Ethical Technology Risk

How to identify what is reasonable data protection for ODR

v2019.1.0
There are no lack of tech options...
How to Assess Technology Risk

Probability X Consequence
Breach Probability
Improvement Cost

Breach Probability

Breach Value

Improvement Cost

$1,000

$10,000

$100,000
What is Reasonable?

**Rule 1.6: Confidentiality of Information**

... 
(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

*On Acting Competently to Preserve Confidentiality*

[18] Paragraph (c) requires ... reasonable efforts to prevent [unintended] access or disclosure. [Reasonableness is based on] ... the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and [ease of use].”
What is Ethical?
What is Ethical?

If there is a *reasonable option* for reducing technology risk, it is *unethical* to maintain your current system.
How can we shift this risk?
Example: Smart Contracts
Pros and Cons of the “Ideal Theory”
The Ideal Theory

Issue 1: Is this really gold?
Issue 2: Will it remain gold?
Issue 3: Does the context reveal the gold?
THERE IS GOLD IN HERE!!!
Blockchain Governance

It Can’t be Just Tech
Neopublic Blockchain Solution

Separates data context, so **you cannot decipher user activity** - unlike a public blockchain

Employs Static Proof of Stake, so **Nodes are publicly governed** - unlike a private blockchain