This presentation examines what data is made available for people to access on social media platforms, analyses the practicalities and potential uses of this data and compares the key differences between conceptualising data access as a consumer right versus a fundamental right (McCosker et al., 2016; Daly, 2016). It features early stage findings from a research project that explores whether the provision of data access addresses concerns that have emerged with regards to data collection by private and public actors and the analytic possibilities engendered by “Big Data” (see boyd and Crawford, 2012).

I make two interventions in the ongoing debate around data privacy. Firstly, I analyse the extent to which data access and portability address foundational concerns around privacy by examining how social media companies have responded to the incoming GDPR regulations. I outline what levels of access social media platforms provide and assess the portability of the data provided through detailed case studies of Twitter and Facebook. This involves an analysis of each platform’s current data access policies and processes, an examination of what sort of data is made available as well as a brief historical account of how data access has been treated on both platforms. Findings will reveal whether Twitter and Facebook’s current data access regimes are comprehensive and operate as the basis of a functional privacy management strategy.

Secondly, it offers a conceptual intervention through a comparative analysis of the divergent approaches two jurisdictions take to data access. I compare the GDPR with an ongoing debate around the introduction of a consumer data access right into Australian law. Whereas European Union treats privacy law “as a fundamental right anchored in interests of dignity, personality, and self-determination” (Schwartz and Peifer 2017, p. 123), Australia has a comparatively weak privacy law (Lindsay, 2005) and as a result is treating the emerging issue of data access as a consumer rights issue. This paper will assess how these divergent legal foundations and public discourses alter the conceptualisation and enacting of the data access right (and digital rights more generally).

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