

Drifting on the Web

Lila Luchessi

Universidad Nacional de Río Negro, Argentina & Universidad de Buenos Aires, Argentina

Ana Lambrecht

Universidad Nacional de Río Negro, Argentina

INTRODUCTION

The massive expansion of social media networks makes it necessary to study them from an interdisciplinary point of view.

In Argentina, the use of digital social networks led government agencies to share through them public and management information, substantially increasing their presence in these new platforms.

From an administrative point of view, social networks are thought of as tools which facilitate access to public information to the citizens. On the one hand, they give everyone easy access to public information, and, on the other, they shine a light of transparency and effectiveness to the activities of public agencies. These features make them engaging for the members of the administration.

The benefits derived from their use seem clear and numerous. Nevertheless, the actions performed within them produce certain legal conflicts. To be able to use them, you must agree to a contract with pre-established clauses which might a priori override certain principles ruling the Public Administration of Argentina, and of other countries protecting their citizens with data protection acts.

In that respect, this work aims to make a communicational-legal analysis which particularly focuses on how the State uses social networks within the legal framework of Personal Data Protection Acts, and whether it enforces compliance with the law by those entities which have the right to freedom of expression, but are not responsible for protecting the right of privacy of the citizens.

Analyzing the use of Social Networks by State agencies in Argentina from a legal perspective is quite relevant, because of the countless facets deriving from that issue, each of which requiring an individual and detailed analysis. Therefore, and in view of the contractual terms and conditions users accept when using digital platforms, a comprehensive analysis will be made as to the obligation of the State of protecting the citizens' personal data, and the legal framework governing such case.

To that aim, we will analyse the presence of public agencies on the social networks, the information they provide to them, and the potential lack of legal protection of the citizens.

The analytical method is to study certain cases in which public entities have shared information on the networks, while at the same time collecting sensitive information about the citizens. The research variables refer to the publicity of public information and the right of privacy.

The cases chosen were the Facebook pages of the National Agency of Social Security (ANSES, in Spanish), the Government of the City of Buenos Aires, and the Ministry of Education of Argentina.

SOCIAL NETWORKS

2

When we talk about “social networks”, it is important to consider them as a wide concept and a tool with countless facets. Before examining in detail the digital platforms, which enable interactions among users, it should be said that networks are previous to the appearance of digital technologies; that communities, are articulated in a relational manner, that they are centrally based on connections, and that interactions are their fundamental feature.

Passing now to the analysis of platforms, Fernando Tomeo refers to them as “...Internet Sites (digital platforms), which enable users to show their profiles, upload photos, tell personal experiences, chat with friends, and, in general, share and exchange all types of contents (information, opinions, comments, photos, videos)” (Tomeo, 2010) (Own translation).

Then, it should be possible to say that these virtual sites, which are a vehicle to social communication, allow people to share and exchange contents and enter into free relationships with other users, which enable them to connect and interact on the Internet. In this way, we could refer to convergent communities in digital interaction.

To a greater or lesser extent, platforms increase their popularity and their function is no longer reduced to being mere communication channels. Their use may be analysed from many perspectives: from the technical point of view, as to the incalculable amount of information circulating; from the economic point of view, as to the continuous amount of money these data and information generate; from a psycho-social point of view, as to the sense of belonging and omnipresence they create when people engage with other people -known or unknown to them- from around the world, whether on a social, work-related or personal level, among others.

The power and growth of these virtual platforms focuses on the storage of information and personal data. This also enables them to create algorithms to determine the preferences of the users, and to develop specific segmentations based on consumption patterns. (Tomeo, 2012).

The legal relationship between the user and the social network is established through a contract of adhesion. The user agrees to a set of clauses unilaterally established by the company, without having the possibility of negotiating any of the terms and conditions stipulated.

Generally speaking, and specifically in relation to the contractual terms and conditions, most of the social networks have similar clauses. For the purposes of this analysis, we will analyse the terms and conditions laid down by Facebook (Facebook, 2019) and Twitter (Twitter, 2019), since they are the virtual platforms with more presence of official State accounts.

Facebook, for its part, has become the social network with the highest number of users. According to Digital 2019 Global Digital Overview, it has more than 7.77 billion users and 2,200 million daily active users (We Are Social, 2019). That makes of Facebook the most profitable social network in the world, with a market value of more than \$ 400 billion (ElEconomista.com, 2019).

The increasing use and presence of this social network in Argentina has made the company set up Facebook Argentina S.R.L. in 2011, which currently has more than 20 million monthly active users within the country. This number is a clear evidence of how relevant this network has become in Argentina in terms of scope and expansion. Since the number of users accounts for more than half of its population, Argentina is among the 20 countries in the world with the higher number of users, and second in the region after Brazil (Fernandez, 2019).

The power and growth of this virtual platform focuses on the storage of information and personal data. This also enables it to create algorithms to determine the preferences of the users, and to develop specific segmentations based on consumption patterns. (Tomeo, 2014)

10 more pages are available in the full version of this document, which may be purchased using the "Add to Cart" button on the publisher's webpage:

www.igi-global.com/chapter/driftin-on-the-web/248053

Related Content

Zero Tolerance as a Policy Response to Mass Shootings

Margaret Tseng and Borjana Sako (2020). *Handbook of Research on Mass Shootings and Multiple Victim Violence* (pp. 378-396).

www.irma-international.org/chapter/zero-tolerance-as-a-policy-response-to-mass-shootings/238587

Cybersecurity Legislation

Christopher Thomas Anglim (2020). *Encyclopedia of Criminal Activities and the Deep Web* (pp. 402-411).

www.irma-international.org/chapter/cybersecurity-legislation/248056

Breathing Under Water: Gendering the Violence Against Refugee Women

Gabriela Mesquita Borges and Rita Faria (2022). *Research Anthology on Child and Domestic Abuse and Its Prevention* (pp. 19-37).

www.irma-international.org/chapter/breathing-under-water/301140

Combating the Exploitation of Children in Cyberspace: Technical Mechanisms to Protect Children From Sexual Content

Amar Yasser El-Bably (2021). *Combating the Exploitation of Children in Cyberspace: Emerging Research and Opportunities* (pp. 42-67).

www.irma-international.org/chapter/combating-the-exploitation-of-children-in-cyberspace/270488

The Victimization of Older Adults in Prison

Jane C. Daquin, Victoria Helmly and Leah E. Daigle (2021). *Invisible Victims and the Pursuit of Justice: Analyzing Frequently Victimized Yet Rarely Discussed Populations* (pp. 300-325).

www.irma-international.org/chapter/the-victimization-of-older-adults-in-prison/281362