “If you’re stealing water, we’re coming after you.”¹⁹ In past years, residents have watched their water bills increase by as much as 119 percent, and an estimated 40 percent are delinquent on bills.²⁰ An estimated 100,000 Detroiters have seen their water shut off since the

lender.html; Nancy Kaffer, “Who’s Watching the Detroit Watchmen?,” *Detroit Free Press*, March 21, 2015, <http://www.freep.com/story/opinion/columnists/nancy-kaffer/2015/03/21/private-downtown-security-quicken/25117481/>; George Hunter, “Project Green Light to Add Facial Recognition Software,” *The Detroit News*, October 30, 2017, <http://www.detroitnews.com/story/news/local/detroit-city/2017/10/30/detroit-police-facial-recognition-software/107166498/>.

¹⁶ Bernadette Atuahene, “Don’t Let Detroit’s Revival Rest on an Injustice,” *The New York Times*, July 22, 2017, sec. Opinion, <https://www.nytimes.com/2017/07/22/opinion/sunday/dont-let-detroits-revival-rest-on-an-injustice.html>; Bernadette Atuahene and Timothy R. Hodge, “Stategraft,” August 2016.

¹⁷ Annie E. Casey Foundation, “Thirty-Five Largest U.S. Cities Saw Increase in Child Poverty Rate Between 2005 and 2013,” Annie E. Casey Foundation, September 22, 2014, <http://www.aecf.org/blog/thirty-five-largest-us-cities-saw-increase-in-child-poverty-rate-between/>; Don Reisinger, “Four in Ten Detroit Residents Lack Broadband Internet Access,” *Fortune*, May 23, 2016, <http://fortune.com/2016/05/23/detroit-broadband-access/>; Jameson Zimmer, “These 25 Cities Are the Most Impacted By the Digital Divide,” *The Broadband Report*, December 24, 2015, <https://broadbandnow.com/report/25-cities-most-impacted-by-the-digital-divide/>.

¹⁸ Violet Ikononova, “Here Is a Horrifying Map That Shows Every Detroit Tax Foreclosure since 2002,” *Detroit Metro Times*, July 7, 2017, <https://www.metrotimes.com/news-hits/archives/2017/07/07/here-is-a-horrifying-map-that-shows-every-detroit-tax-foreclosure-since-2002>.

¹⁹ Laura Gottesdiener, “UN Officials ‘shocked’ by Detroit’s Mass Water Shutoffs,” *Al-Jazeera America*, October 20, 2014, <http://america.aljazeera.com/articles/2014/10/20/detroit-water-un.html>; Khaled A. Beydoun, “Detroit’s Water: Behind the Crisis,” *Al Jazeera*, July 27, 2014, <https://www.aljazeera.com/indepth/opinion/2014/07/detroit-water-behind-crisis-2014727123440725511.html>; Amy Goodman, “Detroit Faces ‘Humanitarian Crisis’ as City Shuts Off Water Access for Thousands of Residents,” *Democracy Now!* (Pacifica, October 10, 2014), http://www.democracynow.org/2014/10/10/detroit_faces_humanitarian_crisis_as_city.

²⁰ Goodman, “Detroit Faces ‘Humanitarian Crisis’ as City Shuts Off Water Access for Thousands of Residents”; Alana Semuels, “Thousands Go without Water as Detroit Cuts Service for Nonpayment,” *LA Times*, June 28, 2014, <http://www.latimes.com/nation/la-na-detroit-water-20140629-story.html>.

water authority initiated the effort.²¹ Power shut-offs also affect low-income Detroiters, and the energy authority is under recent investigation for computer glitches that led power loss for approximately 9,000 customers.²²

In a city where African-Americans make up over 80% of the population, foreclosures and shutoffs follow a discriminatory history of institutional racism that stretches back to the economic upheaval that led to the Great Migration and brought thousands of black folks to Detroit. But contemporary Detroit also draws on its history as a center of human resilience, from the legacy of James and Grace Lee Boggs Center and Detroit Summer to Michigan Welfare Rights Organization, We the People of Detroit, and more.

We Didn't Get Here By Accident

Our work in Detroit is situated within this context, and against a backdrop of recent crises for residents of the Motor City. The Detroiters with whom we spoke entered into the conversation about data collection and data-driven systems by reflecting on information collected or used by the city. In the 33 interviews we completed,²³ Detroiters shared a range of stories that ran from the impacts of predation and bad credit to property misclassification and social media surveillance. Frustration with data-driven society is palpable, though not immutable. The Detroiters we spoke with combined talk of pervasive data collection, human needs, and the state of an unequal city.

I don't trust data-driven systems, though data could be used for better.

Detroiters expressed a distrust of data systems, though acknowledged that data could be used in positive ways and made suggestions towards that end. Be it third parties, the state, or commercial predators, Detroiters expressed distrust of data collection on individuals. But our interviewees also talked about the possibility for change, including the idea of meaningful consent, targeting for the promotion of collective resources or quality-of-life improvements, as opposed to punitive data collection.

Like maybe there needs to be some protections on how corporations access data. Like maybe there's too much free reign. Maybe like, maybe this isn't the right language but I'm thinking the reversed permit where a normal permit says you have to have—well, it's not that you have to have this much money but you

²¹ Ryan Felton, "Detroit Water Shut-Offs Resume — and Residents Continue to Struggle with Bills," Detroit Metro Times, July 6, 2016, <https://www.metrotimes.com/news-hits/archives/2016/07/06/detroit-water-shut-offs-resume-and-residents-continue-to-struggle-with-bills>; Rose Hackman, "What Happens When Detroit Shuts Off the Water of 100,000 People," *The Atlantic*, July 17, 2014, <https://www.theatlantic.com/business/archive/2014/07/what-happens-when-detroit-shuts-off-the-water-of-100000-people/374548/>.

²² Tyler Clifford, "State to Question DTE in Case of Shutoff Errors," *Crain's Detroit Business*, February 5, 2018, <http://www.craigslist.com/article/20180206/news/652256/state-to-question-dte-in-case-of-shutoff-errors>.

²³ Due to unexpected circumstances, our analysis only uses 28 interviews. Seven audio files were corrupted and these stories were not retrievable.

have to pay this much money to do this type of thing. In this instance you didn't have this much money you cannot do this type of thing. So if you have \$500 million you just can't access all publicly accessible data in the state or even in the city. So that prevents, I don't know it might not 100% prevent monopolies, but you can maybe significantly prevent monopolies from having free reign and free access to data that's going to make them more millions. - Tachalla

And so, I think limiting outright, like how that data can be used and what data can be collected, would be a start. And then also, just in general, having some sort of policy for, like, mandatory consent and, like, being able to opt out of getting... of giving certain data but still being able to get a service. Like, even all the way down to, like, if you download an app and they're like, "We want to access to all of these things." Like, no. You be able to either consent to that or, like, consent to giving them only access to certain things like the very specific things that they need in order to function. Like, maybe you don't need access to all of my contacts with your Instagram, and I'm just going to be posting pictures. Maybe you only need to access my pictures. But a lot of the systems are, like, either... it's not really like consent if, like, you just can't have this thing that everybody uses unless you give us this. - Unicorn

The changes I would make would be to have data that is intentional and targeted and centering people in the middle of those decisions. So, data would be created for the people and with people as opposed to on people and against people. Data would be done in a way that is an instrument and a tool to support their uplift and the uplift of their consciousness and the quality of their lives. It would be used to map and visualize so that people's understanding was centered in coming together and being their own solutionaries. It would be places of a tool for skill sharing and learning. It would put health as a priority. It would put our children's education as a priority. It would mean that there would be no persons without housing if they so choose. It would be a pairing so we would be looking for ways to place people in homes as opposed to using data as a justification for pushing people out of homes. - Ollie Mae

I'm unfairly punished for bad past decisions.

A lot of people we spoke with in Detroit identify the punitive effects of the credit report. They feel like low credit functions as a penalty or mark against them, when predators are also part of the picture. Detroiters sense that a predatory market facilitated or enabled a bad consumer choice or behavior they made and that they receive the brunt of blame. The impacts of bad credit are severe and hinder people from meeting their basic needs.

So I've made a number of purchases throughout my life. Some of those included school loans. Some of those were other stupid credit card loans. Regardless they were loans. Granted, I haven't paid many of them back yet, that data has been transferred between other credit card companies. So it creates this cumulative credit score that I have. That credit score determines my

access to future monies. So like a signal to how well I can pay back future money and that affects how much I'm able to do in the short near term future. – Tachalla

If your gas gets cut off, it's going to impede your lights. If you gas and your lights are in jeopardy of being cut off, that information is reported on your credit. If you need to move or you're buying a home it just affects everything. – Sunflower

I got a ticket when I was nineteen, twenty, and that ticket kind of snowballed into this whole long thing of like, basically like a huge mountain of debt in terms of that, that I was stuck up under for like ten years, or so. – Tom

I believe in privacy, but I don't think there's much I can do to protect it.

We spoke to people who desire and care about privacy, but who feel like they have no choice but to give up information. From the minute you are registered at birth to the streets you roam to the everyday transactions in which you engage—our interviewees talked about pervasive data collection that they experience and the frustration that creates.

Oh, God, I don't even—yeah, I just feel like if I'm going to have a bank account, if I'm going to register my car, if I'm going to have healthcare, I just don't even—I've sort of given up on trying to protect privacy. – Anonymous (Detroit)

I mean your face is not even your own anymore. Your face is being captured by cameras. – Da Hive

They're dictator. Because you sign that certificate that allows them to do that; that birth certificate allows them dictatorship. – Sean Michaels

I really believe that every button that is pushed collects something about you. – Bebop

My identity plays a role in how data systems treat me.

By and large, Detroiters felt that race and economic status play a role in their interactions with data-driven systems.

I feel like my identity is inseparable from my digital presence. – Anonymous (Detroit)

I truly believe that who you are, what you look like, your identity is your digital footprint. – Bebop

We've never seen, no culture or group of people on the face of the earth have seen as much monitoring and as much lack of privacy that we have experienced in the last 20 years. Or even 15 years since 9/11. It's really important that we know the old saying giving up your freedom for security. – Da Hive

I'm often concerned how my orientation will play a role in someone denying me of my liberty at some point in the future. – Justice Black

Oh, goodness, identity, right, right. Yeah, that identifier helped me become a dataset for a further dataset of receiving state assistance, but by a state that created that system where I needed that when if you could've just paid me a damn living wage I wouldn't have to have it. – Terrence

Car insurance. That's what I'd be penalized with. I didn't show up in a database for having clean tags and proper insurance. So that sucks. Yeah, which of course is being disproportionately used in a black city and you can talk about history and redlining and how current insurance rates they you know, they instantly go up across the borderline between Detroit and other cities, black, white that whole thing. Yeah, so, that's ways in which I've been penalized. – Tachalla

I am forced to become—and feel—like a number.

People we interviewed spoke about becoming data points in a larger system of services—both commercial and government—that treats them as a statistic as opposed to a human.

I don't know. I just feel like a number. I don't even know. – Lola

I know utility companies definitely leverage the need of what you need as a basic tool for survival to capture all of your information, from your Social Security number to your birthday, to your name, which are all primary tools of identity theft. You need those things now to even have utilities. – Renita

We know everything in this system is based on numbers. So, they associate your name with numbers. Whether it's a credit card, your driver's license, which now has a metallic strip on the back of it. Every other source of ID that we're really forced to have now you can't even get an ID without five pieces of ID. So, to me these are ways of collecting data on you. Whether it is through the DMV. Social Security. All of these entities that are keeping this data and they are cross-referencing this data. So, that they pretty much know everything that you are doing, whether it's your bank cards, you know. So, they are all tied in. – Luca

Los Angeles

Background

Los Angeles is the third largest metropolitan economy in the world and, in 2017, the annual count of people who are homeless saw a 25% increase. Skid Row, a neighborhood the size of 52 square blocks, has the highest concentration of unhoused individuals in LA County, and an estimated 33% of parolees released in the area settle here.²⁴

In Skid Row, property speculation and development is having drastic and traumatic effects on the unhoused community. The wealth pouring into downtown is pushing out Skid Row residents, as gentrification replaces single residence occupancy (SRO) units with live/work lofts. In 2015, the city re-regulated “streets sweeps,” classifying, all but in name, possessions of the unhoused as trash to be cleared.²⁵ A recent study found just 9 usable toilets at night for a street-based population of almost 2,000, far below United Nations’ mandates for human rights and well-being.²⁶

Low-income residents of public housing are also under assault. Jordan Downs is home to one of the country’s oldest public housing projects. In 2017, unemployment affected approximately 50 percent of its adult residents and that average family earnings totaled about \$1,250 per month.²⁷ Here, anxiety and harassment plague residents as the city moves forward with \$1 billion redevelopment plan that will raze 700 units and replace them with 1,800 mixed income apartments. Jordan Downs’ poorest renters fear being forced out in order to make way for higher earning residents willing to pay market rate for new housing.²⁸

Meanwhile, LA serves as a hotbed of data profiling and surveillance experimentation. In 2010, the city won \$7 million in a federal grant to equip three housing projects, Jordan Downs,

²⁴ Los Angeles Poverty Department, “State of Incarceration,” *Los Angeles Poverty Department* (blog), June 4, 2010, <https://www.lapovertydept.org/projects/state-of-incarceration/>; Ryan Vaillancourt, “State Prison Shift Puts Skid Row at Risk,” *Los Angeles Downtown News - The Voice of Downtown Los Angeles*, November 4, 2011, http://www.ladowntownnews.com/news/state-prison-shift-puts-skid-row-at-risk/article_6ba8a322-0737-11e1-bd51-001cc4c002e0.html; Andrew Smith, “A Cop’s View from Skid Row,” *Los Angeles Times*, March 27, 2007, <http://www.latimes.com/la-oe-smith27mar27-story.html>.

²⁵ LA Human Right to Housing Collective, “L.A.M.C. 56.11 & 63.44d: The Ordinances That Further Criminalize Homelessness,” LA Human Right to Housing Collective, July 15, 2015, <http://www.lahumanrighttohousing.org/post/148751608686/lamc-5611-6344d-the-ordinances-that>.

²⁶ Alistair Gee, “At Night on Skid Row, Nearly 2,000 Homeless People Share Just Nine Toilets,” *The Guardian*, June 30, 2017, <https://www.theguardian.com/us-news/2017/jun/30/la-skid-row-homeless-toilet-access-report>.

²⁷ Kurt Streeter, “In Jordan Downs Housing Project, Police Are Forging a New Relationship,” *Los Angeles Times*, February 16, 2014, <http://articles.latimes.com/2014/feb/16/local/la-me-jordan-downs-cops-20140217>.

²⁸ Daniel Ross, “An LA Housing Project Is Evicting Residents and Making Plans for Gentrification,” *Vice*, February 19, 2014, https://www.vice.com/en_us/article/dpw7xw/residents-of-las-largest-housing-project-are-being-evicted-to-make-room-for-pricey-apartments.

Nickerson Gardens, and Imperial Courts, with surveillance cameras.²⁹ More recently, Los Angeles Police Department partnered with a CIA-backed company on the forefront of predictive policing and deployment of facial recognition software on parts of its vast CCTV network to search for “matches” to a closely guarded and problematic gang database.³⁰ Data mining on an unprecedented scale is now being utilized in the name of fraud detection and benefits management for government services.³¹

Power Not Paranoia

As marginalized communities push back—such as a drive for Skid Row to have basic and immediate needs met without criminalization, and residents in Jordan Downs organize to keep their housing with dignity, health, safety, and environmental concerns met through the Human Right to Housing Collective—our work in Los Angeles emerges against the backdrop of gross inequalities and considers resistance to surveillance, whether by police or other collaborating state actors such as the Department of Housing and Urban Development. The Angelinos with whom we spoke entered into conversation about data collection and data-driven systems by reflecting on housing and the interplay between data and housing authorities, law enforcement, commercial actors, and more. Across our 50 interviews, people honed in on the exacting toll of a perpetual state of being watched and counted to the detriment of human dignity and human relationships. Angelinos want to be seen and heard not watched, and they shared experiences from the impacts of navigating a culture of surveillance and control through a range of systems that manage human needs and rights.

Some themes that have emerged:

Data is a power relationship.

Data collection often diminishes the agency and limits the self-determination of targeted individuals and communities. Digital profiles and statistical risk models in social services, child welfare, law enforcement, and housing replace the full, collective stories of our lives with decontextualized, ahistorical, and individualized data. The abstraction of our experience and full humanity into categories, types, and ratings is a form of dehumanization, and the process can be deeply traumatizing.

In our conversations with people in Los Angeles, we learned data collection and data-driven systems represented unequal power dynamics in their lives. People described being in various situations of control and of having to give up one human right for another. These processes and systems curtail people’s movement and interfere with people’s ability to be free, agents of

²⁹ Frank Stoltze, “LAPD to Increase Surveillance Camera Use at Housing Projects” (Los Angeles, CA: Southern California Public Radio, June 24, 2010), <https://www.scpr.org/news/2010/06/24/16494/lapd-dramatically-increase-use-surveillance-camera/>.

³⁰ Jaques Peretti, “Palantir: The ‘Special Ops’ Tech Giant That Wields as Much Real-World Power as Google,” July 30, 2017, <https://www.theguardian.com/world/2017/jul/30/palantir-peter-thiel-cia-data-crime-police>.

³¹ Virginia Eubanks, *Automating Inequality. How High-Tech Tools Profile, Police, and Punish the Poor* (New York, NY: St. Martin’s Press, 2018).

their own destinies. People shared stories of feeling the weight of the institutions—primarily law enforcement and social services—that assert their authority and create and maintain hierarchies: data controllers on high and data “subjects” on low, seen as a scourge or less than.

I'm free in physical terms, but I wear a shackle around my ankle, so they know where I am, the places I go to, where I spend time, what places I've visited, so having that shackle is like having a spy over my shoulder, on top of me all the time, my whole life. Given that I need to wait for my immigration status to be solved, my political asylum case sets many restrictions regarding which services I need and can access, health services, housing, that I could acquire. They set restrictions because one of the conditions to my freedom is not becoming a burden to the state, according to them. But rather, they don't want me to be a burden but they don't give me a work permit either. They don't want me to be a burden but I'm... I can't travel to other states to be able to broaden my horizons and my job opportunities. They don't allow me to leave the state because if I leave with this shackle on, it sends them a warning and that would immediately mean that they send me back to jail. – Valeria

Data systems are a set-up.

Our interviewees understand the collection, storage, sharing, and analysis of data as part of a looping cycle of injustice that results in diversion from shared public resources, surveillance of families and communities, and violations of basic human rights. Connected to the experience of power and powerlessness, the theme of “set-up” concerns the ways in which data collection and data-driven systems often purport to help but neglect and fail Angelinos. Interviewees described these set-ups as “traps” or moments in their lives of being forced or cornered into making decisions where human rights and needs are on a chopping board. When using social services to meet basic needs or expecting that a 9-1-1 call in an emergency will bring health and/or safety support into their homes or communities, our interviewees spoke about systems that confuse, stigmatize, divert, repel, or harm. These systems—or the data they require—give people the impression of helping, but they achieve the opposite. They ask or collect, but rarely give, and that leads to mistrust, disengagement, or avoidance. Furthermore, systems perpetuate violent cycles when they are designed to harm, criminalize, maintain forced engagement.

I believe that housing is a trap door. I believe where this system was actually set up in order to aid and assist people, that that process has been lost. I believe that this was supposed to be almost as a stepping stone as you begin to get yourself together this was supposed to be a way for you to be able to save and maybe acquire the things that you would need for the next step. Unfortunately it's not like that. Because if you make any more you can't save any more to move anywhere because you can make anymore, they want more. So it's not actually a helping process. It's more like a hindering process. It's keeping you exactly where you are, in need of them at all times... We have what's called an annual review where every year even though we've applied to be here it's

almost like you have to apply and reassure them that you are poor and doing bad in order to stay here. So it's not actually made to help you do any better. It's actually made to keep you right where you are. – Mika

Data-driven systems tear me, my family, and my community apart.

Interviewees describe the effects of powerful, unequal data collection processes as an emotional, psychological, and physical toll, with traumatizing effects. In the context of struggle between Los Angeles' most marginalized residents and institutions that claim but do not provide the safety or support they advertise, wrong labels, misclassification, and misinterpretation of data profiles are life-changing events, such as the separation of children from their parents.

Junior: Ever since I was a child, I've been running from them [law enforcement] because they took me away from my mom. They would come to our house and try to get me. They would come and get me. I'd run from them because I didn't want them to take me away from my mom.

Mariella: Were they trying to separate you from your mom?

Junior: Yeah.

Mariella: Like Child Protective Services?

Junior: Yeah. Maybe I probably would have went to a good family or something, but I didn't want to get taken away from her.

Mariella: Yeah, of course. I hear you. Did they take you away?

Junior: Yeah. They took me to a foster home.

Mariella: They did.

Junior: The first day I left. I came back. It was in Palm Springs. I hitchhiked all the way back over here.

Mariella: Wow! How old were you, if it's okay to ask?

Junior: About eight or nine... I don't even know how I made it. It was crazy. It worked out...I had to jump down the wall. It was a two-story building because we were on the top floor, literally. Then I came back over here and I was happy to see her...Then they took her and then she got busted and she went to prison for like four or five years. It was all chaos. I got into the neighborhood.

Data collection and data-driven systems feed into a culture of fear and suspicion.

Pervasive and comprehensive surveillance by law enforcement is front and center for our interviewees, and their tactics of data collection and use of data-driven systems connect to the experience of over-policing, feeling fearful of being watched and profiled as a suspicious or a person of interest.

In my experience, even if you don't want to interact with them, law enforcement will find ways to stop you and collect your data. – Janet

Because if we go and request our information, since our papers are there with Immigration, we are scared that now, that this president is in office, it may harm us in some way.

Everything you do in this country, good or bad, it's used against you. Does it have an impact on your family? Of course it does! A very negative impact. Those who suffer most are always the children. What are we creating? Panic, fear, sadness. – Guadalupe

Data systems write me off for being poor.

Our interviewees find that day in and day out data-driven systems—and sometimes the people behind them—treat them poorly for being poor. Data collection and data-driven systems leave them feeling exposed, as if asking for help is something to be ashamed of.

So I realized that here in the United States, the people who are poor have no systems set up for them to get out of poverty. On the contrary, they are... The moment you are poor, you enter into a maze. ...[I need a] system that helps makes you feel like a human being, right? ...[A] system with which I work together and not one that saves me or rescues me from anything, because I don't need for anyone to rescue me or save me. – Marco

Harmful systems...try to separate. "OK, he's poor, he's rich." You are worth more because you are rich; you are worth less because you are poor. – Guadalupe

I want to be seen, not watched, and heard, not harmed.

In Los Angeles, we heard our interviewees differentiate between helpful and harmful systems. The primary sentiment focuses on a human element: in the myriad points of contact that people have with different systems of collection, they desire a respectful interactions where people hear communities' needs and systems help them rather than punish them for trying to meet their needs. Angelinos want systems to recognize the contexts that shaped their current trajectories and the opportunities that lay before them, rather than systems that categorize them or put them in box.

I think personal information is interesting to think about. Because a lot of our personal information in kind of the spirit of this project does not refer to the information like our soul transformation that occurred or like how it impacted us when a grandparent died. That's a deep personal information, right? But so often I remember reading when I was maybe as young as 13, maybe older... that Google is actually able to identify you off of your age and birthdate and that is actually a unique identifying thing. I don't know if I am remembering that correctly, but I do remember it was three pieces of information that felt very actually impersonal to me, like your birthday, your age, where you live. That is enough to be a unique identifier. – Opulence

We have solutions and strategies to keep us human.

Despite feeling tracked and trapped by data collection, interviewees have shared innovative strategies for survival and self-defense. They have talked about blocking, avoiding data collection, expungement, FOIA requests of their records, and building alternative communication systems that support human dignity and self-determination. They offer compelling policy prescriptions: minimize the amount of data that is collected, for example, or use a level of data privacy common to healthcare in other settings.

Our Data Bodies: Commonalities Among Us

In the process of analyzing our interviews, we have come to understand and define data bodies as follows:

Our data bodies are discrete parts of our whole selves that are collected, stored in databases, the cloud, and other spaces of digitally networked flows, and used to make decisions or determinations about us. They are a manifestation of our relationships with our communities and institutions, including institutions of privilege, oppression, and domination.

This definition flows from what we are hearing about people's desire for human relationships or connections and for human connection that involve mutual recognition and respect. The themes we hear across the three cities point to the hardships and violence our interviewees experience as data bodies.

Predatory data-driven systems routinely hold us back and prevent us from meeting basic needs.

Interviewees express feelings of vulnerability in being exposed to systems they experience as predatory. When applying to jobs, browsing the internet, signing up for social services, filling out forms, Charlotteans, Detroiters, and Angelinos we spoke with share experiences of being preyed upon, hounded, or harassed. They feel at risk to those who ask for their information. Annoyance is part of the equation, but so are real financial impacts.

Just like those telemarketers be calling. As soon as they call, I hang up. "I'm called to reference on your credit card." "I don't own a credit card. How do you get my number?" Then they got one that say you can block them, and they still call back. I don't understand how they get it if I'm blocking you and you still call back two or three days later. I don't understand that... Same number. One talking about you done won a trip to Miami and send them \$700 Yeah, right. Picture that... With that information, I think they scam it. – J (Charlotte)

Since I've gotten on Medicaid. So then I got an Obama phone, and the first thing I noticed is that I'm getting calls all the time from credit card companies... [A]nd then also, what I was told was the reason why—the economic justification for the free Obama phone for people on Medicaid is so that they keep their doctors' appointments. Isn't that creepy? – Anonymous (Detroit)

Amy Black (Los Angeles): I'm going to say hindrance would be when they popping up all those "Find your loan, fix your credit, check you credit for free, all you need is a small five second... and put your email and put your birthday." But then I tell you, all they need is what? Sometimes just your birthday. See so that could be a hindrance because I remember one time I did apply for a loan

on the internet...

Mariella: Were you looking for it or did it pop up?

Amy: No, it just... something that's either in your email or on Facebook says, "Hey, we can do this with you. If you're a business owner or you're going to school whatever put this here you'll find out if you're approved in five minutes." So I'm going to see if I can get approved in five minutes, and what I got in five minutes was a phone call saying that I own them money and they didn't even gave me no money. If I tell you, the guy was calling me, calling me, calling me, calling me, calling me... [A]t the end of the day I was getting harassed like crazy, and I never got no money.

Credit scores are part of people's account of predatory data-driven systems and play a big role in keeping people down. Over and again, our interviewees mentioned credit being used in job and housing applications to make unfair interpretations of who they are.

Debra (Charlotte): The credit offers from Credit Karma, right, from Credit Karma. When you sign up for Credit Karma to view your credit report, they do different credit card. Not so much commercials, but advertisements will pop up. They'll have a list. You would be a good candidate to get this if you're trying to rebuild or anything of that nature. That's probably where, now that I'm thinking about it. Yeah.

Tamika: Credit Karma is for tracking your credit.

Debra: Tracking your credit. You're checking your credit report, seeing if anything is matching. To see if everything is matched up... Then they still put the advertisements in there. They do... They'll say if you're trying to rebuild or establish credit...

Tamika: Get in more. Get in debt.

Debra: This will be good for you. Yeah. That's what they do.

Nowadays, you need credit for almost every single damn thing. They even get your credit for a job, like if you don't have a good credit score, some jobs will deny you because it makes you think you're more at risk to steal. It labels you almost like a criminal if your credit is not good. What the fuck does that have to do with you stealing? My integrity is not attached to my credit just because I made a couple of bad decisions and maxed out that credit card doesn't mean I want to go out stealing and robbing cash registers. It's just that I've fallen on hard times. – Quincy, Charlotte

Knowing your credit, knowing your scores, knowing how much you make, what you buy. So they can target you for giving a loan or not giving a loan. Deciding what you can have or not. – Janet (Los Angeles)

When you go to apply for apartments and they do your credit check, that's harmful because, see, if you had a 720 of a credit score and every time an apartment company run your credit, you know what they do? It brings down your credit score, so you'll no longer be a 720, and I think that's harmful

because these people making you pay for you to destroy your credit. Your \$35, \$25 fee to tear up your credit. Right. – Amy Black (Los Angeles)

Data security factors into the equation, and a significant number of interviewees talked about identity theft, as well as the lack of support to recover their losses.

I've had instances of, what you call this, identity theft and that was real. I ended up even going all the way, having to like bail myself out of jail based on that. Because they went and started a bank account and things like that. So that went into the system and then got me into having warrants out for my arrest and things like that. So that was an instance where that was in the data system where somebody used my name and took all of that. So it was a long time for me to work my way out of that whole situation... [E]ven when I thought that I'd handled everything, it was still like a last thing that I hadn't been that I didn't know about and it was still there. There was still a warrant out, because it was somewhere else they went and used checks to write bad checks with my name. – Brenda (Detroit)

My identity was stolen twice already... Once, they asked for a loan from the bank and ended up owing almost 20,000. And the other time, my permit, my social security, everything was stolen from my house... [I]n fact, the Bank of America manager, I was telling her "why am I owing so much, if I'm not withdrawing money." Back then I was getting child support. I had three jobs, and I didn't need to withdraw money from the bank. And the papers arrived. And once it arrived, [a child's] dad was there, and he said that I owed more than 10,000... And I did go to the police. [And] I went to Housing and told them what had happened... And the truth is that I went bankrupt. And I had to pay I can't remember 1,500 or 2,000. – Evelyn (Los Angeles)

Data-driven systems unfairly divert us from resources we are entitled to and need to survive.

Related to predatory systems, most our interviewees feel that commercial and governmental data systems block them from accessing the resources and relationships that they need to survive and thrive. For Charlotteans, Detroiters, and Angelinos, online applications, intrusive data collection, and digital tracking divert them from accessing basic human needs such as jobs, education, housing, food, and social services. This diversion is accomplished through various means: policies block new migrants and returning citizens from accessing their human rights; needlessly complex systems create bureaucratic hurdles to benefits; disproportionate scrutiny makes families feel unsafe and produces stigma and shame.

If you're a felon, you're not eligible to receive any benefits. That's that. – Code Blue (Charlotte)

The Michigan Department of Health and Human Services...the only thing that makes [their data systems] helpful at all is that sometimes it's the only way you

can get connected to them. I finally realized that I could maybe email my caseworker. They don't give you the full email address. You've got to figure out, okay, if they say, "A. Dickerson," that's the only information they give you. They leave you to figure out, "Well I guess @michigan.gov, dot whatever," and see if that works... [T]hey're holding all of these important chips and all of this information, and it's difficult so often to interact with that and find out what that means. ... [T]alk about a brain buster. – ODB (Detroit)

So, knowing that this electronic system that we live in has basically got us separated from the water that we need to swim towards in order to live, we're all struggling on the sands of the beach, trying to get back to the water. – General Jeff (Los Angeles)

This dynamic of diversion is shaped by applicants' inadequate access to online tools, and intensified when they feel that they have to release very sensitive or stigmatizing information about themselves. Information imbalances lie at the center of this process. Interviewees feel that they are hypervisible: they have to share all kinds of personal information about themselves, but this kind of data is not what they need to meet their basic human needs. Rather than the two-way, reciprocal relationship of seeing and being seen, they feel closed and secretive state agencies or corporations treat them like an "open book," leaving them vulnerable and insecure. This kind of one-way scrutiny means that every move they make feels under investigation, but simple information that would dramatically improve their lives is hard to find. This suggested to many of them that data-driven systems serve more to reinforce existing power relationships, rather than to disrupt or equalize them.

Data collection feels extractive and takes a serious emotional toll on us.

Our research participants spoke at length about feeling uneasy, frustrated, overwhelmed, frightened, and angered by their experiences with data collection. When interviewees felt that their data trails were being used to single them out for scrutiny or punishment, negativity towards data-driven systems intensified. Similarly, they felt especially intense when institutions that our interviewees already found alienating or stigmatizing, including law enforcement, the medical system, public housing, and the public assistance office, were the ones collecting the data. When they lack control over how their data is used, digital scrutiny feels most paralyzing and dangerous to them.

Tamika: How does this, like the sharing of this information in general make you feel?

Assata (Charlotte): Child, stressful. And like a damn, like a, like a, like it just looks like you're plagued. Like with the, what did they used to say back in the day, a red letter or whatever? Like you are plagued. Like I feel like it's like some...

Tamika: Like you are like an outcast?

Assata: Yeah, that. Like an outcast, and it's something that can't escape.

Tamika: Okay. Like it's following you.

Assata: Yeah, like it follows me.

Should I give them information that allows me to get this healthcare that is subsidized, not free, and be a part of a health system that does not yield positive results? I struggled with giving them motherfuckers my information. Still do because I have a serious health challenge, but I don't want to give the information to a system that harms, that is not something that I'm in alignment with. ... [I feel] pissed off. ... I have a problem with being a number and a statistic. That alone is not a good feeling. – Terrence (Detroit)

[The housing authority] placed us in a very, very, very difficult situation. We're scared when we go there; we go into that office. Thinking: "What are they going to look for, what are we going to say, what are we going to do?" ... If my cousin comes to live here to be happy, to share, or got out of prison, they will be investigating. It stops you in your tracks. Every human being has the chance to be happy, ... to be part of society without being scared or feeling guilty about moving forward. And [criminal records checks are] what stops us here. That because you did something that cannot be corrected for some time, but you've been through the process, you made up for it... [and housing says] "If you're going to come and live here, I will check your criminal record." That puts the human being down, so that he won't want to move forward." No, they'll be checking up on me." So it's like a dagger in your heart. – Angélica (Los Angeles)

Many of our research participants felt like the process of data collection, analysis, and sharing is dehumanizing. They felt that their experiences were being extracted and abstracted, leaving a decontextualized data body that is less complex than their lived experience and understanding of themselves. Our participants feel boxed in—or boxed out—by the limited opportunities to self-define in data-based life. What's more, they feel that technologies, people, and other entities are manipulating their narratives for their own ends, especially to criminalize them or their communities. They reminded us that their stories, and their lives, are richer, fuller, and more complex than any data profile could ever capture.

You don't know my situation. You don't know my struggle. You don't even know where I come from. Don't judge a book by its cover. That's my motto. You can't look at me and say, "You don't need nothing. What are you doing here?" ...That's how I feel going to ask for DSF help or Social Services help, food stamps, EBT. Go in there, [they] look at [you], "You're asking for EBT?" – Lamont (Charlotte)

They don't really have any real idea of who I am and what I am...They're probably...looking up my name and seeing what I've been connected to. If they have some kind of number that identifies me, that number can tell them a lot about me, but it might not tell them why I'm doing what I'm doing." – Sam (Detroit)

Being in a foster home, you are your mother's child, with that Social Security, birthday, and name. That's all you are... [a] Social Security number. Now, because I'm going to a foster home, the police are being called, so now my name is in the police system... [N]ow you're easily to be criminalized because you're already in the system of the database of the police. So from the police now they're calling social workers, which is the DCFS, Department of Children and Family Services. ... Now you went from momma's belly to the police car or the police data, now DCFS data, now DCFS data has got to go through their process and then now we're going into someone's home. ... It's all a chain of command. Everybody is getting paid off of you, basically. – Amy Black (Los Angeles)

The hurt and the harms of data-driven systems connect to past systems of discrimination and exploitation against members of marginalized communities.

People feel targeted and profiled because of their race or ethnicity, economic status or class identity, age, gender, sexual identity, housing status, criminal record, or any combination thereof.

Niggie (Charlotte): I think because my identities are so visible they make me stand out more. In terms of data collection, data typically collects more information on any type of like thing it determines is an outlier or like extra. So a queer black person is definitely going to be hypervisible. I am rather highly visible to a surveillance system. I think that sucks a little bit. Like if I was a white man I could be a little more...

Tamika: Fluid?

Niggie: Yeah. You know what I'm saying?

Tamika: How has that impacted you?

Niggie: I mean I think it definitely helps aid in like who they choose to arrest. I've definitely been arrested. I think many times because of those identities. And because of the visibility that those identities bring.

I was refused to vote. I couldn't vote because my gender on my ID didn't match. – Freida (Detroit)

The sentiment that racial difference marks people in different ways with different consequences plays out in unmistakable ways during conversation about data collection and data-driven systems.

Like I said, as being identified through a number, so that number tells them who I am. I dated a white woman, and she was Italian. I ain't never had a school loan. I always paid off my houses and my cars. I never went into default. She went into default. She had a school loan that went into default, but her credit always stayed better than mine. I was always wondering, "How does your shit stay better than mine? I paying my bills. You ain't paying your bills. – Sean Michaels (Detroit)

I think this type of systems in place is very detrimental to human needs because of what color your skin is that bases it on the type of services and the way you're going to be treated by the public systems such as mental health, health services, dental services, housing, services... Like me, even though I am a Latino, but I'm more of a English-Latino. And you wouldn't think that because my name is Amy Black. You might even think I was a black girl, right? But I'm not. When see the name Amy black on the paper they're going to think what? That I'm a black person, but when they see me they're going to say, "The name don't fit the person." Our interviewees connect these disparities to a longer history of mistreatment. – Amy Black (Los Angeles)

Take for instance, I served in the same war as my white counterpart, but it's much easier for them to get benefits. We don't have to go through as much—I mean, we have to go through more than they have to go through to get benefits. It's almost like we have to—sometimes it has to be an act of Congress to get the benefits that were due to us. It's always been that way, even before World War II. – Hatman (Los Angeles)

Our strategies for self-defense and survival keep us connected and feeling whole.

Despite feeling stressed, sad, and overwhelmed by digital scrutiny, dehumanized by data profiling and surveillance, and diverted from accessing their basic human needs, our interviewees still work to change their lives and share their stories. Scholars and policy-makers write that people feel a sense of resignation in the face of ubiquitous data collection. We found that this was often true. Many of our interviewees described feeling that new data-based systems are inevitable, and that their communities will most likely bear a disproportionate share of their negative consequences.

But people aren't ready to acquiesce or give up their power.

I don't think I've surrendered to the fact that they're just going to do what they're going to do. – Sam (Detroit)

It is important sometimes for us to also take stock and to recognize that even if we are the poorest and the least protected, even if we have made the worst mistakes, we have the right, the opportunity to love ourselves. Because we also have to. We have to keep our spirits up. – Marco (Los Angeles)

I'm going to say that's why this is important, this work is important. That's why it's important we talk about it, important that I do something about it, so that we can bring exposure to the wrongs. – Kristie (Charlotte)

In each of the three cities, our interviewees confront and challenge predatory data-driven systems or invasive data collection to feel whole again and to experience safety and belonging with others. On balance, these strategies include obscuring data trails about themselves, keeping track of how they're tracked, and setting the record straight. Here, the record refers to things like credit scores, arrests versus convictions, outdated files with Child Protective

Services, and property classifications. These strategies also involve reestablishing bonds with others and with the land, such as through eating local, healthy food, sharing food with others, or being “off the grid.”

Our policies, priorities, and visions for the future focus on just models of governance, economics, and criminal justice, and on guarantees for our human rights.

People that we spoke with want to see communities governed, including in ways that are inclusive to all.

I would educate the younger folks so that it would be a means on how to not fall into some of the other traps the older folks have fallen into by just being out here and not really paying attention to policies. Because policies are in place, but do you understand the policies? – Sunflower (Detroit)

Get rid of emergency management and the march toward austerity, the march towards small government, because the smaller our government gets, the harder to access it gets. – Lilith (Detroit)

I think that the information that would be very important not to focus on how the rich people live. It would be more important to focus on how the minority lives. To include them in each of the decisions that the government makes. – Guadalupe (Los Angeles)

[T]hose people who are infringing on our rights, those people who are basically, you know, holding us in slavery and bondage. ... I would just change the system of white nationalism, and I would just get rid of that whole system. – Bonnie (Charlotte)

At the same time, our research participants talk about creating a culture of sharing and empathy.

I would establish the return of the commons. I mean, this is the stewardship of the land, the water, the air. – Da Hive (Detroit)

Everybody would be happy. Everything would be green. Flowers. It would be so beautiful. People would be like, “Oh yeah, come over and eat today.” ...People wouldn’t suffer. – Rita (Los Angeles)

[I]f we killed capitalism and created something that was for all of us. We could do that with the data and it would be a good thing. We would have to collect data. But we would be collecting it and we wouldn’t be using it against each other. – Jean (Detroit)

Our interviewees want changes in data systems that improve criminal justice systems and transform the carceral state.

I think that there should be some transparency into data... Especially in North Carolina with the inability for us to have our own discovery prior to applying for

it or prior to our trials, I think that it really leaves us in this very ambiguous spot where we don't know what's being said about us. – Chloe (Charlotte)

A lot of these jobs require a clean driving record, and for the last eight, nine, ten years I've been trying to get my driver's license back. I have to pay \$500 reinstatement, then I have to do this \$100 assessment just to get my license back, never mind actually drive a car. ... Jobs should hire you so that way you can clean up your record. That way you should drive instead of saying no, you can't drive. Have some kind of work incentive to pay off your fine, pay off what you owe the DMV instead of just having to pay them money. Have a swing-door system. Come in, do X man-hours, and we'll give you back your license. – Johnny D (Charlotte)

There should be agreements between employers and ex-offenders about releasing information. With any reentry programs or any halfway houses, there should be some kind of agreement about release of information. That allows the community to remain safe but at the same time the person not to be punished. – Jack (Charlotte)

From communication to privacy, from shelter and rest to food and water, and more, our interviewees want to see their basic human rights respected.

Accessibility to the internet is just as important as other basic human rights, because it's a way for people to provide means for their family or to find means for their family. – Lola (Detroit)

You have the right to not give out your information if someone asks, even on a form, you should have a "Not applicable" button... You do not have the right to sell my information without my knowledge. Hell, if you sell my information, give me a cut, bitch. Throw me some cash. We copyright books and media, why can't we copyright our own damn information? – Quincy (Charlotte)

Nobody's water need get turned off. We got enough water for everybody. – Maria (Detroit)

Either give motherfuckers a living wage, or create conditions where we don't need capital and capitalism. – Terrence (Detroit)

[W]e don't ask for anything more than a place to keep on living and where we can feel ok to have, say, a minimum wage, to help us buy clothes for our little girl, or pay for school, so they can be better. – Angélica (Los Angeles)

Our Reflections and Future

Our next steps in this project include creating a final report that captures our findings in all three cities and sharing them out to a broader audience. As always, we will lift the everyday experiences of marginalized people in our communities. We also want to remain visionary, and to contribute to a body of knowledge and practice that will help our communities be safe, just, and abundant in the digital age. Systems can be created for good and can function as communication that sustain human relationships and support our lives. As we move forward, we will continue to highlight alternatives focused on sustaining healthy communities.

The ODB Project team believes that issues of data justice are urgent and crucial to our movements. We do not underestimate the scope of the challenges before us. But three years of working side-by-side with our communities, and hearing their stories, have also left us with a profound sense of gratitude and hope. Our interviewees talked about self-defense and community survival, not surrender. They shared visions for a future of abundance, justice, and equity. They demand agency and self-determination in their own lives, and they believe that change is possible.

We captured this dynamic in framework suggested by the Stop LAPD Spying Coalition, an ODB research team partner: "Power, not Paranoia." For us, "Power, not Paranoia" highlights the resources and resilience of our host communities. It acknowledges that people closest to problems have the best solutions for them. And it underscores our commitment to reporting the reality of digital scrutiny on the ground while providing opportunities to build power, nurture relationships, and create capacity for long-term visionary change.

We hope you will join with us in this vital work.

For updates and to find ways to connect, join us at <https://www.odbproject.org/>.