

unresolvable controversies. These issues are examined within the context of civil rights, employment laws, regulations, research findings, and case examples. Of course, even those guidelines cannot provide easy answers to social discrimination, the demise of privacy, distractions, piracy and theft of intellectual property,

and what the latest digital devices are doing to quality of life. There are no easy fixes, clear-cut judgments, answers, or solutions. As managers, you need to be able to recognize ethical issues and tip the balance toward better responsible conduct.

CASE 14.1 OPENING CASE

Google Glass and Risk, Privacy, and Piracy Challenges

In October 2013, California Highway Patrol (CHP) officer Keith Odle pulled over Cecilia Abadie for speeding along Interstate 15 in San Diego. Odle noticed that Abadie, a software developer, was wearing Google Glass (see Figure 14.1). He ticketed her for speeding and for being in violation of the distracted-driving law. California Vehicle Code Section 27602 bans people from driving while video screens are operating in the front of the vehicle, except for mapping displays such as GPS and other built-in screens. Abadie was one of the explorers who were pilot testing Google Glass, which was then not yet on the market.

While the case against Abadie was the first known instance of a Glass-related ticket, it will not be the last. At least seven states—Delaware, Illinois, Missouri, New Jersey, New York, West Virginia, and Wyoming—are considering laws prohibiting driving while using Google Glass. As stated on the CNET website (www.cnet.com), Abadie's alleged violation “does pose a thorny legal question that police, judges and drivers will have to face as these wearable devices become more prevalent” (Whitney, 2013).

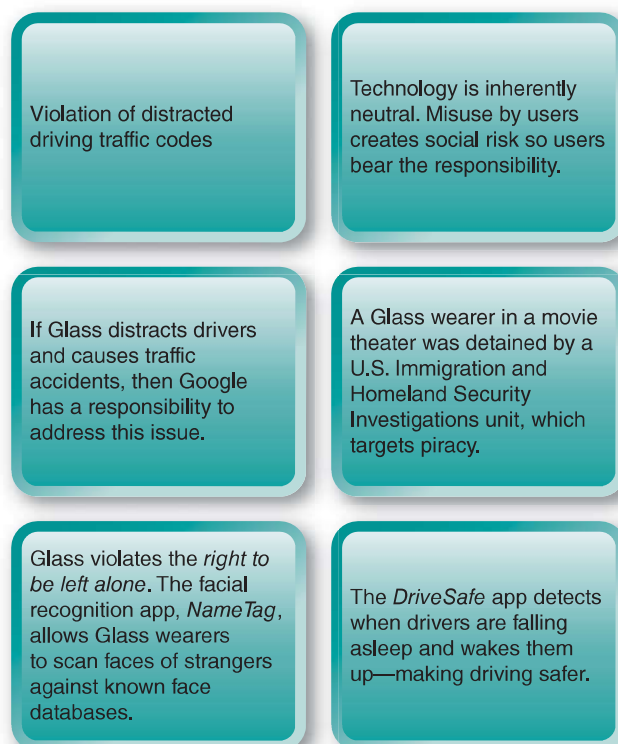


Figure 14.1 Diverse views and arguments about the consequences of wearing Google Glass.

DISTRACTED DRIVERS VERSUS INFORMED DRIVERS

Wearing computer-in-eyewear could be a distracted-driving violation according to the traffic code, but police must prove that the eyewear was on. The CHP officer had seen the light from Abadie's Glass screen. However, her defense attorney claimed that the Glass activated when she looked up at the officer during the stop but was not on when she was driving. The California judge dismissed her ticket saying that the CHP officer failed to prove the Glass was in operation when the driver was stopped.

One side argues that driving with a wearable computer is as risky as texting or watching TV while driving. The opposing side claims that the advantages of Glass outweigh any risks. They cite the DriveSafe app that detects when drivers are falling asleep and wakes them up—making driving safer. At present, traffic laws aim to eliminate distracted driving.

PRODUCT LIABILITY, RISK, AND RESPONSIBILITY CONTROVERSY

This case triggered many debates over the responsibility and business risk of digital technology products hitting the market. Here are several debated issues:

- *Google Glass may redefine the boundaries of companies' product liability.* Certainly, individuals have the responsibility to drive safely at all times. Does Google also bear responsibility for potential harm caused by Glass users?
- *The United Nations (U.N.) Guiding Principles on Business and Human Rights* was unanimously endorsed by the Human Rights Council in 2011. It states that companies must “avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur.” Glass constitutes Google's “own activities;” therefore, according to the U.N., if Glass distracts drivers and causes traffic accidents, then Google has a responsibility to address this issue. The possible legal and ethical question is whether or not technology companies are obligated to inform users that there may be social risks (risks to others) from using their products in plain language—similar to warnings of side effects of medications.
- *Do technology companies bear any responsibility for the social risks of how consumers or buyers use their products?* Lawmakers are worried about what drivers will do with the Internet at their eyeballs.
- A common argument is that technology is inherently neutral. Misuse by users creates social risk so users bear the responsibility. Opponents argue that technology companies must manage the social risks that they contribute to or cause.

Driving violations are only one example of the effects of Glass on the legal system. Additionally, Glass is only one example of intersection of new devices and ethical, legal, and social responsibility. Like other new digital technologies, the device is influencing a wide range of legal issues, including copyright infringement, privacy, and piracy. The legal system is reactive and slower moving than IT—and may not be prepared for upcoming challenges.

COPYRIGHT, PIRACY, AND PRIVACY INFRINGEMENT

Since it is worn instead of held, Glass can record events less obtrusively than smartphones do. Wearers who want to take photos simply wink with their right eye. Google Glass also can be outfitted to prescription lenses, which introduces another issue since then the Glass is needed for correct vision.

Example 1: Piracy and Theft of Intellectual Property

In January 2014, a man in Columbus, Ohio, who was wearing prescription Google Glass was pulled out of an AMC theater about an hour into watching the movie *Jack Ryan: Shadow Recruit*. He was detained by agents from the U.S. Immigration

and Customs Enforcement's Homeland Security Investigations unit, which targets piracy. After the interrogation, the agents hooked the Glass up to a computer and saw that all it was storing were personal family photos. Why and how did agents show up so quickly? AMC issued the following statement to address why it called the agency (Taylor, 2014):

[M]ovie theft is something we take very seriously, and our theater managers contact the Motion Picture Association of America anytime it's suspected. . . . At AMC Easton 30 last weekend, a guest was questioned for possible movie theft after he was identified wearing a recording device during a film. The presence of this recording device prompted an investigation by the MPAA, which was on site. The MPAA then contacted Homeland Security, which oversees movie theft. The investigation determined the guest was not recording content.

An AMC representative explained that wearing a device that was capable of recording video, which could then be used to pirate movies, was not allowed at movies. Certainly the motion picture industry has the right to protect its products against piracy via wearable devices that can record movies in stealth. Do owners of wearables have comparable rights? Which of these conflicting rights should override the other? Now consider a similar example.

Example 2: Privacy Invasions

Privacy invasions by people wearing Google Glass who take photos or shoot video instantaneously are another violation. Some entertainment and dining places, including a restaurant in Seattle, have banned people who wear the devices. In some states, wearers who give Glass the command to record could potentially violate wiretapping laws. Should people who are out relaxing and enjoying themselves be subject to being recorded without their consent or knowledge? Whose rights should override in these cases?

PURPOSE OF GOOGLE GLASS CONFLICTS WITH PRIVACY OF OTHERS

In Google's view, the whole purpose of Glass is to have it on all the time. That is the Glass business model. The more the devices are worn, the more profitable they are. Google's response to privacy and piracy violations is that Glass is designed with explicit signals, such as the screen lighting up, to alert others when someone is taking a picture or recording video. In your opinion, is a lit screen sufficient protection?

The devices make it harder for nonwearers to remain anonymous. A facial recognition app, NameTag, allows Glass wearers to scan faces of strangers against known databases of faces. Google officially bans facial recognition apps on Google Glass. Does that ban have any meaning? Will people figure out how to get around it?

This opening case introduces current ethical challenges and competing rights decisions. Your answers to questions within the case may change once you start to wear technology—or suffer because of others who do.

Sources: Compiled from Bader (2014), Perry (2014), Davis (2014), Dobuzinskis (2013), and Taylor (2014).

Questions

1. Answer the questions within the case. Explain the basis for your answers and opinions.
2. An estimated 500 million people are expected to be wearing a Web-connected watch, camera, eyepiece, or other device by 2018. Consider how your answers to the questions within the case are different when answered from the perspective of half a billion wearers instead of just a few thousand. How have your answers and opinions changed?