



Setting your Moral Compass

Applied Ethics in OSINT



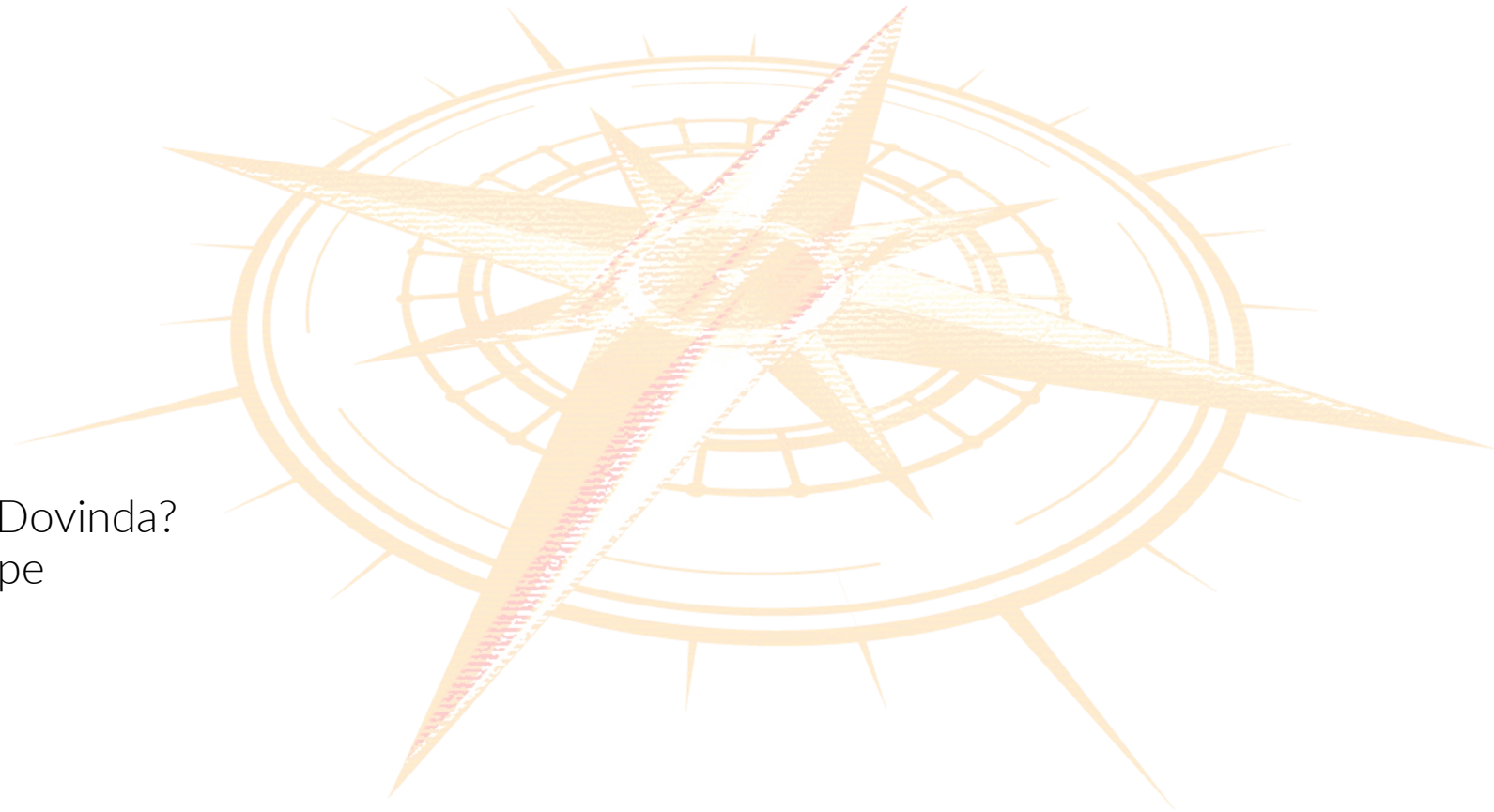
Overview

Main Concepts

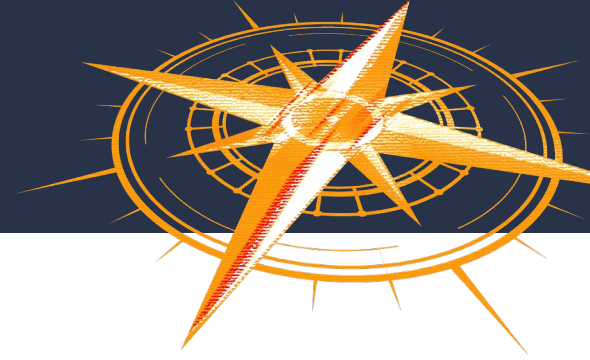
- What is ethics?
- Harm in the workplace
- Distinguishing law from ethics

Case Studies

- DPRK Missile Image
- Double Standard for the Country of Dovinda?
- Avoiding Harm to a Bystander or Dupe
- Using Sock Puppet Accounts
- Unintentional Harm to Employees
- Buying Stolen or Leaked Data





What is Ethics?



- ✧ Ethics is a system of moral codes that govern behavior.
- ✧ Applied ethics is an interdisciplinary application of ethical philosophy to practical work.



Discuss

-  What are some of the reasons we may wish to apply ethics in our field?
-  What are some examples of ethical behavior in other professions?



Ice Breaker Activity

 Break into pairs and discuss a time you faced an ethical dilemma.



Schools of Thought

Utilitarianism Approach

This approach is about the consequences of your decision. It emphasizes **reducing harm and increasing good**. Since we can neither totally maximize good nor minimize harm, the goal is to find the **best possible balance of good over harm**. When applying it, consider who or what will benefit and who or what will be harmed.



Schools of Thought

Rights Approach

This approach focuses on the fact that **all humans have innate dignity and rights**. Humans have the right to choose what they do with their lives freely without harm or hindrance. These moral rights include the right to choose their own life's path, not to be injured, to privacy, and many others that remain debated in society.



Schools of Thought

Justice Approach

The Aristotelian origin of the justice approach is that we **treat each other equally**, though it has evolved to recognize that “equally” is not always “fairly.” Thus, there are now complex societal debates on how to treat those who are historically underprivileged or overprivileged.



Schools of Thought

Common Good Approach

Another approach, with a Greek origin, the Common Good approach sees **community as a good in and of itself**. It seeks to put the **benefit of the community over the individual**. This approach emphasizes the **common welfare** of everyone and is often associated with public education, public spaces, or legal welfare systems like fire departments.



Schools of Thought

Virtue Approach

This approach marries ethics with certain **virtues like honesty, courage, compassion, generosity, tolerance, love, fidelity, integrity, fairness, self-control, and prudence**. When faced with a dilemma, ask yourself “What kind of person will I become if I take this action?”



Schools of Thought

Care Approach

This approach emphasizes the **interdependent relationships** between the stakeholders rather than following a rigid checklist or defining and calculating harm. Using **empathy**, try to put yourself into the shoes of each of the stakeholders and appreciate their viewpoints when it comes to **assessing the interests, concerns, and agency of all parties**. This approach is sometimes associated with food security, equal rights, and environmental protection as a more holistic approach to human security, for example.



Framework for Ethical Decision Making

1. Identify Ethical Issues
2. Get Facts
3. Evaluate Alternatives
4. Choose Option and Test
5. Implement and Reflect



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Short Exercise

- Journalist finds video on social media of an Egyptian woman being assaulted by a group of men.
- She is groped and knocked to the ground before bystanders help her escape.
- Video shows her distressed, with clothes roughed or torn.
- Journalist feels video is newsworthy. Wants to bring accountability and call attention to systemic violence against women.
- Should the journalist report the story?



Framework Exercise

Markkula Framework

1. Identify Ethical Issues

- a. Could this decision be damaging or unevenly beneficial?
Does it involve a choice between good/bad, good/good, or bad/bad options?
- b. Is the issue about more than what is legal or efficient?

2. Get Facts

3. Evaluate Alternatives

4. Choose Option and Test

5. Implement and Reflect



Framework Exercise

Markkula Framework

1. Identify Ethical Issues

2. Get Facts

- a. What are the relevant facts? Do I know enough?
- b. What individuals and groups have a stake?
- c. What are the options for acting?

3. Evaluate Alternatives

4. Choose Option and Test

5. Implement and Reflect



Framework Exercise

Markkula Framework

1. Identify Ethical Issues
2. Get Facts
- 3. Evaluate Alternatives**
4. Choose Option and Test
5. Implement and Reflect



Framework Exercise

3. Evaluate Alternatives

Group Tasks

- Work as a table.
- You are provided four actions.
- You are provided two ethical lenses.
- Answer:
 - For each lens, which options best align with it?
 - Which option+lens does your table favor?
- You have three minutes total. Then we'll check in as a group.
- We'll do three rounds of this.



Framework Exercise

3. Evaluate Alternatives

Group Tasks

- Work as a table.
- You are provided four actions.
- You are provided two ethical lenses.
- Answer:
 - For each lens, which options best align with it?
 - Which option+lens does your table favor?
- You have three minutes total.
- We'll do three rounds of this.

Round 1
Rights Lens
and
Virtue Lens



Framework Exercise

3. Evaluate Alternatives

Group Tasks

- Answer:
 - For each lens, which options best align with it?
 - Which option+lens does your table favor?
- You have three minutes total.

Round 2
Justice Lens
and
Care Lens



Framework Exercise

3. Evaluate Alternatives

Group Tasks

- Answer:
 - For each lens, which options best align with it?
 - Which option+lens does your table favor?
- You have three minutes total.

Round 3
Utilitarianism Lens
and
Common Good Lens



Framework Exercise

Markkula Framework

1. Identify Ethical Issues

2. Get Facts

3. Evaluate Alternatives

4. Choose Option and Test

a. After an evaluation using all lenses, which option best addresses the situation?

b. Discourse test?

c. How can my decision be implemented with the greatest care?

5. Implement and Reflect



Framework Exercise

Markkula Framework

1. Identify Ethical Issues
2. Get Facts
3. Evaluate Alternatives
4. Choose Option and Test
- 5. Implement and Reflect**
 - a. How did my decision turn out, and what have I learned?
 - b. What follow-up actions should I take?



Harm in the Workplace

A new digital era brings new security and safety concerns

- Cyber and physical harassment
- Trauma



Harm in the Workplace

Digital and Physical Harassment

- Keep personal and work accounts and devices separate.
- Use a unique password every time.
- Use multifactor authentication like an SMS, code generator, or physical token.
 - If you use security questions, don't choose questions that are a matter of record like your birthday, city of birth, or mother's maiden name.
- Be aware of bots and trolls, and assist colleagues who are targeted.
- Make a plan for international travel.
 - If possible, do not carry personal electronic devices.
 - Be aware of local laws on data, software, and equipment.
 - Make a plan ahead of time of what to do if you are detained or questioned.
- Be aware of gender, race, sexual orientation, or other factors that could be targeted for harassment.



Harm in the Workplace

Trauma

Viewing graphic or violent content can lead to vicarious or secondary trauma.

Symptoms

- Experiencing lingering feelings of anger, rage, and sadness.
- Becoming overly involved emotionally.
- Experiencing bystander guilt, shame, feelings of self-doubt.
- Losing hope, feeling pessimistic or cynical.
- Distancing, numbing, detaching.


Mitigation

- Take regular breaks.
- Have someone to talk to even if they are not a therapist or social worker.
- Take the opportunity to defer or delay a project.
- Limit hours devoted to violent content.



Ethical versus Legal Judgments


 Ethics: (try to remember the definition from before)

 Law: system of rules and regulations enforced by a government or authorities



Ethical versus Legal Judgments

 Ethics: system of moral codes that govern behavior

 Law: system of rules and regulations enforced by a government or authorities



Ethical versus Legal Judgments

Understanding your jurisdiction

Review these common OSINT activities and considerations and make a plan for your jurisdiction:

- Privacy.
- Copyright.
- Hacking.
- Accessing prohibited information.
- Export controls.
- Right of reply.
- Purchasing stolen or leaked information.
- Impersonation.
- Recording conversations.
- Extraterritorial research limits based on citizenship.



Ethical versus Legal Judgments

Understanding “Terms of Service” or “Terms of Use”

You are entering a contract when you sign up for a service or purchase something. You may risk losing access to your service if you contravene the terms of service. Check if these activities are allowable:

- Impersonation.
- Using sock puppet accounts.
- Scraping data, including text, photos, videos, and files.
- Accessing back-end or developer features without permission.
- Sharing passwords or licenses.
- Distributing data or new data derived from the site’s data.
- Using a VPN.
- Accessing a site or using software in specific blocked or banned territories.



Ethical versus Legal Judgments

Clarify Ethical Questions Before Entering a Contract

Contracts may be unenforceable if you are asked to do something illegal, but otherwise you may face steep penalties.

OSINT analysts were most concerned with:

- A client requesting an unethical collection of media.
- A client abusing data after it was turned over to them.



Ethical versus Legal Judgments

Navigating a Contract

- **Governing Law or Jurisdiction:** There should be (but not always is) a place in your contract that identifies the controlling law in the event of a dispute. It should identify the county, the state/province, or the country whose laws control the contract for any disputes regarding your contract. It may go so far as to identify the courthouse where you resolve any legal disputes. The laws of this jurisdiction will also control the enforceability of the contract (see next).
- **Vagueness:** When a contract term is not clear, is the vagueness held against the person who drafts the contract or the person who signs it? Often, any vagueness is held against the person who drafted the contract, in order to encourage careful language. Some contracts will have language indicating both parties drafted or bargained for this specific contract in order to avoid vagueness being held against the drafter of the contract. If your contract has such a clause, make sure the terms in it are precise enough for an outside reader.



Ethical versus Legal Judgments

Navigating a Contract

- **Entire Agreement or the Four Corners Clause:** It is common in negotiating contracts to have several drafts and multiple emails or phone calls discussing possible provisions. In order to minimize misunderstandings, contracts will often state that the final contract is the entire agreement, and disclaim any statements made before the contract is signed or any previous drafts. This provision will likely also disclaim any statements made contemporaneously as well. The laudable goal is that we shouldn't need to look outside the four corners of the final signed contract to resolve any disputes.
- **Unenforceability:** It is surprisingly common for contracts to have terms that are unenforceable under the jurisdiction's law. This may be due to an outdated contract template or plain ignorance of the law. A heavily flawed contract may be voidable (able to be canceled by one of the parties) or void (unable to be enforced by any party). If your client is asking you to do something illegal, then it is likely the contract is unenforceable. Nonetheless, try to prevent this from happening by creating a good contract from the start.



Case Studies

DPRK Missile Image

- **Ongoing conflict:** While it is rare for OSINT analysts to face these kinds of crisis situations, the consequences of their ethical decision are high. Digitalization of information means that it spreads faster than ever before, and during an ongoing conflict, decisions are made quickly with the best information that is available at the time.
- **Manipulation of data for political goals:** While an analyst may be trying to make a decision based on fact, their data may be used to advance a political goal. Stick to the facts, and try to write analysis so that even an extreme actor could not manipulate it.
- **Civilians and bystanders:** When conducting analysis, consider civilians in or around a place where a military activity is happening. Take them into consideration for your ethical decision. In this case, it was the civilian airport in Pyongyang with regular flights to Beijing.
- **Explaining technical limitations:** Stating the limits of your data is another important idea to focus on. Practice explaining the method or technology you are using in clear simple language. Also list uncertainty margins using clear simple language.



Activity

Choose Activity from Guidebook

- **Bulleted List.**



Case Studies

Double Standard for the Country of Dovinda?

- **Double standards:** When considering which projects to pitch, don't forget some of the lesser-studied areas. We shouldn't limit ourselves to the national goals of the country we operate in. Self-reflection is also important.
- **Bias:** Every person has innate bias based on their lived experience. Recognize your bias and strive to overcome it. Diversify your contacts, seek peer review, and use techniques like structured analysis in your methodology.
- **Local knowledge:** Most OSINT analysts are based in the United Kingdom and the United States, but they study regions far afield. Be sure to partner with colleagues who speak local languages and understand the cultural and political context.
- **Fear of harassment or reprisals:** Deondre was concerned that he might face harassment from agents of the Dovindan government, or even lose business.



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Case Studies

Avoiding Harm to a Bystander or Dupe

- **Privacy:** This team of analysts deals with publicly and commercially available information about individuals. When pieced together it can reveal personal information like the person's full name, age, and address. Try to limit harm by documenting all data with original sources but withholding some information if it is not immediately important to your publication.
- **Right of reply:** This concept is not prevalent in every country. It states an individual or entity has the right to defend itself against public criticism or accusations in the same venue where it was published. Even if there is no law, consider applying it.
- **Beyond the scope:** Multiple researchers said they uncovered evidence of harmful behavior or criminal activity that was beyond the scope of their research. Make a plan ahead of time of how you might handle these situations. Identify local resources that can help you if you see someone expressing self-harm or violent threats online.
- **Bystanders:** It's important to think about all the kinds of stakeholders in your research. Some bystanders are more vulnerable to abuse if they are identified. Please be especially cautious identifying victims of crime or those who would be shunned or harmed by society.



Activity

Choose Activity from Guidebook

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Case Studies

Using Sock Puppet Accounts

- **Sock puppets:** These are a common tool used by OSINT analysts to monitor private social media accounts. Some argue that it's no different than using a VPN for your IP address. Others say the social media users have an expectation that their data is limited according to their settings. Sock puppets can be abused, and they can also be prohibited by the terms of service of a social media site.
- **Outsourcing:** Governments and international organizations hire OSINT analysts to do work that may be politically sensitive or considered below the evidentiary threshold of their own intelligence gathering. Make a plan ahead of time of what you will or won't do if you want to take these contracts. Pay specific attention to concerns about the method by which data is collected and what happens to the data after it is turned over. Make your contract explicit to avoid ethical conundrums later.
- **Employee security:** Organizations have an ethical duty to their employees. Sock puppet accounts have the benefit of keeping a user's identity anonymous, thereby protecting them from potential harassment.



Sample Spectrum

No sock puppet

Silently viewing
accounts with
your sock
puppet

Silently
scraping data
from accounts

Having
conversations
using a sock
puppet

Suggesting
illicit activity
using a sock
puppet



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Activity

Choose Activity from Guidebook

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Case Studies

Unintentional Harm to Employees

- **Unintentional pressure to perform:** Supervisors and leaders can unintentionally send mixed signals to employees. In this case, Chunhua brags about how “hardcore” her team is, and she told them to “do whatever they need to do to get the job done.” Chunhua didn’t mean to compromise their health, but it may have been hard for her employees to know. Leaders should embrace ethics and self-care, otherwise their employees will feel it is not a priority.
- **Creating a safe and proactive culture:** Everyone handles trauma differently, and gender and culture can play a role in how willing people are to come forward and seek help. Set up resources and guidelines ahead of projects that require consumption of violent content.
- **Identifying symptoms and intervening early:** Circulate a list of symptoms to managers and staff working on projects that involve violent content. Provide opportunities for employees to take a break or change work duties or schedules without shame. Better yet, proactively set breaks and limit screen time for violent content.
- **Privacy for victims:** Amina raised a valid concern about the rape victims. Since the project only needs to map out the locations of attacks, they can easily withhold the video itself from their publications. Protecting the privacy of victims should be paramount.



Activity

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Case Studies

Buying Data on the Dark Web

- **Using leaked or stolen data:** Ever since the initial 2010 WikiLeaks incident, OSINT analysts have been debating the use of leaked or stolen data. The US government went so far as to prohibit federal employees from reading the leaked cables.
- **Purchasing data from unknown entities:** One issue to consider is who you are paying and what the proceeds of the sale are going to. Be careful you are not unintentionally funding crime or worse. Checking sanctions lists can be one tool, but much of the data is sold by brokers.
- **Verification of data:** In addition to the legal and ethical concerns, good research dictates that the sources must be verifiable. Without the US government authenticating the WikiLeaks cables, they could never be fully verified. In this case, Bellingcat cross-referenced each piece of data across multiple datasets.
- **Law versus ethics:** Bellingcat justified its decision with the argument that the good from reducing the risk of future assassination attempts outweighed any risk from purchasing leaked or stolen data. In addition to the legal discussion you are having here today, be aware of legal implications in your own specific jurisdiction.



Activity

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- **Bulleted List.**



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