

published some of their critical memos and reports. The engineers were fired. During the next few years, several crashes occurred, and there were public investigations and numerous recommendations made for improving safety of the system.¹⁰

One of the BART engineers made these comments about the process:

If there is something that ought to be corrected inside an organization, the most effective way to do it is to do it within the organization and exhaust all possibilities there ... you might have to go to the extreme of publishing these things, but you should never start that way.¹¹

It is important, for practical and ethical reasons, to keep a complete and accurate record of your attempts to bring attention to the problem and the responses from the people you approach. The record protects you and others who behave responsibly and could help avoid baseless accusations later.

9.3.10 Release of Personal Information

We will look at two related scenarios. Here is the first:

You work for the IRS, the Social Security Administration, a medical clinic, a video streaming company, or a social networking service. Someone asks you to get a copy of records about a particular person and he will pay you \$10,000.

Who are the stakeholders?

- **You.** You have an opportunity to make some extra money. Or be sent to jail.
- **The person seeking the records.** Presumably, he has something to gain.
- **The person whose records the briber wants.** Providing the information invades his or her privacy and may threaten the person in other ways.
- **All people about whom the company or agency has personal information.** If you sell information about one person, chances are you will sell more if asked in the future.
- **Your employer (if a private company).** If the sale becomes known, the victim might sue the company. If such sales of information become common, the company will acquire a reputation for carelessness and will potentially lose business and lawsuits.

There are many alternative actions open to you:

- Sell the records.
- Refuse and say nothing about the incident.
- Refuse and report the incident to your supervisor.

- Refuse and report to the police.
- Contact the person whose information the briber wants and tell him or her of the incident.
- Agree to sell the information, but actually work with the police to collect evidence to convict the person trying to buy it.

Are any of these alternatives ethically prohibited or obligatory? The first option, selling the records, is clearly wrong. It almost certainly violates rules and policies you have agreed to abide by in accepting your job. As an employee, you must abide by the guarantees of confidentiality the company or agency has promised its customers or the public. Depending on the use made of the information you sell, you could be helping to cause serious harm to the victim. Disclosing the information is also likely illegal. Your action might expose your employer to fines. If someone discovers the leak, the employer and the police might suspect another employee, who could face arrest and punishment. (See ACM Code: 1.2, 1.3, 1.7, 2.6; SE Code: 2.03, 2.05, 2.09, 4.04, 6.05, 6.06.) What if you are under financial pressure at home and the extra money could help ease the stress on your family? Should you consider that? What if the amount was higher, say \$200,000? You would be able to help not just your family but others as well. Your plans for the money do not change the ethical character of the action; no matter how tempting, it is still ethically wrong.

What about the second alternative: refusing to provide the records, but not reporting the incident? Depending on company policies (and laws related to certain government agencies; see SE Code 6.06 and ACM Code 2.3), you might be obligated to report any attempt to gain access to the records. There are other good reasons for reporting the incident. Reporting could lead to the capture of someone making a business of surreptitiously and illegally buying sensitive personal information. Reporting could protect you and other innocent employees if someone later discovers the sale of the records and does not know who sold them. (Some ethicists, e.g., deontologists, argue that taking an action because it benefits you is not ethically meritorious. However, one can argue that taking an action that protects an innocent person is meritorious, even if the person is yourself.)

ACM Code 1.2 and 1.7 suggest an obligation to report, but it is not explicit. There might be disagreement about whether you have an ethical responsibility to do more than refuse to sell the information. It is difficult to decide how much you must do to prevent a wrong thing from happening if you are not participating in the wrong act. A recluse who ignores evils and pains around him might not be doing anything unethical, but he is not what we would consider a good neighbor. Acting to prevent a wrong is part of being a good neighbor or good employee; it is ethically admirable—even in situations where it is not ethically obligatory.

Now, consider a variation of this scenario:

You know another employee sells records with people's personal information.

Your options include doing nothing, talking to the other employee and trying to get him or her to stop selling files (by ethical arguments or threats of exposure), reporting to your supervisor, or reporting to an appropriate law enforcement agency. The question here is whether you have an obligation to do anything. This scenario differs from the previous one in two ways. First, you have no direct involvement; no one has approached you. This difference might seem to argue for no obligation. Second, in the previous scenario, if you refused to sell the file, the buyer might give up, and the victim's information would remain protected. In the current scenario, you know that a sale of confidential, sensitive information occurred. This makes the argument in favor of an obligation to take action stronger (see SE Code 6.13 and 7.01). You should report what you know.

9.3.11 Conflict of Interest

You have a small consulting business. The CyberStuff company plans to buy software to run a cloud data-storage business. CyberStuff wants to hire you to evaluate bids from vendors. Your spouse works for NetWorkx and did most of the work in writing the bid that NetWorkx plans to submit. You read the bid while your spouse was working on it, and you think it is excellent. Do you tell CyberStuff about your spouse's connection with NetWorkx?

Conflict-of-interest situations occur in many professions. Sometimes the ethical course of action is clear, though at times it can be more difficult to determine.

In discussions among professionals and among students, we have seen two immediate reactions to scenarios similar to this one. One is that if you honestly believe you can be objective and fairly consider all bids, you have no ethical obligation to say anything. The other is that it is a simple case of profits versus honesty, and ethics requires that you inform the company about your connection to the software vendor. Which is right? Is this a simple choice between saying nothing and getting the consulting job or disclosing your connection and losing the job?

The affected parties are the CyberStuff company, yourself, your spouse, your spouse's company, other companies whose bids you will be reviewing, and future customers of CyberStuff's cloud storage service. A key factor in considering consequences is that we do not know whether CyberStuff will later discover your connection to one of the bidders. If you say nothing about the conflict of interest, you benefit, because you get the consulting job. If you recommend NetWorkx (because you believe its bid is the best), it benefits from a sale. However, if CyberStuff discovers the conflict of interest later, your reputation for honesty—important to a consultant—will suffer. The reputation of your spouse's company could also suffer. Note that even if you conclude that you are truly unbiased and do not have an ethical obligation to tell CyberStuff about your connection to your spouse's company, your decision might put NetWorkx's reputation for honesty at risk. The *appearance* of bias can be as damaging (to you and to NetWorkx) as actual bias. If you recommend NetWorkx and one of the other bidders discovers your