

FACULTY OF GOVERNANCE AND GLOBAL AFFAIRS

Cambridge Analytica in the Era of Surveillance
Capitalism- the impact on the democratic structures
-Digital Surveillance and the Private Sector-



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Abstract

The present thesis aims to examine the ways in which Cambridge Analytica's involvement in the election campaign challenges the democratic structures. Three distinct causal factors behind the process underpinned by Cambridge Analytica will be analysed by applying the theoretical framework of Surveillance Capitalism (Zuboff, 2019) and Power Knowledge (Foucault, 1986; 1991). Additionally, the democratic structures were divided into two levels: electoral and non-electoral. The first category refers to the whole electoral process in which individuals are involved (how, whether and the fact that people vote). The second type encompasses human rights (data protection, freedom of expression, and the right to self-determination) and the public sphere. Considering the magnitude of the events and the fact that the US and the UK are the oldest (and the strongest) democracies in the world, the presidential election in the US (2016) and the Brexit Referendum in the UK (2016) were the core cases in this study. The findings show both levels of the democratic structures were violated by the mechanism behind the Cambridge Analytica Scandal and stronger regulatory structures shall be implemented when considering the current data processing technologies.

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1. Introduction

1.1 This research

The Internet has changed our existence completely as it is rooted in everyday activities. It has revolutionised the way people interact, the way they work, socialise and how they organise their lives. We live in a digital era characterised by fast changes that cannot be predicted or controlled by individuals. Although these fast changes were perceived as a revolutionary success, in the long run, they proved to accentuate numerous issues. The tech giants like Amazon, Google, and Facebook gained massive power over different segments of the markets and they established dominance over the primary channels that people use to seek and share information, to participate in society and to interact with each other. Moreover, it also became significantly important in the global economy and in the political dimension as many organizations rely on their technological infrastructures to conduct their everyday tasks. These digital companies marked the era of capitalism, but as the decade advanced, indubitably they started to present a problem for the individuals` rights of fair elections that respect the advertising laws and are free of external influence (Owens, 2019). The growing concern about the data collection and the violation of human rights like freedom of expression and self-determination has made policymakers to re-evaluate the existing regulations regarding data collection, protection, and transfer (Owens, 2019). Research shows that scholars pay more attention to the ways governments and corporations make use of the Internet and its *technological spaces raise a host of ethical, political, legal and rights-related issues`* (Flyverbom et al.,2017, pp.2). Simply put, digital technologies have given the power to governments and organisations to conduct questionable operations like data tracking and profiling (Flyverbom et al. 2017).

Additionally, scholars and policymakers are concerned about the impact of technology within the public sphere, more specifically about the relationship between social media and democracy. It is believed that the actual organizational, institutional, social, political, and economic factors influence the way news and information are distributed among citizens (Reed and Boyd, 2016).

As previously stated, Facebook is the world`s principal social media platform, as it owns the main means of communication: WhatsApp, Messenger, and Instagram. Despite Facebook offering its services to the entire population without charging any user, the price individuals need to pay is significantly bigger: their data (Amnesty International, 2019). The

digital footprint is recorded and stored in servers and, then, it is evaluated, categorised, ranked, quantified so it can be used to create targeted content (Christl, 2017). The fact that Facebook provides personalised content to its users is made possible by algorithms and data-driven models. In turn, these technologies automate how news and information are produced and distributed among citizens, thus the public sphere and political discourse is directly affected (Reed and Boyd, 2016).

The past decade has brought into attention different concepts to explain these technological phenomena: Prof. Shshana Zuboff called them `surveillance capitalism` warning about the risks the use of data could pose to democracy. The idea of Surveillance Capitalism is a relatively new theory as it was conceptualised only about twenty years ago. However, its development is consolidated by *`the global architecture of computer mediation [which] produces a distributed and mostly uncontested new expression of power: Big Other`* (Zuboff, 2015, pp.75). Big Other represents the mechanisms of extraction, modification, and control that displace individuals from their preferences, behaviour, and activities by invoking new markets of behavioural prediction and alteration. (Zuboff, 2015). A major factor that influenced the fast development of the surveillance capitalism is the economy as it moved away from mass production lines and became more reliant on knowledge and the needs of the customers.

One particular event is responsible for the expansion of surveillance capitalism into the world of politics, which will also be the central aspect of the present thesis: the Cambridge Analytica scandal. This company harvested data of over 87 million Facebook users for political purposes. As previously mentioned, within the capitalist market political schemes like Cambridge Analytica`s pose a real threat to the democratic structures of our society, therefore considerate attention needs to be paid on targeted digital surveillance when conducted for electoral gains.

This research aims to explore, analyse and comprehend the way organisations and governments make use of the existing digital technology for influencing the elections which further erode the democratic structures. In order to do so, the focus of this paper will be on the Cambridge Analytica scandal from 2016 when the private organisation was accused of sabotaging the presidential campaign in the US and the UK Brexit by using Facebook data and psychometric evaluations to influence individuals` choice and opinion. Consequently, the central research question of this paper is:

How did the Cambridge Analytica scandal challenge the democratic structures in the EU and the US?

It is important to mention that Cambridge Analytica (CA) has had contradictory statements regarding its involvement in the US and UK elections. Alexander Nix, CA's CEO, took full responsibility for Trump's victory, but never admitted CA's collaboration with Brexit representatives. Moreover, the company was presented to the public as *'the market leader in the provision of data analytics and behavioral communications for political campaigns, issue groups and commercial enterprises. With cutting-edge technology, pioneering data science, and 25 years of experience in behavior change, CA provides advertisers with unparalleled insight into their audiences'* (PRNewswire, 2017). Yet, there is a strong incongruity between what was publicly declared, and what investigations of The Guardian and the New York Times revealed in 2018: CA deceived Facebook users to collect and use their data without preliminary consent for voter profiling and targeting.

Yet, before going deeper into the subject to discuss the theoretical framework of this paper, the academic and societal relevance of this research will be explored.

1.2 Societal and Academic Relevance of the study

When discussing the societal relevance of this study it is highly important to keep in mind the high number of Facebook users who had their data harvested by Cambridge Analytica – 87 million. Given the fact that this organisation conducted marketing strategies for political gains and was involved in the electoral campaigns clearly influence individuals' behaviour and the democratic structures within society. Due to the fact that social media platforms, namely Facebook, are deeply rooted in everyday's activities, plus individuals do not have control over what kind of information they see on their newsfeed, it is mandatory to raise awareness with regards to data protection and human rights. Additionally, given the fact that we live in a capitalist era, it is important for individuals to understand what surveillance capitalism means and how it can impact their freedom and democracy.

From an academic perspective, analysing the mechanism behind Cambridge Analytica will help researchers and policy makers to understand how such breaches can be prevented by implementing suitable frameworks and regulations. Although the company no longer exists on the market, worldwide many other agencies already copied CA's methodology and promised similar results for future elections. Moreover, given the fast development of the tech companies and digital technologies, it is mandatory to continuously conduct research in this area to keep up with the emergence of other potential malicious infrastructures and to preserve the rights and liberties of the individuals. Therefore, the overall aim is to provide valuable academic insight regarding the legal and democratic issues resulted from the collaboration of private sector organisations, such as Facebook and Cambridge Analytica, and the state (the U.S. and the UK) and to establish the foundation for analysing similar data breaches.

With regard to the field of Crisis and Security Management, this topic is relevant as it deals with matters of security of individuals. Fair elections, human rights and the public sphere are part of the democratic structures of a secure society. To preserve them it is important to understand the mechanism used by Cambridge Analytica to deceive voters. As will be presented in this study, the data used was collected without users' consent because of Facebook's vulnerabilities. Therefore, it is clear that individuals are not safe online, but they are easy targets for political manipulation.

The next chapter of this thesis provides the theoretical base beginning with a comprehensive analysis of the phenomena of Surveillance Capitalism and Power Knowledge. Along with behavioural data and micro-targeting, these processes are used in contemporary society by private companies to transform data into profit. Following that, an extensive discussion on Democratic Structures will be provided as these are challenged in the game for power exercised by both public and private entities. Then, the Methodology section illustrates the process which will be used to conduct the present study, the process tracing methodology will be explored by providing information on the steps followed by its strengths and limitations. Afterward, insights into the Cambridge Analytica scandal will be presented in accordance with their time framework. This chapter has the role to present pertinent evidence that attests Cambridge Analytica's involvement in the election process, also it is the base for the fifth chapter where the causal factors are analysed. At the end of this study, a relevant and informed conclusion will be provided by summing up the data presented in the thesis, the limitation of the study and suggestions for further research.

2. Theory

To get a complete understanding of the proposed issue, one needs to understand how the process of surveillance has evolved overtime. As Zuboff (2015;2019) showed, within the current society, surveillance expanded from having only a risk management role into being a market-driven process. This is what is called `Surveillance Capitalism`. Big Technological companies constantly gather `behavioral surplus` and influence the content of the individuals to make them to purchase a certain product, to listen to a certain song, etcetera (Zuboff, 2015). This process uses Big Data to gather and analyse individual's behaviour and attitudes. Considering that knowledge gives power (Foucault, 1986), it can be said that once a certain organisation has enough data about one person, a group or even a population, it gained considerable power over those individuals. Additionally, given the fact social media platforms are the places where individuals exchange ideas and conducts their political discourse, it can be said that these are the contemporary public sphere. Yet, as algorithms dictate what individuals see online and create personalised content, the public sphere is eroded and the human rights such as freedom of speech and data protection are violated. These notions along with the electoral process are part of the democratic structures and as long as they are respected by the state and private organisations, the citizens live in a secured and rightful society. In the next sub-sections each of these concepts will be analysed in accordance to the various views presented in the academic literature.

2.1 Surveillance and Big Data

According to Locke (2010), the act of surveillance is an ancient social process that over the past 40 years has become the dominant practice of modernity. When trying to define surveillance, there are many diverse elements that one needs to take account of. However, in a broad sense, surveillance includes several processes in the *‘collection and storage of information about people or objects’* (Dandeker, 1994, pp.37).

Boyd and Crawford (2012) defined Big Data as a cultural and technological phenomenon which is compounded on the interaction between technology (developing algorithmic accuracy to gather, analyse and compare large data sets), analysis (based on data sets economic, social, technical and legal claims can be made) and mythology. The concepts of Big Data, Risk and Surveillance have stimulated considerable research. Rouvoy (2016) argued that it produces new forms of individuals' perceptibility as it makes possible to manipulate human behaviour and predisposition for certain purposes. Early work on surveillance presented the relationship between Big Data and surveillance as a *‘state apparatus’* and solely focused on whether big data surveillance can be legitimate in terms of national security or public crime (Andrew and Baker, 2019).

Influenced by the massive changes in technologies, states began to intercept and to monitor individuals' private data by invoking the goal of national security. However, the contemporary surveillance narrative showed that within contemporary society the distinction between government and private entities is no longer distinguished from one other: the technology that makes mass surveillance achievable was elaborated through collaboration between the government and private corporations. Moreover, the government decides who and what to surveil, but the surveillance powers of the state are applied by and through private technology owned by the private companies (Franks, 2017). Cell phone carriers, social media platforms like Facebook and search engines like Google represent the information reservoirs for the government. The relationship between them is sustained by the fact that private companies are more than happy to offer the data they have when it produces profit (Franks, 2017).

The surveillance relation between the government and private companies was conceptualised by Shoushana Zuboff in her work *the Age of Surveillance Capitalism* (2019). Additionally, apart from the relation government-private companies, a new domain of concern from scholars is behavioural data. Zuboff (2019) defined the free collection of this data as `surveillance capitalism`. It is facilitated by Big Data and is widely used in the capitalist era to predict the behaviour of the population which later can be manipulated. In her work, the scholar explained the ethical issues of surveillance capitalism are not necessarily related to privacy, but the behavioural implications. Consequently, the concept of surveillance capitalism will be further explored in this paper.

2.2 Surveillance Capitalism

Surveillance Capitalism demands *‘human experience as free raw material for translation into behavioural data’* (Zuboff, 2019, pp.4). After the data was collected, some of the information is applied to the service improvement, whereas the rest is considered *‘behavioural surplus’* which is further used in a manufacturing process called *‘machine intelligence and fabricated into prediction products which serve as indicators for individuals’* future actions. During this stage, the processed data is traded to the marketplace for behavioural predictions which are called *‘behavioural futures markets’* (Zuboff, 2019). What needs to be emphasised is that these automated machine processes not only get to know individuals’ preferences and behaviours but also get to shape our choices and opinions. It can be said that this is the representation of what Foucault (1991) conceptualised as the relationship between knowledge and power. By having information about individuals, the goal is no longer to flow automate information about individuals, but also to automate the person’s habits. Zuboff (2019) called this development of power *‘instrumentalism’*. Instrumentalist power knows and uses the information to shape human behaviour towards commercial ends. Additionally, it is worth mentioning that surveillance capitalism does not aim to create a value exchange. Its products and services do not create constructive producer-consumer reciprocities, but it is a one-way service: individuals’ personal experiences are analysed and stored as a product ready to be useful to the goals of others. Consequently, what can be understood from this is that individuals are no longer considered the customers of an organisation, like Facebook, but the actual clients are the enterprises that trade in its markets for future conduct (Zuboff, 2019).

As previously mentioned, personality analysis for commercial aims is built on behavioural surplus (metadata). This type of data is further sharpened and tested by researchers and is destined to discourage any individual who thinks is in control of what kind of data is presented in the social media. It is important to emphasise the fact that science is not interested in what is in the sentences of a conversation, but in their length, complexity and in the way it is written: exclamation marks, adverb choices are particularly important (Zuboff, 2019). All these pieces of information are important cues for individuals’ personality traits. Kosinski et al. (2015) explained that people do not understand that they grant permission to Facebook, Snapchat, Microsoft to access data that scientists would never be able to have otherwise. For example, data scientists have predicted characteristics of the five-factor personality model with surplus information gathered from the Facebook profile picture (colour, image type,

demographic information, brightness saturation). Moreover, another group predicted the life satisfaction of certain individuals by looking at their Facebook messages (Kosinski, YouYou and Stillwell, 2015). Furthermore, a leaked Facebook document showed by the `Intercept` in 2018 confirms the company`s primary focus on the behavioral future markets and discloses that the controversial practices of the Cambridge Analytica are standard procedures at Facebook (Biddle, 2018). Moreover, this document reveals how Facebook`s machine learning expertise can solve its customers` core business challenges` by using unrivalled and highly intimate data stock. The data stock helps Facebook understand how targeted individuals will behave, purchase and think. The leaked document links prediction, intervention, and modification: predictions can generate advertisers to start aggressive campaigns on the targeted individuals to maintain their loyalty and to achieve guaranteed outcomes by also shaping the course of their future (Zuboff, 2019).

What can be observed from the previous summary of the concept is that as long data mining and targeting is done for commercial purposes with the interest of the consumer in mind, there should be no threat to human rights violations. However, the moment companies start to work with the state and switch the commercial purpose with a political one, the data protection and free choice of the individuals are at stake. Additionally, social media platforms need to adhere to the legal and ethical regulations for protecting the personal information of their users. Yet, the above-mentioned procedures represent the standard mechanism of surveillance capitalism and billions of innocent individuals are subjected to every day. Additionally, not only the data protection and democracy are at stake, but also the immediate effect of such action is that the organisations involved in the process gain knowledge of people`s choices and behaviour which will be later transformed into power. This is what Foucault (1986;2003) described in his discourse of Power Knowledge and his theory will be explored in the next sub-chapter. Furthermore, in the fifth chapter, Zuboff`s theory on surveillance capitalism will be conceptualised in relation to Facebook`s role in the scheme implemented by Cambridge Analytica.

2.3 Power Knowledge

‘There is no power Relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations’ (Foucault, 1991, pp.27).

In his conceptualisation of power, Michel Foucault explained that *‘there can be no possible exercise of power without a certain economy of discourses of truth which operates through and based on this association’* (1986, pp.229). What Foucault describes here is the importance of knowledge and the *‘imposition of knowledge as truth’* (Haugaards, 2002, pp.185; Purdy, 2015) when exercising power within any social relation. Foucault rejects the idea that power is possessed by centralised sources from top to bottom. Instead, power is described as an exercised force which starts from the bottom to the top, it is not primarily repressive or coercive, but productive in the sense that it produces reality (Willcocks, 2004).

Moreover, Foucault (2003) described the concept of ‘power’ as part of a chain that flows permanently within networks and it passes through individuals. Simply put, knowledge is power, and to determine who has power in a particular situation, one needs to look at who is creating and dispersing the ‘truth’ (Purdy, 2015). However, what Foucault highlighted in his discourse is that in all types of power relations, knowledge plays the key role (Foucault, 2002). Yet, in Foucault’s language, ‘knowledge’ does not necessary mean ‘knowing facts’, but a piece of information is considered ‘knowledge’ only if it has relevance to a dominant discourse in a social structure (Waldun, 2018). Taken for example the concept of ‘power over’ (Actor A gets B to do something), actor A gained power over actor B as the individual gained some knowledge of the individual over whom power is had. For instance, if actor A did not have any knowledge about the behaviours or preferences of actor B, then the individual will be impassive by the power of actor A (Purdy, 2015). Similarly, when analysing power as a structural phenomenon, a social structure like the government needs to have knowledge about individuals.

Considering that knowledge is a fundamental aspect of power, it is mandatory to look at the mechanisms through which knowledge can be gained and transformed into power. As it was previously discussed, the most relevant mechanism of gaining knowledge is surveillance

capitalism facilitated by the neoliberalism. Simply put, for over 40 years, neoliberalism has given major power to markets over citizens` lives, therefore public-private partnership has started to share their knowledge to expand increase their power. Additionally, when such partnership is done for gaining political power in the electoral campaigns it becomes even more damaging for the individuals who are manipulated and no longer have the right to self-determinate their leaders. Apart from this consequence, when such partnerships with political power use surveillance capitalism, people`s security on Internet is at stake because the flow of information and ideas is controlled, therefore the public sphere along with data protection and the freedom of speech are eroded. All these democratic structures are challenged in the digital era, therefore considerate attention will be given to each of them within the next paragraphs.

2.5 Democratic Structures

The concept of `democracy` means `rule by people` or `popular sovereignty` and refers to direct, participatory, and representative forms of rule by the people (Kloppenber, 2016). According to Diamond (2004) the democratic structures of a society represent a system of four key elements: the first one, a political system for choosing and replacing the government through impartial elections; the second one, the free participation of the people in politics and civil society; the third one, protection of the human rights and, lastly, all laws and procedures must apply equally to all citizens.

For the purpose of this thesis the democratic structures will be classified in two categories, the first one will refer to electoral process and the second one, the non-elective structures: the human rights (data protection, freedom of speech and self-determinism) and the public sphere.

2.5.1 Elections

Democracy means that individuals choose their leader who represent their interests for the society and who are accountable for their policies. Therefore, all parties and candidates must campaign freely and fair, to present their manifestos equally within the community. Similarly, voters must be able to vote in secret, without any external influence, free of intimidation and violence. This is particularly important as voting in elections is an essential civic duty of all citizens. Yet, for people to have an informed vote, they need to know the manifestos of different parties and candidates and based on that to make an informed decision on whom to support (Diamond, 2004).

A study conducted by European Parliament Research Service emphasised the fact that marketing algorithms and digital technologies have gained power in the political process both as sources of information and as campaign platforms. During such important moments such as election, citizens tend to check their social media newsfeed for the most recent information and news about politics. Therefore, given the fact that these platforms are not regulated by proper laws, they become the perfect place for certain actors to elaborate false content and to disinform individuals for political gains (EPRS, 2019).

Simply put, when the content of social media platform is influenced, citizens' electoral behaviour is affected as they no longer to choose freely, their choice is simply manipulated. There are at least three ways in which individuals' political choices can be suppressed: the first one relates to the fact that people stop voting. When social media platforms that are used daily by people show degrading information about certain candidate, the reaction of the individual can be stop voting. Secondly, individuals can be influenced to vote in a certain way unconsciously. Scholars have observed a global 'democratic recession' where people consider that freedom to express their opinion is not as important as it used to be and they feel constrained to make certain decisions (Diamond, 2015). Thirdly, in social media might appear false information which can be founded by certain political parties who have interest in manipulating the way individuals make decisions. Additionally, an immediate effect is that individuals cannot choose anymore between different sources of news and opinions and to be correctly informed about the important events in the society (Diamond, 2004).

2.5.2 Human Rights

Civil rights and political rights like data protection, freedom of expression or the right to self-govern represent the base of the democratic structures of society. When these freedoms are not respected the consequences could impact the way our society is ruled. Before looking at how the processes of surveillance capitalism affect these rights, it is important to comprehensively analyse their fundamental distinctions.

2.5.2.1 Data Protection

Firstly, data protection is a system of data processing practices that enables the identification of an individual. This right protects any kind of information, not necessarily digital (Boucher, 2017).

Since 2009 the European Union has recognised the right to Data Protection as a separate human right: Article 8 of the Charter of Fundamental Rights of the European Union rules(2012/C326/02): *“(1) Everyone has the right to the protection of personal data concerning him or her. (2) Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.*

Furthermore, the EU and the US have different perspectives on the data protection regulations. While the European Union is quite active in protecting the personal data of the citizens (General Data Protection directive, Convention 108+), the US did not adopt a comprehensive principle of the data protection activities. There is no principal data protection regulation in the US, but many different laws established both at the federal and state levels which protect the personal data of the U.S citizens. (Chabinsky and Pittman, 2019; DeBusser, 2020).

At the federal level, the Federal Trade Commission Act have the power to enforce federal privacy and data protection regulations and to protect consumers against illegal and deceptive practices. In the Federal Trade Commission Act, the concept of ‘deceptive practices’ refer to ‘a company’s failure to comply with its published privacy promises and its failure to

provide adequate security of personal information, in addition to its use of deceptive advertising or marketing methods` (Chabinsky and Pittman, 2019, pp.1).

Although there is no general legislation for data protection, the US uses specific laws on every type of data protection: Driver`s Privacy Protection Act – DPPA- protects data collected by state Departments of Motor Vehicles (Social Security Number, Driver Identification Number, name, medical information, addrees); Children`s Online Privacy Protection- COPPA- regulates children's data by prohibiting any data collection from a child under 13 years old and requires parental consent for any information collected from children (Chabinsky and Pittman, 2019).

What can be observed from the different approaches of the EU and the US is that the former focuses more on human rights and individuals' interests rather than the collective. US data protection is reactive and gives more power to companies. This approach was indicated by Bill Clinton when he recommended that the private sector should adopt self-regulation when dealing with internet technology (Wong, 2015). Given the context explored in this thesis, it could be said the US should be more responsive to the developments in technologies and their global, economic, social, and political threats. The data protection of the individuals must be valued, therefore regulations on both sides of the Atlantic should be able to keep up with the evolvment of the digital era.

2.5.2.2 Freedom of Expression

Secondly, freedom of expression or freedom of speech (in the United States) is a pillar of liberal society and an essential component of a healthy democracy. This right is protected widely under regional and international human rights conventions and treaties. It is important to mention that freedom of expression is strongly interlinked with other rights such as freedom of thought, conscience, and the right to privacy. Simply put, freedom of expression is dependent on the correct implementation of the rule of law (Heller and van Hoboken, 2019).

Freedom of expression has evolved across time as it was influenced by the political, economic, and cultural developments and affected by technological change. Each new technological development has raised questions about best to protect the value of this right and how to defend people from the new governmental interferences and the private parties' implications. The internet and social media platforms have created important opportunities for individuals to express freely, however, they have also given rise to new forms of control and challenges such as hate speech and deception (Heller and van Hoboken, 2019).

Many scholars have emphasised the fact that freedom of expression is essential to democracy (Gillespie, 2019). Moreover, it is important because it allows political participation and give the opportunity to citizens to form an informed opinion about society. Social media platforms and media are particularly important as these are the key means of information for society. As previously mentioned, Haberman`s theory of the public sphere links freedom of expression to the interests of free and public deliberation on topics of public concern (Heller and van Hoboken, 2019).

In European Law, the State is responsible to create a suitable environment for freedom of expression, political pluralism, and diversity. At the European level, this right is protected in Article 10 of the 1950 European Convention on Human Rights (ECHR); *(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of*

disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. Additionally, this rights is also mentioned in the EU Charter. Article 11 of the Charter of Fundamental Rights of the European Union (2002) provides that: *(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.*

In the US, freedom of expression is protected under the First Amendment of the U.S Constitution (Bill of Rights, 1791): *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

Freedom of expression is not an absolute right and can be restricted under certain circumstances. Both the E.U. and the U.S law share the same principle of limited state interference for individual expression, constrained under specific situations. Examples of restrictions on this right include those of national security, crime, intellectual property, etcetera (Heller and van Hoboken, 2019).

2.5.2.3 The Right to Self-Determination

Thirdly, the right to self-determination is an important principle in modern international law. It states that people have the right to freely choose their sovereignty and international political adherence with no external interference (Levrat, 2017). Although the right of self-determination is recognized in many international and regional acts (the UN General Assembly, The Conference on Security and Co-operation in Europe), there are only two international covenants that legally bind this right. The first paragraph of common article 1 rules: *‘All people have the right of self-determination. By virtue of that right they freely determinate their political status and freely pursue their economic, social and cultural development’* (International Covenant on Civil and Political Rights, 1996).

As a political principle, self-determination was introduced at first by the doctrine of nationalism expressed by the French and American revolutions. However, post-World War II, this right became of major importance for the United Nation. The UN Charter attributed two meanings of the concept of self-determination. The first one refers to the fact that a state that the right to choose freely its political leaders and its own culture. Secondly, the right to self-determination is the right of anyone to develop itself in a state or to freely determine the type of association between its state and another (Britannica, 2019).

In the US, the right of self-determination was recognized for the first time by President Woodrow Wilson who characterised it as an important objective for the emergence of democratic societies in the postwar world (Britannica, 2019). Additionally, in 1972, President Richard Nixon submitted to the U.S Congress his Report on *‘The Emerging Structure of Peace’*. In this report, Nixon expressed the American support for the self-determination as a principle of U.S policy (Simpson, 2012). Yet, currently in the U.S, there is a strong belief that self-determination has a disruptive power as it can produce social movements, power conflict, and distortion of the international order (Simpson, 2012).

On the other side of the Atlantic, the European Court of Justice recognised in 2016 that the right of self-determination should be attributed to any individual (without distinction) and any territory which is part of the European Union. However, since then no clear legal

framework has been introduced in support of this right. Although the UN recognises the importance of this right, there is no clear set of practices or legal provision that formally sustain it (Levrat, 2015).

2.5.3 Facebook as Digital Public Sphere

In `The Structural Transformation of the Public Sphere`, Habermas (1989; 1992) presents how through history larger areas of humanity have gotten more influence and power over the formation of state and how the operations of the state are put into practice. There were disputes regarding the criteria human rights were granted by State and Judicial actors. Among these civil rights, of great importance is the right to vote. This right was established for men around 1850 in the US and 1880 in Western Europe (Habermas, 2002). Women`s right to vote was later achieved: the majority of countries attested this right post-1990s. Voting is an essential right as it gives the power to the population to make indirect statements on their views and opinion regarding the ways society is governed (Nielsen, 2018). Literature has shown that individuals shape their political views by interacting with their friends, family, and with the State through its institutions (Bourdieu, 1996). Thus, the Public Sphere is the place where public opinion is practiced and it is the domain that has brought forward the democratic discourse and the juridical human rights (Nielsen, 2018).

There is no clear- cut agreement on which are the main elements of a Public Sphere. Habermas (2002) made the distinction between a public sphere and a commercial sphere as these two are fundamentally different. Deliberation is necessary for a public sphere, whereas publicity is more related to commerce and advertising. Publicity is purposively created to give attention to something or to create inconsistencies in interpretation. Moreover, it is related to commerce and economic capital which should not be dominant motives in a Public Sphere. Habermas (2002) described „a public” as an elevated idea that refers to a connected group of individuals (Nielsen, 2018). Commerce, on the other hand, is seen as a transaction facilitator where the main motive is economic growth. Yet, in recent studies conducted by Bourdieu (1986) commerce is not only related to financing and commercial capital, but it also entails cultural and social capital. Therefore, Bourdieu concludes that the borders of a public sphere are not well defined. This is what Habermas (1989) referred to as „refeudalization of the public sphere”. This means that mass entertainment integrates advertising and in the case of public

relations, a political character is assumed. Thus, actors like the state need to address to its citizens as consumers and the public authority also competes for publicity (Nielsen, 2018). Additionally, Habermas described the 20th century mass media as being influenced by corporate interests which colluded with the state. Consequently, they stopped serving the public needs and interests and no longer provided fair discussion around policy and politics. Simply put, the 20th century media gained extensive political power and the capability to manipulate the public (Reed and Boyd, 2016).

Considering the recent actions where personal data was used for personalised political campaigning, the policies adopted by Facebook represent a clear example of the refeudalization of the public sphere: the private information of the individuals is sold and utilised for political promotion. With its worldwide number of 1.69 billion users, Facebook represents a digital environment where individuals are free to express their views, opinion, and to communicate with each other every day. As Habermas (1962) explained in his public sphere theory, Facebook is a pre-programmed platform where people interact and share certain behaviours and opinions, thereby some users are excluded based on their different beliefs. Simply put, Facebook is not an inclusive communication domain, but an exclusive one (Valtysson, 2012). Moreover, it is important to mention that like all any other public sphere, Facebook is a dynamic environment that changes every time and impacts the nature of the public within its sphere. This dynamism can be observed in the changes Facebook keeps on conducting to its privacy policy, user terms, and the character of the content.

3. Methodology

3.1 Research Design

Since the focus of this study is to analyse the ways in which the scandal of Cambridge Analytica challenged the democratic structures, a qualitative approach was considered the most suitable as it allows for a richer and deeper understanding of the phenomena (Braun and Clarke, 2014). As Jansen (2010) explains, the main advantage of qualitative research is that it does not quantify parameters, but it assesses diversity and variation- complex opinions and various values within the samples. Additionally, considering that this study aims to trace the causal mechanism of the changes in the democratic structures post-Cambridge Analytica, a process-tracing method will be used. Process tracing is a qualitative research method that develops causal inferences by analysing small number of cases by organising the temporal sequence of diagnostic events to explore whether they confirm a prior hypothesised causal mechanism (Collier, 2011). Process tracing can be case-oriented (exploratory) or theory-building testing (confirmatory), depending on the nature of investigation (Beach and Peterson, 2011). This study aims to explore the extent to what the Cambridge Analytica scandal challenges the democratic structures, therefore it employs a case- centric process tracing approach. For case-centric studies, the researcher needs to work backward from the known outcome in order to discover the causal mechanism that provide a sufficient explanation of the outcome (Beach and Pedersen, 2012). A causal mechanism is *`a complex system which produces an outcome by the interaction of several parts`* (Glennan, 1996, pp. 52).

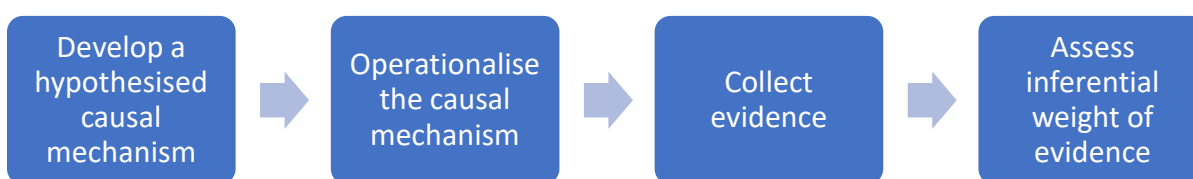


Fig. 1. Key steps involved in theory testing process tracing

Studying a causal mechanism with process-tracing methods allows the researcher to make compelling within-case inferences about the causal process so a greater validity of the theory is expected (Bennett and Checkell, 2014). In this case-centric study a hypothesized causal mechanism which links the concepts of interest will be developed and the case will be examined for evidence of the causal mechanism. By tracing mechanisms, a better understanding of the process between the causal variable A and the outcome B. The method was summarised in four main steps, illustrated in Fig.1.

The first step in case-centric process tracing is to elaborate a causal mechanism which will be tested, and which link the A (the hypothesised cause) with B (the outcome- altered democratic structures). The case-centric studies have the advantage that an abductive approach can be used, meaning that this is a dialectic combination of deduction and induction (Beach and Pederson, 2012). Specifically, for this study, the existing theory does provide the necessary causal mechanism, but not sufficient explanation, thus both an abductive path will be chosen. The inductive approach is informed by the empirical narrative of the case, particularly by the most relevant facts of the case. Additionally, the deductive approach informed by the theory provides the base for the causal factors. Thus, it is a bottom up analysis where the empirical data is used as the basis for building a sufficient explanation of the causal mechanism whereby multiple causes produced the outcome (Beach and Pederson, 2012).

The following step is the operationalisation of the causal mechanism. This step is done by observing how each part of the mechanism is present in the empirical setting and identifying indicators of the presence or absence of the predicted evidence.

Next, relevant evidence is collected. This includes policy documents, newspaper articles, official reports, meeting minutes and recorded hearings. Trace and sequential evidence on the timeline of events is considered the most relevant given the temporal dimension of the case.

Finally, the evidence will be assessed by conducting specific tests. The evidence needs to be necessary and/ or sufficient and to weight a reasonable degree of confidence (Beach and Pederson, 2012).

3.2 Case Selection

When looking at what could possibly undermine the democratic structures within society, it is important to focus on the case of Cambridge Analytica because it completely revolutionised the digital world, the electoral campaigns, the data protection regulations and the way people behave on social media. As it will be shown in this thesis, the case of Cambridge Analytica impacted each of these four factors and each of them influence the democratic structures. Although Cambridge Analytica was involved in elections all over the world, the Trump campaign and the Brexit campaign were the most serious cases regarding the violation of the human rights, therefore the choice of analysing both in this thesis. Moreover, it was essential to analyse this scandal from the perspective of both the U.S and the UK as these nations have a major influence in international relations and they have been regarded as the two most important democracies in the world: the U.S.A has the longest standing in the world and the U.K in Europe. Therefore, when they are conducting illegal activities that challenge their democratic tradition and the rights of their citizens, a negative message is transmitted over the world. Additionally, in the cases from the US and the UK there can be observed all the elements that affect the democracy in a society: human rights violations, data exploitation, and citizens` disinformation/ manipulation. It can be said that as long as Cambridge Analytica influenced the elections in nations like the US and the UK it is only a matter of time until they can act similarly in less powerful and democratic nations.

As previously mentioned, Facebook is one of the most popular social media platforms, therefore, the fact that Cambridge Analytica harvested data from over 87 million Facebook users had major political, social and academic impacts. Politically, the case is important as it manipulated the elections` results by deceiving people. Therefore, it raises a legitimate question regarding the US President and the Brexit Referendum. Moreover, the consultancy company and Facebook violated the EU-US Privacy Shield framework (an international pact on the cross-border transfer of personal data) (Bose and Heavey 2019). This means that no relationship of trust can be established between the US and the EU until serious measures are taken to protect people`s data collection. Regarding the social implication of the case, after the event, more and more governments discovered that Cambridge Analytica has improperly harvested Facebook data from its citizens. For example, Brazil, India and Kenya governments are investigating whether the presidential elections within their country were also manipulated

by the company (The Straits Times, 2018). Moreover, one of the important social impacts of the case is that it hardly violated the right of privacy of the individuals and revolutionised the way people conduct their activities online. From an academic perspective, the case of Cambridge Analytica is the most relevant when discussing the concept of surveillance capitalism.

The theoretical justification for this case is that it translates the theory of surveillance capitalism that was initially elaborated to motivate the commercial goals into the political domain. The case of Cambridge Analytica represents the first time when a social media platform participates with a third-party enterprise in order to manipulate individuals for political gains. Therefore, it is important to take into consideration the implications of surveillance capitalism theory within the political and societal areas.

3.3 Data collection

As the aim of this paper is to identify the causal mechanism behind the scandal of Cambridge Analytica, the primary sources of data are the articles of the Guardian and the New York Times which closely investigated and revealed the case in 2018. Secondly, the sources which will be used are the European Parliament and American Congress official documents and reports. It is worth mention that these international organisations have also used information and evidence provided by the newspaper articles when conducting their own investigation. Therefore, it can be said that the reliability and validity of the newspaper articles are high. Additionally, official minutes of testimonies of Mark Zuckerberg, Alexander Nix, Christopher Willie, and Brittany Kaiser will be analysed in order to further support the arguments.

It is important that documents reflect both events and temporal sequences in order to increase the relevance of the causal mechanism. Because the study aims to fairly analyse the causal processes behind the Cambridge Analytical incident that might affect the democratic structures, documents that bring evidence both in favor and against the case will be explored.

As previously mentioned, there were three different actors involved in this case: the Government, Cambridge Analytica and Facebook. Therefore, to provide necessary and sufficient evidence it is important to collect data from the official government documents and reports and media outlets. The official reports provide information on the involvement of the UK and US with Cambridge Analytica in order to maximise their political gains. Moreover, official reports will be also used to assess the regulatory structure which provided the favourable background for the violation of human rights. Media outlets are important to explore as they present the most relevant events of the scandal and provide important details of the Big Data mechanism which was used by Cambridge Analytica and Facebook. Additionally, an important piece of evidence is considered the recorded testimonies of Mark Zuckerberg, Alexander Nix, and the key whistle-blowers, both in the EU Parliament and in the US Senate.

3.4 Limitations

The main limitation of the study is the lack of transparency of the company as they never acknowledged the fact that they used data of the population without consent, therefore no direct information can be provided from the part of Cambridge Analytica. Additionally, another limitation of the method could be that the available documentation is biased as a great part of the evidence is reported by ex-employees who might have different antecedents with the company. Furthermore, as the scandal was preponderantly covered in media (the U.S and EU officials used those sources as well) it is important to underline that newspapers and media articles are not always reliable and credible sources. Yet, to maximise the reliability and credibility of the data collection, the method of triangulation of the sources has been used. This means that different sources (newspaper articles, official minutes from testimonies, video recordings) have been examined in order to capture different dimensions of the actions undertaken by Cambridge Analytica in its process (Bryman, 2015).

4. On the Cambridge Analytica scandal

In order to provide a clear and concise understanding of the actions undertaken by the agents involved in the Cambridge Analytica scandal as well as to concisely analyse the causal factors which impact the democratic structures, it is mandatory to outline the key event which took place in the Cambridge Analytica Scandal in both the US and the UK. Furthermore, after exploring the main issues and vulnerabilities which are responsible for data misuse and undemocratic elections, a discussion entailing the main causal factors identified in the scandal based on the theoretical framework (surveillance capitalism and the public sphere) will be brought into attention.

In an era of Big Data and Technology, political actors take advantage of the technological developments with the help of Cambridge Analytica. This company fundamentally changed the rules of election process by trawling personal data in order to predict and alter voter`s opinions and options. The Cambridge Analytica case became popular in March 2018 when The New York Times and The Guardian revealed how the company harvested over 87 million Facebook profiles for political gains (Rosenberg, Congessore and Cadwalladr, 2018; Cadwalladr and Graham-Harrison, 2018). Yet, the story between Facebook and Cambridge Analytica involves many actors, agencies, and states and started long before 2018. Each of them will be presented in the following subsections.

4.1 The Political Consulting Company

In January 2013, Robert Mercer, an American hedge-fund manager, bought SCL Group. SCL Group was founded by Nigel Oakes and its focus was to shape the political discourse and to amplify certain political narratives, the company called itself *‘a global election management agency’* (SCL Group Website). Yet, even since 2015, Vogel and Parti (2015) reported in a Politico article that SCL was involved in military disinformation campaigns and voter targeting. Additionally, during 2000s the organisation was involved in many campaigns or the US and UK governments’ War on Terror behavioural conflict (Briant, 2015).

Cambridge Analytica was a subsidiary of the SCL Group founded by Alexander Nix. The political consulting firm exploited the digital assets of the individuals, and combined data mining and data analysis with strategic communication for political gains. It represents the first marketing company that re-structured marketing purposes from commercial to political. Publicly, Alexander Nix declared that the firm’s aim was to address the vacuum in the political market (Osborne, 2018), but in reality their actions deceived individuals and misused their data.

Cambridge Analytica was described by its representatives as an innovation in data science, a company with extensive experience which can provide data-driven political communications advice to electoral campaigns (Scott, 2019). Records show that Cambridge Analytica has been involved in over 200 election campaigns over the world by using a different organisation to run every project (BBC, 2018). Declarations of ex-employees describe the firm as a psychological warfare company that uses psychological operations to get to the minds and hearts of the population: *‘I played a pivotal role in setting up a company that has done a lot of harm to the democratic process’* (Cadawalladr, 2017; Wylie, 2018) .

4.2 On Facebook vulnerabilities

In April 2010, Facebook launches Open Graph, a platform that allows for third-party apps and developers to reach out to Facebook users, to access their data and their Facebook friends. When accepted by an individual, those apps have access to the user name, gender, location, birthday, education, political preferences, relationship status, religious views, online chat status, and, with the additional consent, those apps can also access the private messages (Meredith, 2018). At that moment, Mark Zuckerberg, the CEO of Facebook declared that individuals should not worry about having their data accessed without consent (Zuckerber, 2010). In 2012 Zuckerberg wrote an email to his director of product development and said that he did not consider the platform risky for people who were giving away their information: „ *I just can't think of any instances where that data has leaked from developer to developer and caused a real issue for us.*” (Lapowsky, 2018). Thus, the whole mechanism behind Cambridge Analytica was possible because of that moment when Zuckerberg did consider platforms like API a threat to individuals` data.

4.3 The Method

In 2013, three University of Cambridge researchers published a study explaining how people`s personalities and personal information could be predicted from the analysis of their Facebook likes (Kolinski, Stillwell, and Graepel, 2013). The researchers warned at that time that these predictions represent a threat to individuals` liberties and freedom, in some case even to their lives (Lapowsky, 2018). Yet, this mechanism was used in the case of Cambridge Analytica and it was facilitated by the Facebook Platform API. Aleksandr Kogan, a Cambridge University Academic launched in 2013 the app named „This is your digital life” which was downloaded by over 300.000 people who took the psychological test. By completing that test, people were giving away their personal information and friends` data. During that year, Kogan also passed that information and the data to Cambridge Analytica (Rosenberg, Congessore and Cadwalladr, 2018).

This is relevant when considering the concepts of Surveillance Capitalism and Public Sphere as when individuals transmit any type of information on the Internet, they give away parts of social and cultural capital for commercial organisations to gain economic capital.

Additionally, this can be a democratic problem when individuals are not aware of how their personal data is used and the criteria for the personalised content (Nielsen, 2018).

Cambridge Analytica declared that it used data enhancement and audience segmentation techniques by conducting a psychographic analysis to better understand the targeted audience (Stead Sellers, 2015). The types of information which were collected by the company were related to the demographics, consumer behaviour and internet activity. Yet, all these sources have been gathered without users' consent or knowledge.

Moreover, Facebook's data was used to generate personality models of the users 'personality known as 'the big five' personality traits: openness, conscientiousness, extraversion, agreeableness, and neuroticism (OCEAN scale) (Davis, 2015). This mechanism is known as 'behavioural microtargeting' and it can predict the preferences and needs of the individuals and how these attitudes can develop over time. The negative aspect of these scientific processes is that they are conducted without informing the social media users, therefore the customised social interaction in social media might make people less controlled in making decisions. Appealing to individuals' emotions can be a coercive action especially in commerce, in politics, and in personal interactions. This is because knowledge of personality traits give knowledge about the preferences of individuals and help companies to deliver personalised advertisement (Nielsen, 2018). Once a company has understood the subjects, they can influence the information for the benefit of their clients from the political arena, national governments, or companies (Issenberg, 2012). Consequently, the individual is no longer in control of what they see on social media or what type of news they read as the decision is made by programmers of the algorithms (Boulianne, 2016; Nielsen, 2018).

Cambridge Analytica conducted online surveys on a regular basis to derive the personality data of the population. For the US political clients, the targeted population was American, and the company would narrow the voter segments to 32 different personality traits. The personality data would describe the language used by the voters in ad messages or their style of writing messages, additional data was used to establish voters' opinion and ideas on particular issues (Kaye, 2016). Moreover, this data was updated every month by asking about political preference and about the type of information people use to make decisions (Hal Schwartz, 2016). Cambridge Analytica conducted intensive research, data modelling and

performance-optimising algorithms to target over 10.000 ads to different categories of voters. Cambridge Analytica had 5000 data points on every US voter and so the ads were perfectly tailored to users`personality (Lewis and Hilder, 2018).

In 2014, Kogan declared that he owns data of more than 40 million Facebook users across the US for each of whom we have generated detailed characteristic and trait profiles` (Davis 2015). However, during the same year, Facebook changed its rules and limited access to data of third-party organisations, therefore they demanded Kogan and Cambridge Analytica to delete all the data obtained in previous years. Yet, they never deleted the data and Facebook never investigated what happened to that information (Meredith, 2018).

In 2015, The Guardian revealed that Cambridge Analytica was involved in the presidential campaign of Ted Cruz. The company used Facebook data of more than 50 million individuals by using the OCEAN scale in shaping a targeted campaign. Simply put, Cambridge Analytica communicated Cruz`s political discourse in multiple ways to different audiences following their personality trait by using data that was supposed to be deleted (Davis, 2015). As a response to the allegations, Facebook said that it was a `regrettable mistake`, as the data should have been erased by Kogan and Cambridge Analytica long before the Cruz campaign. However, as the story went public both actors certified the data had been deleted from their cloud (David, 2015; Meredith, 2018).

4.4 The United States

As previously mentioned, Cambridge Analytica entered the US market in 2013, but until 2014 it has already been involved in 44 US congressional, senate, and state-level elections (Stead Sellers, 2015). Yet, it was 2015 when Cambridge Analytica gained visibility following its involvement in Ted Cruz's campaign.

Cruz's campaign used all the psychological data science provided by CA's researchers and divided voters into six different categories during the early primaries. The campaign mainly approached the voters categorised as 'timid traditionalists' and elaborated different strategies for the 'temperamental' voters (Detrow, 2018). The mechanism used by Cambridge Analytica got media attention after Cruz won the Iowa state and after Alexander Nix claimed credit for the win in multiple interviews. As the campaign advanced, Cruz and his campaign staff became skeptical of the approach used by CA and the revelations provided by the Guardian in 2015 started a serious scandal. Thus, Cruz ended his campaign for presidency and Cambridge Analytica started to work for the Republican Party nominee. This is the moment when Trump Campaign and Cambridge Analytica started to collaborate. Moreover, during the same period, the Mercer family, led by Republican Robert Mercer started to support Trump's candidacy and donated to pro-Trump efforts (Cohen, 2017). Although the staff in charge with Trump's campaign never admitted a fruitful collaboration with Cambridge Analytica, in an undercover investigation conducted by Britain's Channel 4, Nix declared that CA *'did all the research all the data, all the analytics, all the targeting, we ran all the digital campaign, the television campaign, and our data informed all the strategy'* for the presidential campaign (Channel 4, 2018). Additionally, starting from July 2016, the Trump Campaign made five payments to Cambridge Analytica, the latest one being made in December 2016, one month after Trump won the US presidential elections (Cohen 2017).

Yet, the case is much more elaborate than this. Cambridge Analytica began courting the Trump campaign in early 2015 and 2016, but their interventions were unsuccessful. However, Brad Parscale, the digital media director for Trump's presidential campaign reached out to Cambridge Analytica for help in building a general election data strategy (Murray, Reston, Bash, and Perez, 2018). However, as it turned out, during that meeting the Trump campaign

not only asked for election strategy advice, but also signed on with Cambridge Analytica and started working together.

In October 2017, Parscale participated in an interview for CBS News. He declared that initially, he was hired to run the digital team, but in time he took care of the advertising, data collection, and the campaign's fund-raising (CBS, 2017). During that interview, Parscale stated that he utilised Facebook advertising to directly target individual voters in swing states. By swing states he was referring to any state that could equally be won by both Democratic or Republican presidential candidates (Sabato, Kondik and Skelley, 2016). An example given by Parscale was the fact that he targets the audience who was interested in infrastructure to promote Trump's message to build back the infrastructure of America (CBS, 2017). Although he admitted that he hired Cambridge Analytica to help with microtargeting, Parscale denied that he used the firm's services as their psychographics did not work as expected (Stahl, 2017). However, the Federal Election Commission declared that the Trump Campaign paid Cambridge Analytica a total of 5,912,500 in order for the firm to provide data management and survey research (Overby, 2018). Therefore, Parscale falsely declared that Cambridge Analytica did not contribute to Trump's election.

Furthermore, Dr Taylor, one of Cambridge Analytica's representatives, declared that Trump won the electoral college vote and lost the popular vote by over 3 million votes because of data and their political analysis: *'You did your rallies in the right locations, you moved more people out in those key swing states on election day. That's how we won the election'* (Channel 4, 2018). Additionally, CA executives admitted that they manipulated millions of voters by creating the *'Defeat Crooked Hilary'* campaign (Abc News, 2018). That campaign had the role to denigrate Trump's opponent as it expanded and infiltrated in the online community. The visual representation of the campaign had the *'oo'* of crooked designed as a pair of handcuffs suggesting that Hillary Clinton belonged behind bars. During the undercover investigation conducted by Channel 4, the CA representatives said the campaign was popularised through proxy entities like charities and activities group. Simply put, Cambridge Analytica only provided the information, and then it was taken over by different users until it went viral: *'Give it a little push every now and again over time and what it takes shape'* (Channel 4, 2018; Abc News, 2018).

4.5 The United Kingdom- Brexit Referendum

In June 2016, a public vote was held in the United Kingdom regarding the UK leaving the EU. The results of the Brexit showed that 52% of the individuals were part of the Leave side, whereas 48% voted for Remain. The Leave campaign was led by Nigel Farage, the former head of the UK Independence Party (UKIP). In 2017 the British newspaper, The Guardian revealed an investigation regarding the collaboration between Robert Mercer, Cambridge Analytica's founder, and the British Brexit. The article showed that many donors and representatives of the UK Conservative Party and the UKIP have connections with representatives of Cambridge Analytica. More specifically, Robert Mercer is a good friend with Nigel Farage, and he was the person who directly directed his company to „help” Farage with the Leave Campaign (Cadwalladr,2017). As Andy Wigmore, the former director of communication for Nigel Farage, declared, Mercers` implication in Brexit went far beyond the jurisdiction of the UK law. According to the UK`s election law, all gifts in kind must be declared and none can come from overseas donors (Barnett, 2017).

The key to understanding how this could have happened is the AggregateIQ, an unknown web analytics company based in Victoria, British Colombia. Vote Leave (the official Leave campaign) spent £3.9b which is more than half of the official campaign budget on AggregateIQ, yet no one ever heard about this company before it was involved in the Brexit Campaign. Cadwalladr (2017) revealed that AggregateIQ`s address and telephone number link the company to an overseas office of Cambridge Analytica, SCL Canada. Moreover, a former employee of Cambridge Analytica declared for the Observer that the two companies were entwined, *key nodes in Robert Mercer`s distributed empire`* (Cadwalladr, 2017).

Furthermore, a young student from County Durham named Darren Grimes set up his campaign for Brexit which he called `BeLeave (Barnett, 2017). In the first ten weeks, BeLeave gained the sum of £107 for its campaign activities. Yet, ten days before the referendum, investigations by Private Eye, the Observer, and openDemocracy reported that Vote Leave Campaign suddenly donated £675,000 to BeLeave (Ramsay and Geoghegan, 2017). The important thing here is that Grimes did not use the money for its campaign but paid it to AggregateIQ (which was related to Cambridge Analytica).

Additionally, in an essay that Cummings wrote after Brexit he declared that the difference between those who voted Leave and those who voted Remain was only of 600.000 people, which is 1% of registered voters. Therefore, the small margin, but if that margin would have voted different then Remain would have won. Simply put, as Cummings said, if *`specific events and decisions`* had been different, the result could have been the opposite. Furthermore, in the summary where he explained where and how Vote Leave spent its money, Cummings declared that 98% of the budget was spent on online ads and social media, thus the battle for the Brexit happened on the internet (Cadwalladr, 2017). Aside from conducting their campaign preponderantly online, Vote Leave also used *`dark ads`* which targeted specific individuals. An example of such type of ad a video that said: *`Turkey is joining the EU. Schools and hospitals already can't cope. Vote Leave, take back control.`* This video had more than 500.00 viewers and the alarming thing is that it promoted a false situation (Worall, 2018).

In March 2018, Brittany Kaiser, a former employee of Cambridge Analytica who was the director of business development, declared that the enterprise misled the public and MPs over its relations with Leave. EU and the UKIP. She admitted that Cambridge Analytica worked for the UKIP and for Leave. EU. Kaiser estimated that the data modeling services conducted by Cambridge Analytica for Leave. EU and UKIP were worth £40,000 (Lewis and Hilder, 2018). The day after Kaiser made those allegations, a 10-page document named *`Big Data Solutions for the EU Referendum`* was released. The document was drafted for Leave. EU by Cambridge Analytica and it claimed that *`it could single out Brexiteers among voters, donors, politicians, and even journalists`* (Murphy, 2018).

Following all these revelations, several MP`s declared that Cambridge Analytica`s involvement in the electoral process and the micro-targeting strategies undertaken by them, raises serious issues for a healthy democracy (Murphy, 2018).

4.6 Post Exposure

In 2018 March 17th, the Guardian (the Observer) and the New York Times exposed the story behind Cambridge Analytica with the help of a whistle-blower. His name is Christopher Wylie, a Canadian data analytics expert who worked with Cambridge Analytica and Kogan to implement the scheme. Wylie presented plenty of evidence about the data misuse. The evidence presented includes emails, invoices, contracts and bank transfers that reveal more than 50 million Facebook users- mostly US voters- had their data collected in the largest-ever breaches of Facebook (Cadwalladr and Graham- Harrison, 2018). In the interview conducted by the Observer, Wylie declared the following about his job at Cambridge Analytica:

‘We exploited Facebook to harvest millions of people’s profiles. And built models to exploit what we knew about them and target their inner demons. That was the basis the entire company was built on.’ (Cadwalladr and Graham- Harrison, 2018).

The evidence Wylie provided to UK and US authorities contain a letter sent in 2016 by Facebook’s lawyers where they were asking him to destroy any data that had been collected by GSR, Kogan’s company from their users. Yet, no one check whether the data was in fact erased from the servers: *‘They waited two years and did absolutely nothing to check that the data was deleted. All they asked me to do was tick a box on a form and post it back’* (Cadwalladr and Graham- Harrison, 2018). Moreover, he also provided a contract dated on 4th of June 2014, which confirms SCL collaborated for a commercial arrangement with GSR, entirely based on harvesting and processing Facebook data. The contract emphasises that the aim of the partnership is to create a ‘gold standard’ of understanding any personality trait from Facebook profile information. Additionally, its goal was to create a database of over 2 million profiles which can be identified and tied to the electoral registers across 11 states, but with the possibility of expansion (Cadwalladr and Graham- Harrison, 2018). After Wylie’s declarations investigations has started in both sides of the Atlantic: in the UK, the Cambridge Analytica and Facebook represented one focus of analysis of data and politics by the British Information Commissioner’s Office. Separately, the Electoral Commission has also started its own investigation regarding the role Cambridge Analytica played in the EU referendum (ICO, 2018).

Regarding the US regulators, Mark Warner, the Democratic senator demanded the Congress to improve controls to avoid such serious act of data harvesting. Additionally, he proposed the implementation of the Honest Ads Act with the aim of regulating online political advertisements the same way as television, radio, and printed magazines (Cadwalladr and Graham-Harrison, 2018). Moreover, on 20th March 2018, the Federal Trade Commission opened an investigation on whether Facebook violated the 2011 agreement to protect its users' privacy (Romm and Timberg, 2018). On the 10th of April, Zuckerberg appeared before more than 40 senators and testified on Facebook's involvement in the scandal. During the session, he admitted that mistakes have been done, and he took responsibility for his actions and those of his fellow executives. Senator Kamala Harris asked Zuckerberg whether Facebook executives consciously decided not to inform users about the data leak the moment they found out about it in 2015. This question was important to the Federal Trade Commission's investigation because the agreement forbids the company to withhold this kind of information from its users. Zuckerberg denied that Facebook explicitly to detain information from its customers but admitted that the enterprise made a mistake when it did not inform the users about the issue (Roose and Kang, 2018).

Regarding the UK regulators, Alexander Nix appeared before the Digital, Culture, Media and Sport Committee on February 2018 to give it declarations regarding a fake news and disinformation inquiry. During that hearing, he clearly stated that Cambridge Analytica did not work with Leave. EU and had no implication with the EU Referendum

'we did not work with them. However, you look at this or however it appears to you or whatever tweets other people have said about the situation, we did no paid or unpaid work. We had no formalised relationship with them. We did not work on the EU referendum with that organisation or any other organisation.' (Digital, Cultural, Media and Sport Committee, 2018).

A month later, following the evidence provided to the Committee and material published in the UK Observer, the Guardian, The New York Times, and Channel 4 about Cambridge Analytica involvement in the referendum campaign, the Committee recalled Nix to attend a further hearing on the same inquiry (UK Parliament, 2018). The Committee Chairman, Damian Collins requested Mr Nix to provide further evidence following the material presented in the media. Collins said that they were interested in finding out whether Nix would maintain

his declaration that Cambridge Analytica did not work with GSR or Facebook and did not have access to any Facebook data (BBC, 2018). Throughout his statement, Nix described himself as the target of a fabricated international campaign coordinated by an ex-employee who had a hidden motive (Wylie), a British journalist who regretted Brexit (Cadwalladr) and a divided American public unhappy with the election of Donald Trump (Lapowsky, 2018).

Regarding the EU regulators, MEPs called Zuckerberg to provide answers on three distinct subjects: `the Misuse of Data`, `the Safeguard of people`s privacy` and `Facebook and democracy` (European Parliament, 2018). However, following both of Zuckerberg`s appearance in the European Parliament, no conclusive answers were given. The format of the European Parliament did not give the opportunity to Facebook`s CEO to provide relevant answers: the MEPs posed separate questions on different topics, most of them irrelevant to the topic of the hearing. Additionally, Zuckerberg repeatedly said that he was extremely sorry about how his social media platform was used and promised to fix the problems by investing in new technology. However, no guarantee was given regarding the methods he will use (Waterson, 2018). Facebook admitted that up 87 million consumers may have had their data harvested of which 2,7 million were Europeans. EU Justice Commissioner Vera Jourova agreed with Zuckerberg`s observation that the CA-Facebook scandal highlighted the urgent need for strict new rules worldwide (European Parliament, 2018).

4.6.1 New Evidence and the Outcome of the Investigations

In 2019, Brittany Kaiser provided new information to the Digital, Culture, Media and Sport committee. The email she sent to Damian Collins, the committee chair, showed Cambridge Analytica was never paid for working with Leave. EU, but the invoice was paid by Arron Banks (Leave. EU founder) to UKIP directly. A spokesman of the UKIP declared that any money paid by Banks were intended to be passed on to Cambridge Analytica (Hern, 2019).

In June 2019, the US Federal Trade Commission concluded that Cambridge Analytica violated the EU- U.S ¹Privacy Shield Framework by engaging in deceptive practices. In addition, it was established that the company failed to respect the Privacy Shield requirement

¹ The EU-U.S Privacy Shield allows companies to transfer consumer data between the European Union to the United States (Federal Trade Commission, 2019).

that companies which participate in the framework affirm to the Department of Commerce. The FTC prohibited Cambridge Analytica to participate in the EU-U.S Privacy Shield and to other similar regulatory organizations and it must delete the personal information collected by using Kogan's scheme (Federal Trade Commission, 2019). Both Nix and Kogan signed settlements with the FTC, yet the commission decided that CA violated section 5 of the FTC Act and imposed the company to delete the Facebook data which was deceptively obtained along with other associated material. Additionally, the FTC imposed the unprecedented penalty of \$5 billion to Facebook for violations of a 2012 FTC order. In addition, they required Facebook to implement changes to its privacy practices and its corporate structures. Simply put, *'when it comes to the business of consumer privacy, it's no longer business as usual at Facebook'* (Fair, 2019).

The ICO announced that an agreement has been reached between the parties Facebook has agreed to pay £500,000 fine and enables Facebook to retain documents presented by ICO in order to continue its own investigation into issues around Cambridge Analytica. Regarding Cambridge Analytica, the company entered into administration, therefore no fine could have been issued at that time. The Information Commissioner also issued a fine of £75,000 to Leave.EU. for its breaches of the Privacy and Elections Regulations (ICO, 2019).

The European Parliament, on the other side, demanded a full audit by EU bodies on Facebook and implement new requirements and regulations to protect elections. Among their proposals are the following: *'banning profiling for electoral purposes, including use of online behaviour that may reveal political preferences; making it easy to recognise online political paid advertisements and the organisation behind them'* (European Parliament, 2018).

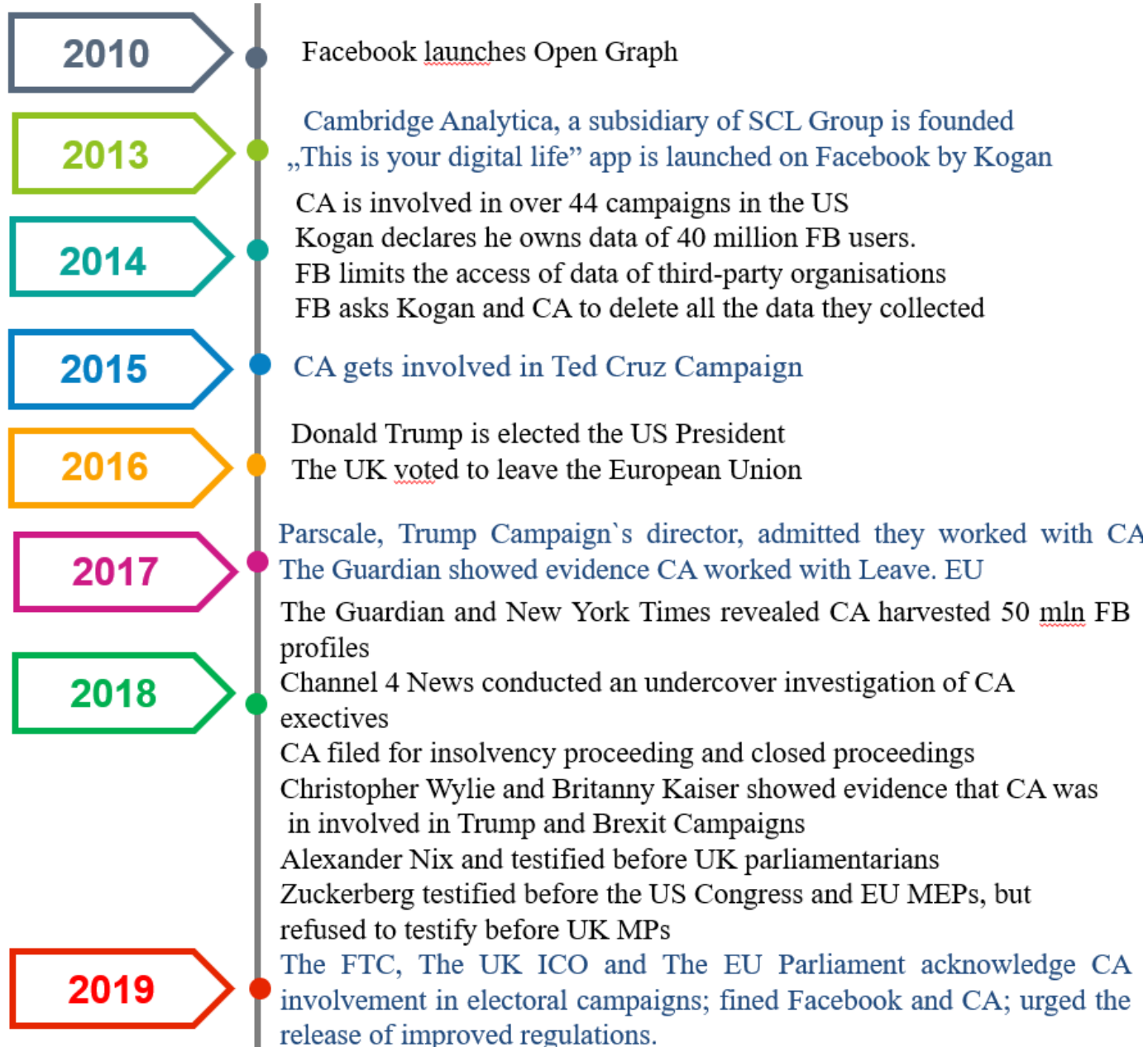
As it can be observed in the details provided above, the case of Cambridge Analytica has had major repercussions for the individuals' data protection and for the electoral system as they purposely biased the information individuals received online regarding electoral campaigns. Cambridge Analytica not only did not admit the allegations against their unethical scheme but also continued to collect and analyse individuals' data regularly. It can be said that they eluded the regulatory system and violated human rights to gain their power and to honour the requirements of their political costumers. Additionally, another interference that can be

made from the analysis of the evidence is that both the US and the EU regulators started their investigation based on the revelations of The Guardian and the New York Times. The fact that they reacted and fined Facebook and Cambridge Analytica is the clearest proof that these organisations violated the human rights and stronger regulations regarding social media, data protection, and electoral processes were needed.

One of the core conclusions that can be drawn from the previous evidence is that three main causal factors could lead to erosion of the democratic structures: the first one is the inappropriate regulatory structures. As it was argued by policymakers in both sides of the Atlantic and even by Mark Zuckerberg during his testimony before EU Parliament, international laws and regulations must be revised in accordance with the latest technological developments. Therefore, the updated laws and regulations need to focus on (1) human rights; (2) data transfer, and collection. The second one is the involvement of Facebook in surveillance capitalism. Facebook is a social media giant that has major marketing influence within society. Therefore, once it became involved in Surveillance Capitalism activities for political purposes, individuals' opinions and political ideas are highly influenced, and further, the public sphere is eroded. The third causal factor identified is the electoral campaign exploitation of Cambridge Analytica. As this organisation has used psychometric analysis to categorise individuals' personalities and further used Facebook to deliver targeted content, it highly influenced the electoral behaviour and the outcome of the campaign. It is important to mention that by 'electoral behavior' this thesis makes references to (1) the way people vote; (2) whether they vote) and (3) how they vote. In the next chapter, each of these causal factors will be explored based on the issues and evidence reported in this section in order to concisely provide an accurate answer to the question of the present study.

The Cambridge Analytica Scandal

The timeline of the events



5. Analysis of the causal factors behind the Cambridge Analytica scandal.

The following chapter aims to bring together the empirical data discussed in the previous sections with the theoretical framework in order to accurately achieve the purpose of the present thesis. Therefore, this section revolves around the research question that was previously stated: "How did the Cambridge Analytica scandal challenge the democratic structures in the EU and the US?". Up until this point, this study has shown how theoretical concepts like Zuboff's 'Surveillance Capitalism', Foucault's Power Knowledge, and Habermas' Public Sphere are intertwined with everyday realities and have serious consequences for the society when used in unethical ways. More specifically, it has been related case-specific information that showed how surveillance capitalism can also be used for political purposes and Cambridge Analytica was the first one to do so. Moreover, the evidence presented showed how Cambridge Analytica collected data of the individuals in order to gain knowledge and further power over their decision-making processing. Moreover, a close look at the effect of algorithms on Facebook and at the personalised content people receive online, can tell how individuals' public sphere is eroded and along with it the human rights violated.

Furthermore, an in-depth explanation of the case selection was provided in order to highlight why the US and the UK, the oldest democracies in the world, were chosen for exploring the impact of Cambridge Analytica worldwide. The fourth section had the role to present detailed facts about the case, starting from the introduction of Facebook's Open Graph in 2010, up until 2019 when the regulators presented the outcomes of their investigation. All the evidence presented has shown that Cambridge Analytica exploited the electoral system by manipulating voters, mainly from the US and the EU. Also, it showed that Facebook made possible the entire scheme, firstly, by allowing third-parties to access users' data and, secondly, by conducting political surveillance capitalism- individuals' data points are collected and then used to increase profit.

Having this in mind, in this chapter the theoretical framework will be specifically applied to the case of Cambridge Analytica by exploring the causal factors which could have any influence in the democratic structures. As previously mentioned, the three causal factors

identified in the literature are (1) The favorable regulatory structure, (2) Facebook, the social media platform involved in surveillance capitalism; and (3) Cambridge Analytica exploiting the electoral campaigns. It is important to mention that these three different factors happened at the same time, but they had different levels of cause. Each of them and their afferent levels will be further analysed in the present chapter.

5.1 Favorable Regulatory Structure

The misuse of personal data by Cambridge Analytica, facilitated by Facebook could have been preventable harm. As it was previously related, hundreds of thousands of people, in both the US and the UK, have been asked to participate in an academic project, but they were used for a large-scale, unethical profiling scheme. Moreover, tens of millions more had their personal information introduced in a database of political advertisers and gave them the ability to target messages based on sensitive personality traits characteristics. It is argued that one of the factors from the Cambridge Analytica scandal that challenged the democratic structure in both sides of the Atlantic, was the regulatory system: the laws no longer fit the technological context and needed to be reviewed long before 2016.

Regarding the US` regulatory systems, the Congress could have acted against the electoral campaigns were Cambridge Analytica was involved and many other privacy violations could have been prevented if the Consumer Privacy Bill of Rights would have been adopted in 2012. Under that legislation, the actions of both Cambridge Analytica (and its subsidiary agencies) and Facebook would have been illegal, and the Federal Trade Commission could have acted against it and deter it with fines (Weitzner, 2018).

When it was first proposed in 2012, the Consumer Privacy Bill of Rights included two important provisions that addressed the challenges of data protection and privacy within the digital era. First, it gave the consumers the right to control who is using their data: *Consumers have a right to exercise control over what personal data companies collect from them and how they use it`* (Trinckes, 2012). Although this right is necessary, the Cambridge Analytica-Facebook scandal showed that it is not sufficient. Placing the strain on individuals to protect themselves is inconsistent considering the complex actions for data-collection conducted by

organisations like Cambridge Analytica. Second, the bill introduced a new right regarding the 'respect for context'. This right legally requires the enterprises to only collect, use, and disclose data under the context it was initially provided by the individuals. Simply put, respect for context makes sure that individuals always know why their data is collected and the ways it will be used (Trinckes, 2012). When applying it to the Cambridge Analytica scandal, this right would have stopped the firm from reusing the research data for political purposes. The original context of the data was academic research, thus if the Bill was in place, individuals would have needed to consent again before their data was used for political gains. Additionally, this right would also have forbidden data collection and processing of friends of those who participated as research subjects. Simply put, the legislation would have protected individual's rights and their democracy. Ensuring respect for data protection context is not only important for individuals' rights but it also represents the base of a well-functioning community. If people are not in control of how they relate with others, there can be no genuine interactions and no transparency (Weitzner, 2018). During his hearings, Mark Zuckerberg acknowledged his failure to protect users and renews his mission to create a global online community. The truth about Facebook is that it gave people a lot of autonomy and control over certain details of their data, but it failed because of the complexity of its data-collection mechanism.

The issue of data-collection should have relied on Facebook only, not users or third-party organisations. During the time of Cambridge Analytica Scandal, the U.S. law was very permissive regarding the data protection issues, especially in the complex technical situations where personal data is shared (Weitzner, 2018). It is important to mention that the concept of 'respect for context' does not imply that the use of social graph will be shut down. Taking for example the differences between CA's use of Facebook data and Obama's 2012 campaign app (Tau, 2012). In the case of CA, they collected social-graph data for research purposes, and without informing the individuals they used it for political profiling. Conversely, in 2012 supporters of Barack Obama were asked to install a Facebook app that was accessing users' friend's lists. This app gave them the possibility to send personalised messages to their friends, to talk about the campaign, and to invite them to different events (Pilkington and Michel, 2012). Simply put, it was the user who communicated with their friends, not the campaign itself. Moreover, the data was never used by those responsible for the campaign, but it remained between users and Facebook. The same data access permission was given, yet the uses were greatly different (Tau, 2012; Weitzner, 2018).

Regarding the UK and European Union's regulations, although there were specific data protection laws in place during the period when CA collected data and misused it, none of the EU data protection agencies had the authority to stop that kind of conduct (Weitzner, 2018). Moreover, the UK legal system was not prepared to prevent such actions because at that time there was no specific Act that would protect the data of the individuals. This was what Culture Secretary, Matt Hancock, and MP Onwurah emphasised in 2018 right after the Information Commissioner started the investigation on Cambridge Analytica. They suggested that more legal power is needed in the fight with the big tech companies. Additionally, they argued that once the proposed Data Protection Bill would be amended people's consent on their data would be enforced and strengthened (BBC, 2018). Furthermore, in the report of the investigation conducted by the Information Commissioner, it was acknowledged that the data protection law had major gaps and no longer fit for purpose in the current digital context. It was recommended that the UK Government introduce a statutory code of practice for the use of personal data in political campaigns (ICO, 2019).

Just as the UK lawmakers, MEPs also endorsed that the Cambridge Analytica scandal could have never happened if the legislation in place was based on accountability and transparency so it could fit the current digital context (European Parliament, 2018). Consequently, the Data Protection Act 1998 was replaced by the Data Protection Act and the General Data Protection Regulation took effect on 25 May 2018. These two new regulations put at centre stage accountability and transparency and give individuals more control over how their data is processed (ICO, 2018). Moreover, the GDPR would protect individuals from sharing their personal data without their express consent and organisations would follow specific data protection policies that require them to present the record of their activities. Simply put, any organisation that would collect or process any kind of personal data need to do that transparently for a specific purpose and only until it no longer serves that aim, after that it must be deleted. It is important to mention that GDPR applies to all companies that work with data within the European bloc, no matter the place they are physically based (Nicholls, 2018). These two regulations were the most important improvements in data protection law in Europe in the past 25 years and will make organisations like Facebook more accountable so the data will not be improperly handled. Additionally, the fines imposed under the new

regulation could represent as much as 4% of the company`s global annual revenue (Nicholls, 2018).

Retrospectively looking, the fact that the US and EU agencies declared that CA violated democratic human rights and introduced new stronger regulations to protect data is the standing proof that those rights were violated by Cambridge Analytica and Facebook. Nonetheless, what can be concluded from this first factor is that Facebook`s loose privacy policies and the broad data protection regulations caused indirect disruptions, especially in the non-electoral democratic structures as they affected individuals` data protection rights. Citizens should always have the right to know the purpose for the collection of their information and to be asked for consent no matter how it is further used. However, the question that arises is whether the new legislation will be strong enough to prevent such political strategies considering the permanent evolution of the technology and the need to balance the needs of the society and the protection of personal information.

Additionally, along with the favorable regulatory structure, the other aspect which happened simultaneously is Facebook conducting surveillance capitalism. Thus, the next sub-chapter will analyse whether the fact that Facebook adhered to Zuboff's business model of surveillance capitalism had affected in any way the democratic structures.

5.2 Facebook, the social media giant doing surveillance capitalism

According to Vaidhyanathan (2018), there are two things wrong with Facebook: how it works and how people use it. It works by monitoring its users and it uses their data and personal information in order to model them into targets for the advertisers. Moreover, the main issue with Facebook is the vicious symbiosis between its business model (surveillance capitalism) and the behaviour of its users (Naughton, 2018). Facebook creates the illusion that provides free services for its customers, but it derives its earnings by monetising the data of its consumers. A recent report showed that Facebook collects up to 98 data points of each individual which is then used for accurately targeted advertising (The New York Times, 2018; Naughton, 2018).

It was Facebook that made the scheme of Cambridge Analytica possible. Facebook was the source of the psychological insights that facilitated Cambridge Analytica to target the population. Additionally, it also provided the mechanism that enabled the targeted ads to be delivered on a large scale (Cadwalladr, 2017). According to scholars like Vaidhyanathan (2018) and Zuboff (2019), Facebook is the most common system of surveillance capitalism in history. More than 2.6 billion individuals and numerous organisations, enterprises, and political agencies provide their detailed accounts of preferences and predilections in exchange for commercial services.

Facebook does Surveillance Capitalism as it uses human involvement as raw material which is later translated into behavioral data and sold for commercial and political purposes. The concept of surveillance capitalism has created three main disruptions in the actual democratic structures (Rodrigues, 2019; Naughton, 2019).

The first one refers to the idea of capitalism. In a capitalist society, the market is full of uncertainties, therefore any organisation can act freely in accordance with their interest as the market will regulate itself (Yueh, 2018). Yet, since Facebook has access to personal and intimate data, the person behind it can act independently from the other actors of the market: a company will no longer convince its customer to buy a certain product or to undertake an action, but it will manipulate the person into conducting a specific behaviour. Therefore, the

right to personal autonomy is violated and the person does not even acknowledge the situation in the first place (Zuboff, 2019). As it was presented in the fourth chapter, Facebook provides free services for all its users but enables providers like Cambridge Analytica to monitor their behaviour without even asking for consent. Then, CA identifies the most persuadable voters (swing states) and sent them targeted messages that will convince them to behave accordingly. It can be said that this action had a direct effect on democratic structures as it gives the possibility to organisations like CA to manipulate the results of an electoral campaign. The effect created by CA`s involvement in the electoral system will be further discussed in the next sub-section.

The second disruption is that as long as Facebook is involved in surveillance capitalism the consumers do not represent interest, but the goal is to increase the profit: the consumers represent the means to achieve the goal, not the goal per se. Simply put, Facebook`s business model not only connects its users with their friends and family, but it also connects users with data brokers, advertisers, and political campaigners that are willing to pay Facebook for data. In the case of Cambridge Analytica, the company had access to Facebook for the first time in 2013 and since then it continuously collected users` data without consent. Then, the information obtained was processed and distributed among Facebook users through personalised content. This is what is called micro-targeting and human rights activists argue that it has a profound impact on democracy and elections (Sharpe, 2020). Therefore, it can be concluded that through these processes the democratic structures of the society are indirectly affected as data protection, freedom of expression and the right of determination are violated.

The final issue is the quality of the product. The fact that Facebook aims to have the biggest number of users and to control their data lead to the creation of fake news and people are misinformed. In the campaigns from both the US and the UK, Cambridge Analytica created targeted ads which were distributed on Facebook. Examples of such ads have been previously provided in the fourth chapter. It can be said that once more and more personalised ads are distributed on Facebook, individuals will no longer have the chance to see the reality or to get fair information with regards to their future vote. Consequently, this final issue could have both direct and indirect effects on democratic structures. It has indirect effects because it affects individuals` public sphere, their freedom of expression, and the right to self-determination.

Also, it has direct effects as the personality of the individuals is clearly targeted by the ads, thus their vote is accordingly influenced. For example, when categories of less `racist` individuals received ads with Boris Johnson declaring *`I'm pro-immigration, but above all, I'm pro-controlled immigration`*, their vote would automatically go for leaving the EU as long as this means the emergence of a *`pro-controlled immigration`* (New, 2019).

Furthermore, as previously mentioned, Facebook is the contemporary public sphere, and individuals` newsfeeds are the places where relationships are built or broke, where someone can ask for recommendations and where various opinions are shared. However, it is also the company with the most database of recorded information (Vaidhyanathan, 2018). Therefore, it has a strong influence and power over the data processing and within the advertising business, and no police entity could regulate it. People are not in control of what their newsfeed is showing, and Facebook takes advantage of it. This does not mean that its interface represents a mind-control machine, but over time, it affects the decision of a large population (Booth, 2014). This statement is supported by a study conducted by Facebook in 2004 when they influenced users` emotions: for the experiment 689.000 users` home pages were manipulated and showed that people could be changed in a positive or a negative way through a process of emotional contagion. Simply put, Facebook filtered users` news feed: the flow of pictures, videos, posts posted by individuals, and later appeared in participants` feed. Individuals who were exposed to their friends` emotional content, posted fewer positive content, whereas those who were showed reduced exposure to negative emotional content, presented opposite behavior. The conclusion of the paper was that individuals` attitudes and emotions can be manipulated by the type of emotions which are expressed by friends on social media platforms (Booth, 2014).

Therefore, what can be deduced from the evidence presented is that Facebook has an indirect effect on democratic structures as it erodes the public sphere and violates human rights. As Zuboff (2019) explained, surveillance capitalists are responsible for anti-democratic asymmetries of knowledge and the power which is collected with it. As previously mentioned, this type of power is called *`instrumentarian`*. The case of Cambridge Analytica and Facebook showed how methods of *`instrumentarian power`* and *`surveillance capitalism`* can be utilised for political purposes. Undoubtedly, Facebook`s interface was part of surveillance capitalism`s

operation of behavioural influence as it influenced people's future for political goals and monetary gains. As it was demonstrated in this subsection, the direct consequences of Facebook's actions undermine the democratic structure and strongly violates individuals' right to freedom of expression and data protection.

5.3 Cambridge Analytica and election campaign exploitation

Nonetheless, the regulatory system and Facebook were not the only factors that cause disruptions in democratic structures. Cambridge Analytica's exploitation in the election campaigns played its own role in the process as their psychometric analysis and data set played an important factor in the decision of the voters. This chapter aims to apply the theoretical framework of Foucault's Power Knowledge to the electoral campaign underpinned by Cambridge Analytica. It will be shown how Cambridge Analytica gained knowledge about the population and used it to shape the political discourse of the citizens.

Following extensive investigations based on the revelations provided by Cambridge Analytica's former employees (Brittany Kaiser, Chris Wylie) FTC, the UK Information Commission and the European Parliament have concluded that Cambridge Analytica was directly involved in the electoral process in the US and the UK and the company processed sensitive data in the context of political profiling without consent. Two years after the scandal went public, Brittany Kaiser shared additional confidential documentation regarding the involvement of CA in numerous elections around the world. Political ads created by CA were different than the normal political ads as they used strategies that would change voter's opinions and choices, ultimately: *'It is something that no one had done in politics. It was the most efficient way to reach voters'* (Vogel and Parti, 2015). A report released by ICO in 2018 shows that the strategies Cambridge Analytica used involved collecting individuals' information through different surveys and data sources like subscriptions, loyalty cards, etc.

These kinds of data represented the way CA gained power within the population as they were used to create personal profiles and to align individuals to categories. Finally, those categories were the starting point for targeting voters and sending personalised messages which would convince individuals to vote for their customer (- Trump Campaign/ Leave.EU). By

doing so, Cambridge Analytica not only that affected the public sphere of the individuals because similar content was shared with people from the same categories, but it also influenced how people made decisions with regards to voting. Therefore, it can be said that by sending personalised content to each category in order to manipulate individuals to vote in a certain way, Cambridge Analytica directly caused a disruption in the democratic structures.

Moreover, the company built sophisticated models of users` traits without their knowledge by working with academics who hoovered up personal data and violated longstanding ethical and privacy norms (Davis, 2015). To put it simply, according to Foucault`s theory, CA worked with science and academics in order to get a better understanding (which further was transcribed in knowledge) of individuals` personalities in order to be able to develop power over their preferences and opinions. As was aforementioned, these kinds of actions violate citizens` data protection rights and ethical norms. Thus, Cambridge Analytica`s data exploitation for political purposes affects the democratic structures on an indirect level.

Additionally, in the fourth chapter, it was described how Ted Cruz went from the lowest-rated candidate in the presidential primaries to be the last candidate standing before Trump was nominated as the Republican candidate. Similarly, during the US presidential campaign, Trump lost the popular vote, despite winning the election. Trump`s success was the result of carefully tailored messages across digital channels. Cambridge Analytica conducted intensive research, data modeling, and performance-optimising algorithms to target over 10.000 ads to different categories of voters. Cambridge Analytica had 5000 data points on every US voter and so the ads were perfectly tailored to users` personalities (Lewis and Hilder, 2018). As it was related in the fourth chapter, representatives of Cambridge Analytica have declared publicly that their data and political analysis manipulated over 3 million voters for the Trump Campaign. Similarly, with Trump`s election, the result of the Brexit referendum was unexpected: 51,9% voted Leave, whereas 48,1% voted Remain. As the difference of results was not significant, it can be said that the difference of voters laid in Cambridge Analytica`s dataset and power to influence individuals. As Brittany Kaiser declared, Leave. EU used datasets created by Cambridge Analytica. Additionally, according to the documents provided by Kaiser, Cambridge Analytica executives were involved in the political process as they discussed strategies with Leave. EU regarding the best ways to make use of the data and how to target more individuals. For example, in one internal Cambridge Analytica email, the

relationship with the Brexit parties was highlighted as a positive partnership that aims to *‘identify, profile and engage voters in the lead-up to the referendum on Britain’s EU membership’* (Scott, 2019).

These kinds of actions and strategies are the standing proof that Cambridge Analytica manipulated how people voted and fundamentally changed the outcome of the elections. It can be argued that CA’s involvement caused a disruption on the democratic structures on both levels, direct and indirect. On the direct level, Cambridge Analytica manipulated whether and how citizens voted. The small differences in Brexit could have been manipulated either way (Remain or Leave). Similarly, the fact that Trump lost the popularity vote, but won the election is again the result of CA data manipulation and targeted content. On the indirect level, the democratic structures were affected as individuals’ rights to self-determination of their leaders and government were harshly violated as individuals’ political choices have been influenced in accordance with CA’s client political views. The entire process conducted by Cambridge Analytica can be described as massive propaganda that prevented people from seeing the full story of politics. As individuals are being flooded with negative information which is already viral and no matter the search engine you are using it will appear as if it was true. Consequently, the thought processes of voters are affected, and the strategy employed by CA help political parties to win elections.

Retrospectively looking, when putting together the information from the causal factors, the empirical evidence from both the US and the UK and the academic literature, it can be said that the case of Cambridge Analytica had serious effects within society, especially in the way individuals make political decisions. As the analysis suggested, each of the causal factors caused disruptions of the democratic structures at either direct or indirect levels. As was shown, the lenient regulatory structures have created a suitable environment for breaches of data of which Cambridge Analytica took advantage. The laws in place when the Cambridge Analytica scandal happened lacked the principles of accountability and transferability. Therefore, anyone could control data of anyone without being accountable for it and without declaring the purpose for which it was used. Moreover, the business model of Facebook and its interface has provided the opportunity for third-party organisations not only to collect users’ data but also to share targeted content through personalised ads. These two factors affected the democratic structures mainly indirectly by violating human rights like data protection, freedom of expression, and

the right to self-determination. Finally, Cambridge Analytica's strategy to analyse data of the individuals in order to gain knowledge and power over their political choices had a direct influence on the democratic structures as it strongly influenced the choice regarding their vote. Therefore, for answering the research question at the core of this paper, the scandal of Cambridge challenged the democratic structures by not respecting individuals' essential rights, their public sphere, and, most importantly, by influencing whether, how, and the fact people express their electoral power through voting. It is important to make the distinction between these three different ways because Cambridge Analytica not only changed the outcome of the political campaign, but it also suppressed the voters and influenced them to vote in a certain way unconsciously and in unacceptable ways by spreading false information through personalised ads.

It must be emphasised the fact that there is no lesson learned from this scandal as Cambridge Analytica's personality-targeting scheme now represents a standard practice for political marketing. Currently, Cambridge Analytica no longer exists, but their tactics are still alive. Many other companies have already started to copy their methodology and gained clients all over the world (Merrill and Goldhill, 2020). Therefore, given the current situation, it can be said that despite new regulations was put in place, individuals' rights and democracy are still at risk as a consequence of Cambridge Analytica's election campaign exploitation and the continuous development in technology.

6. Conclusion

6.1 Overall Discussion

As it was presented in the analysis, the scheme brought into the political market by Cambridge Analytica has had serious implications for democracy. The process behind the core case of this thesis was complex as it involved three causal factors that happened simultaneously and affected the democratic structures in different ways. This paper focused on two categories of democratic structures: political and non-political, the former gaining more weight as it involved the voting system per se, therefore the way people exercise their fundamental right of voting. However, as it was observed in the analysis, the tendency was that the second category of the democratic-structures (the essential human rights and the public sphere) to be more affected. More precisely, each causal factor analysed had negative effects on human rights: the regulatory structures from the US, the UK, and also EU did not protect accordingly the citizens' personal data and failed to be updated in accordance with the technological developments. Additionally, the fact that Facebook did not check whether Cambridge Analytica and Alexander Kogan deleted the collected information from their users directly violated the data protection right and a serious breach of trust from a social media giant. Furthermore, another concept discussed in this thesis which was constantly challenged is the public sphere. Of great importance for the goal of this thesis is to look back at Habermas' description of the contemporary society where social media is influenced by the interests of the partnership between the state and the corporations. As social media serves the role of the digital public sphere, once it attains political influence and power, it stops representing the general interests and starts to manipulate the citizens. Consequently, not only that the public sphere loses its meaning and is deteriorated, but also the freedom of expression and the right to self-determination are eroded.

In addition to this, the theoretical framework of Surveillance Capitalism along with Foucault's Power Knowledge represented the core guidance of this thesis. The key idea of these theories provided the framework for comprehensively explaining how the business model of Facebook works and how the Cambridge Analytica's process of gaining knowledge (and also power) of the citizens re-structured the understanding of surveillance capitalism. The private organisations not only conducts surveillance of the consumers for commercial purposes but, since the emergence of Cambridge Analytica, they also make partnerships with governments

to influence individuals' political choices. Further, as it was already demonstrated, this process violates the essential democratic structures within societies.

Retrospectively looking, what can be learned is that principles, liberties, and freedoms of a healthy democratic society are deteriorated over time by big tech companies that are indifferent to the needs and the interests of the citizens. Surveillance capitalism harshly attacks the autonomy of individuals. Even when talking about technology, there should be a shift in power that ensures that the law and regulations are respected. Otherwise, Facebook and enterprises like Cambridge Analytica will have the power to control the users in accordance with their goal without restrictions.

6.2 Academic and Practical Implications

The present section aims to explore both the academic and practical implications of this Master thesis. Starting with the academic implications, this study has meticulously analysed how the agents involved in the Cambridge Analytica scandal adhere to the theoretical frameworks of Surveillance Capitalism and Power Knowledge for obtaining certain outcomes during the electoral campaigns. Although the focus of this study was on the cases from the US and the UK, the limits should not be set on these two nations as more and more third-countries (and weaker democracies) became targets of similar schemes. Big Data and targeted surveillance, along with personalised ads based on algorithms have become normalities within contemporary society. Yet, as the general tendency is to digitalise the way governments and intelligence services conduct their investigations for preventing cyber threats, it is expected that more sophisticated technologies will develop. Thus, studies like this one support the continuous need for information and explanations with regards to the imminent issues technology brings with it.

The present findings are in total accordance and support with the current literature in cybersecurity and human rights as it explored a topic of current interest which revolutionised the way individuals perceive data protection. The initial aim was to bring valuable information in the current research by exploring every way in which Cambridge Analytica (and targeted surveillance, in general) challenges democracy and freedom of the population. The results of

this research showed that there are different levels in the democratic structures which are affected by the processes of microtargeting and data analysis implemented by Cambridge Analytica. Nonetheless, they are in perfect congruence with Surveillance Capitalism Theory. It presented how the fact that private organisations conduct surveillance for political purposes affects the freedom and liberties of citizens. Regarding the Power Knowledge theory and the concept of Governmentality introduced by Foucault, this research has brought more information on the current technological processes in which individuals' preferences and opinions are guided by the state and/or the private sector. Therefore, while Foucault argued that governments and institutions get knowledge about individuals in order to exert power, this research showed that in the current society social media and private organisations play an important role in these processes as well.

Regarding the practical implications, as it was presented in the previous chapter, there is a continuous need for legislative updates as the technology is permanently developing. In the case of Cambridge Analytica, the legislation was not accountable or transparent, therefore it gave the power to private entities to collect data and to analyse it for political purposes. By conducting similar studies on a regular basis the chance that such pressing issues for the civil society to be brought to the front increases. Thus, policymakers can adhere to an evidence-based approach when proposing new regulations.

Moreover, as was previously mentioned, more and more companies adopt the strategies of Cambridge Analytica and apply them in less democratic countries where information does not reach the people so easily. Therefore, constant research on this issue leads to two major implications: (1) academics get to know details about cases that are not popular and raise awareness further to the policy-makers; (2) private organisations and governments become more responsible when it comes to data of the citizens. Additionally, another important practical implication of this present research is the fact that awareness among the new generation is raised regarding the ways in which the electoral campaigns can be biased and unfair. Consequently, they pay more attention to the content which is shared in social media.

6.3 Limitations and Further Research

The constant development in the digital sector and technology will continue to bring new issues regarding the abuses and misuses of data as new surveillance strategies for both commercial and political purposes appear on the market and reach the public sphere. However, it is important to create specific legislation and guidelines regarding the involvement of such technologies during the electoral campaigns. When marketing agencies like Cambridge Analytica use psychometric mechanisms to manipulate individuals to vote in certain ways, the most important features of a healthy democracy are challenged. As could be observed in the present case, the social and economic contexts are not important considering that citizens of the oldest and the richest countries in the world were the victims of such unethical electoral strategies.

The main limitation of this study is the fact that SCL and Cambridge Analytica do not exist anymore on the market, therefore it was impossible to find and use official documentation from their part. Additionally, the fact that there were no means to directly communicate with Cambridge Analytica representatives to understand how their mechanism could be used in reverse, in ethical ways was another drawback. More specifically, it would have been interesting to see whether the collection of data could have been used to promote informed and verified news regarding the campaign in the most vulnerable places. Furthermore, another limitation was the nature of the sources which were used. The fact that the case was very mediatised and many newspapers published information on this topic made it difficult to discern which sources are credible and which ones are biased. However, in order to solve this issue, the Guardian and New York Times were considered the main sources of information.

For further research, it is recommended that a comparative study between less democratic countries like Romania and Moldova which have a communist history to be conducted. By doing so, a bigger picture of the scandal will be provided as it will be useful to see whether their method and data collection were different. Moreover, further research is mandatory in the legal area in the context of digital elections and data collection. Given the fact that digital elections are prone to cyber-attacks and individuals are more vulnerable to having their data collected without being informed, stronger regulations based on evidence are needed.

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