

Course Name: Cyber Security and Privacy
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Good afternoon everyone. We are group one comprising of Shriraam, Nithish and myself, Anna and we meet again for another case discussion. So starting off with the presentation. So privacy is power. What people don't know, they can't ruin. But in this modern digital world, we all know that has been discussed in the class.



The image shows a video player interface. The main content is a slide with a dark red background. At the top, it says "We Googled You" in large white letters, with "Google" in its signature font above it. Below that, it says "Harvard Business Review". Underneath, it lists "PREPARED BY:" followed by three names and their IDs: ANNA CATHERIN - MS21A004, NITHISH KANNA - MS21A042, and SHRIRAAM SAHADEVAN - MS21A062. At the bottom of the slide, there is a subtitle: "Good afternoon everyone. We are group one comprising of Shriraam, Nithish and myself, Anna". The video player has a yellow progress bar at the bottom with a timestamp of "00:00:14 / 00:32:43". In the top right corner of the video frame, there is the NPTEL logo. Two small video thumbnails are visible in the bottom right corner of the player.

This power is something that we cannot fully exercise. In this age of social media, any individual can access a wealth of information about a particular person just with few clicks. With social media sites like Instagram, Twitter, LinkedIn and whatnot, the individuals are allowed to share his or her personal information as well as private information on the net. And anybody who has access to internet can access them, including data of what they achieved, what they did, and everything including what you buy, what you watch, where you go, etc.

There are many benefits for social media as well as internet, but it also has potential loss

for your privacy. There can be many threats including social engineering, spear phishing, etc. that we had discussed. Additionally, nowadays, companies are using all this additional information that are available to assess an individual to know what his or her personality is and to judge whether this person is potential candidate for the job. And this is where we are coming to.



◆ Possible Business Impact

- ▶ Fred aims to target China's luxury goods market, which was growing 70% a year
- ▶ Possibility of targeted attack on company by using Mimi's past activities might affect their image and reputation
- ▶ Cost of undoing the damage would be very high
- ▶ Candidates might sue employers under civil law that protects employees from prejudice on the basis of discrimination, racism, ideologies and favoritism during the recruitment process

So if they get to know all this stuff, obviously it might affect not just the image but also

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As for every interview, we say that the first impression is everything. But with internet and social media screening, more impressions are assumed of a candidate by the companies, way before their interview. So according to a survey that was conducted in 2020 by Harris Paul, it says that 71% of the companies do agree that a social profile is an effective way to screen candidates. And amongst them, 55% have admitted that they have found some content about a candidate that caused them not to hire that applicant. Also, a study which was conducted again in 2020, found that social media has become a cost effective as well as less time consuming tool for the hiring processes.

As you know, social media, it's like free of cost and you get a ton lot of information about an individual way beyond the resume. But as you all know, too much of anything might not be that good. So invasive background check is collecting an individual's data that is far more required to just check the qualification of a particular individual for a job. It can be any personal information like your relationship status or the credit score which reveals your financial status or it can be your medical history that can be used to embarrass you or any ailment that can disclose your potentiality or it can also be the information regarding your race or ethnicity, all which can invade your privacy. And also when

looking at the hiring process, it can also bring in bias or discrimination.

So keeping all this in mind, let's start with our case for today. So the case, We Googled You. So it is about a company, Hathaway Jones which is a luxury apparel retailer with sales of over 5 billion. So the current situation as of this case is that the Hathaway Jones is facing a declining sales situation and one of the reasons is that the customer's taste is actually changing and the younger people whom the company had targeted earlier, they are now searching for much more affordable clothing with flair which the Hathaway Jones is not able to provide at the moment. So their strategy is, the CEO strategy as of now, is to tap into the Chinese dream and so they want to be successful in China where there is apparently a huge market for luxury apparel and as you can see there is a queue outside luxury stores and this is, they are aiming to tap into this in order to turn around their company.

CHARACTERS

Character	Role	Key Traits
Fred Westen	CEO	<ul style="list-style-type: none">Experienced in working with Luxury brandsis betting on Chinese market to turnaround the companyPrefers to have the most qualified people on his teamdoesn't care much about procedures
Virginia Flanders	VP-HR	<ul style="list-style-type: none">Lifer at the company, member of the old guardNot part of Fred's inner circleHas problems with Fred for ignoring internal talent and downplaying HRVery methodical and diligentAnalytical
Mimi Brewster	The Candidate	<ul style="list-style-type: none">TalentedHas good credentials and skillsAmbitious and drivenExpat from China and fluent in ChineseGood leadership capabilities and streak of

and he is bidding on the Chinese market and so his personality is that he is, he doesn't care

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So we will just look at the various characters of this case study. First we have Fred Westen, who is the CEO and the person in charge of this transition to China and so he is an experienced person working with various luxury brands before and he is bidding on the Chinese market and so his personality is that he is, he doesn't care that much for rules and procedures, he just wants to hire the best people for the job and get the best possible team to ensure that they can do a successful job in the field. Now we come to the second character which is Virginia Flanders, who is the Vice President of HR and she has been, she has served in the company for all her life and she is considered to be part of the old guard by Fred Weston who is new to the company and therefore she is not part of Fred's

inner circle. She is a stickler for rules and she also believes that Fred Weston is not treating the internal talent right, by getting new people to come, outsiders to come into the company and run the business of the company. At the same time she is also very methodical, very diligent and she is very analytical, she pursues proper background checks and goes an extra mile to ensure that the right people are indeed entering the company.

And now we come to the candidate, Mimi Brewster who is the main person in this case. She is a very talented person, she has good credentials. She studied in the top colleges all over USA and she is very ambitious and driven and she is an expat from China and she is fluent in Chinese, which is one of the most essential skills as far as this company is concerned for its transition to China and she has displayed good leadership capabilities and good leadership capabilities in her previous company, where she has done product launches and as we can see, as we will be seeing that she has also has some streak of activist tendencies and she has also led this in these activities, activist activities. So we will go through the sequence of events how this case goes. So as mentioned before, Fred has planned to get Hathaway Jones into the Chinese market by entering in three cities Beijing, Guangzhou and Shanghai and he's assembling a winning team.

So just to get the point he wants a winning team for this and he is in search of a manager who can get this delivered. At the same time his friend, John Brewster suggests that his daughter Mimi Brewster is looking for a job and asks for Fred to give her a chance and an interview which Fred agrees and in his very first impression of Mimi Brewster, he is extremely impressed and he is already decided, made up his mind that he is going to hire this person and he feels that this girl is the right person for the job and he does not want to lose her. At the same time, when he recommends this, forwards a name to the HR, who is more diligent in this case and she runs a Google search for her name and she searches for nine pages. Most of us don't even search for more than three but she searches for nine pages and the ninth page she finds that Mimi has been involved in some activist activities which may not look favorably on the company, one of which is that she led a protest march against the World Trade Organization and another incident protests against the Chinese authorities for the death of a dissident journalist. Now she brings this to the notice of Fred and Fred himself acknowledges that in today's world if we search deep enough you can actually get dirt on anybody and he also like, in his mind he remembers that he had been much more glad about the town, so when he was young and all this could also be part of that and at the same time he also realizes that leadership involves taking some risks and taking some, such activities are what actually define a leader and now, if you are going to show that in a negative light that might be a problem for any, the person he is searching for.

At the same time, so he now decides to give Mimi Brewster another chance and asks for

her to come back and give a second interview and at this time, the Virginia, the HR VP points out that Google searching might not actually be entirely legal at that moment and ask for company lawyers to be present to figure out the legalities of that interview. So at the end of this case, we are left with two questions, whether the company was actually right to dig deep on the internet and scan for Mimi, by going through Google searches? Is it a violation of her privacy? And the other question is whether the company should actually hire Mimi and their argument for both cases. Now we will just discuss the business impact of this case before proceeding on to the discussion about the questions. Thanks Shriraam. Now let us take a step back and analyze the case of whatever has happened, now that you guys have understood the case to some extent.

Well, we already saw that Fred wants to make a winning team for their Chinese expansion strategy. Now let us just consider the two possibilities for the second question, which he discussed earlier. If in case they hire Mimi, then few years down the line there is a possibility of their competitors attacking or you know or getting the information regarding her past involvement in such protests or other activities and then using that to attack this American firm, Hathaway Jones and do remember that Hathaway Jones is an American firm and now they are planning to enter into China and they want to succeed in that as well and as I think that you guys should be aware that, aware of the economic and no trade war that is happening between US and China and all other conflicting interests between these two countries and you know these should be a possible very good information, to attack on the company and this will, this might actually affect their loyal reputation of the company and image if they and you are opening inside China and now moreover, consider that the damage has been done, more this might also increase their customer acquisition cost as well as the customer retention because Chinese people, they are from high context culture and you know what, they give more preference to, you know loyalty and they are more traditionally oriented and that's what even Mimi refers to her as one liner or pointer during her conversation or during her interview with Fred. So she mentions how they are culturally oriented and how they like things related to Confucianism as well as the business point of view. So in case if it gets leaked and the Chinese people get to know that one of her, one person from their kind is looking for an American firm and was also involved in previous protest which was against the Chinese government because where in a second protest she actually was against a dissident journalist, who was actually protesting against the government.

So if they get to know all this stuff, obviously it might affect not just the image but also the impact they might have on the customers over, maybe buying and again the cost of undoing this damage might also be very high and stakeholders, we are not still assured of and then Chinese government might come up with their own regulatory issues of some policies of that sort, which we might not be sure of and now consider the other part of it.

If in case, the organization that is the Hathaway Jones does not hire the candidate Mimi, there is a possibility that obviously her being an excellent candidate, she might come to be aware of the fact that she was actually rejected based on the previous involvement in protests and other such activities and this is actually wrong because you know, candidates they have the right to sue their employers or even the organizations under civil law and even some other privacy law stating that, because they have been biased or prejudiced on the basis of discrimination, racism, ideology, opinions or beliefs and favouritism during the recruitment process. So she has her own legal standpoint because based on which she can even sue the company and you know protect her interest and this might also be challenging for the company as well, going down the line. So let us see how we can deal with this case. I am coming to the same question of, same coming to the same questions, actually if you analyze this case, this case has two aspects to it.

Should Mimi be hired? Why (or) why not ?

OPTION 1 >> Hire Mimi for China's expansion plan

OPTION 2 >> Don't hire Mimi

OPTION 3 >> Confront Mimi and then take a decision

suitable in this case? She should be hired in case she deserves it. Yeah but what if in case

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The first question will actually deal with this privacy aspect of it, information privacy and individuals privacy aspect of it, while the second is actually more of an human resource management type of question. So let us see and how we can deal with the first question and now it is actually, I am opening it to the audience. Do you guys think was the company right to dig deep on the internet to scan Mimi or is it a violation of her privacy? Coming on to the first question, actually is it cannot be called as a violation of her privacy because it is already there on the public domain, okay and no one is hiding that and she's also not hiding that. Sure, and secondly coming on to whether the company was right to dig deep on the internet, yeah that the company can always do because it is giving us some kind of general view about the social profile of the candidate, that is there.

Yeah and any other opinions? I also agree with the view that all the information is publicly available and whatever activities that Mimi had engaged in, she would already know that there is press coverage for those events and it may be shared, probably she herself knows that this information is available on the internet, if there was any objection that would have come towards the press which published this information.

So the company looking at that information which is available is, I don't think a violation of her privacy and from a company standpoint, before it hires any candidate, it does some kind of a background check. Before internet they would do it physically, they would talk to reference or sometimes talk to people who are related. This is another additional step or could be a substitute step that the company is trying to follow to background, to do background check about the candidate. So I do not think the company has violated any law in terms of privacy. Cool and also another point which we not forgot but which we would like to stress upon again is that, this incident actually, these protests actually happened some a decade earlier, I guess before the interview, so there was a long period of time gap between the protests as well as the interview that is currently happening right now.

So that is why she could not actually remember the fact that she was involved in protest and the know, her digital presence of such protests in which she was involved in and yeah. Any other opinion? Final call. So let me proceed with the case and as you guys already said you guys both of you are right actually because the general takeaway from the whole thing is that companies from their standpoint, they have their own right to do their background screening as well internet screening policies based on which they can screen their candidates and their social media presence as well as what all publicly available information are present, based on them but the extent to do which they use their power to collect such information is what, is what where the know the lines blur and moreover the, there are two things to be considered, the extent to which they go for collecting the information as well the second aspect would be on what rational or premise they know, hire or reject a candidate because it should be only based on the professional reasons based on which they are substantiating their argument. It should not be on the basis of any personal reasons or her own ideology or belief based on which they are rejecting a candidate. So these are the two main key aspects which any organization should be aware of and coming to this case especially, you guys were right, the company was completely right in their aspect to do that internet scan but when Fred asked Virginia, HR girl to confront again, call upon Mimi, she actually hesitates and her actual words were, " We are still studying the legal and privacy implications of internet searching practices in an attempt to define an appropriate position for the company.

It's a bit risky letting her know that we are considering not hiring her because we Googled

her". Now you guys told me that it's completely okay for the organization to do a basic Google searching but why do you guys think she's afraid or she hesitates to say that saying that it's a bit risky, Any idea? These are, these are her exact words from the case It is kind of a discrimination actually by the company, in case the company reject her solely on the basis of her that Google log back ten years back, in fact a decade back but still it is publicly available, right because personality is again dynamic and she may not be following that thing. Yeah but I mean, the company is also writing a standard saying that if in case down the line it gets publicized it will definitely affect their company reputation, so actually another possibility which it suggests have you read the case is that, well it actually suggests possibly that they don't have a well defined framework for background checking and screening policy based on which to the extent to which they should go and how they should use the information to reject or select a candidate. So then our main suggestion would be to draft a proper check line or guide list because she does not refer to that checklist but she just openly comes and conference Fred are saying all these details, so we are just, will be coming or going over with suggestions of how a company should you know, frame their background screening and internet screening profile and policies based on which they can go forward confidently without consulting their lawyers and stuff. So a well drafted background screening and internet profile screening policy should always comply with multiple layers of Information Privacy where the first one would include data protection regulations that are specific to that one country as well as in general, Information Privacy and some individuals privacy right that are specific to the own state or country and that complies with the Constitution, whatever the rights they grant and also the local privacy laws based on jurisdiction in which the company lies.

So there are multiple layers to the Information Privacy and organization should also ensure that they complete all the layers of this Information Privacy and since this is an Western company, we also thought of covering the some of the major Acts, yeah yeah. Does it is mandatory for the committee to reveal the reason of the rejection? We will be discussing that later, that will be the second question actually. So some of the major policies which the company or organization, organizations should comply with or which are kind of infamous are provided below where the FCR is the Foreign Credit Rule Act, where it comes under Constitution as well as an act which guidelines how the organizations should use the consumer information as well as the customer information as well as any individual or candidates information based on which they, how they assess their credit history as well as the criminal records and how they should not be biased towards which they're using their information for and infamous GDPR as you all know is a general data protection and regulation act and the key point to be observed here is that, any organization that is using the information of European Union citizens alone, should get their explicit concern from them before doing their background check and information policy that is, they should let the individual or make them aware that they would be doing

a background check on them, which does not, so we can understand the extent to which EU goes to protect their information privacy of their own citizens and EEOC is the Equal Employment Opportunity Act based on which you know the organization should not discriminate on basis of any particular attribute as such and NLRI is another such important act which is National Labor Relations Act based on which it actually protects the employees in an organization to conduct their own protests and you know to take part in such activities related to workers unions or any other such protests and the organization should not cite such activities and you know, reject or you know, have fire a candidate. So this has some sort of relevance but this is more in the western region and HIPAA act is another important Act which actually protects the personal health care information and it actually guidelines and it actually prevents the organizations from you know, collecting health, personal health care information data of their employees or individuals or even customers and you know, what there have been many cases of instances where you know organizations have used, breached the HIPAA Act and where they have collected the information of such candidates and customers and based on which they fired the candidates. Because in some cases, there have been some candidates with serious ailments and but which did not matter at that point of time but down the years down the line, that might affect the productivity and in turn might affect the organization based on which they know rejected such candidates and after the candidate got to know that he actually sued the organization where it went into some very serious legal proceedings.

So it is such Act where the company should be aware of and should comply with and other state and law which you need to be aware of and some other key suggestions would include the organization should limit their internet search to publicly available information as you already mentioned and should avoid candidate's private spaces, like you know, they are stalking their you know their social media accounts like Facebook or Instagram to a deeper extent, especially when it was, if it is in private profile and the information should be always relevant to the opening position. Where whatever information they are collecting and moreover they should also be transparent about their process and a good suggestion would be to let them know the candidates that they will be obviously doing a background check as well as an inform internet screening policy based on which they would be scrutinizing their social media presence and all such stuff. So the company needs to ensure a proper screening policy which they will have based on which they can confront Mimi and ask. And now the second question would be, I will just quickly go through this HR question. Do you think Mimi be hired or not? And these are the possible options which you can see in the suggest screen and which option do you think will be suitable in this case? She should be hired in case she deserves it.

Yeah but what if in case of any problem or how the company should deal with, how many? I guess irrespective of her political ideology she should be judged based on her

expertise for the job and if she has the qualities for which are required for the expansion, then she should be hired. So which option would you ideally suggest? One, two or three? You can just say loudly. Okay, hands up vote for three. So ideally we came up with option three, where they can confront Mimi because they obviously want to hear their side of the story as well. And another information to be noted is that not everything in the internet is true.

So there is a chance of it being falsified or you know, it being fake and it being manipulated. So it is always right from the organization point of view to hear the other side of story and you know confront Mimi and then take a decision of know, how to proceed with her. So yeah, now I hand over to Anna. Now that we have seen the company's perspective being the employers of organization, of future employers of an organization, let's see what we should be prepared of in this digital era. So after hearing this case and being aware of what the companies do, you're almost sure that almost hundred percent of the companies do background check of our digital, you know social presence.

So if there is something that is embarrassing or negative about you, that you would post it say, ten years back after listening to this, you don't just go delete your account because erasing your profile, we found that in a survey one out of five employees suggest that while searching for an individual if they are not able to get anything related to that individual online, they think that the individual has something seriously to hide from them. Hence there is much, less likely to hire that particular candidate. So the best thing is to clean and have a good presence in the digital world. So use social media to your benefit, since that you know they will be doing background check, make sure that you post relevant data and also your achievements about you, about a professional life in a much cleaner way in the social media and next as the case suggests, We Googled You, make the mantra you Google yourself at least frequently, say after a few, like in a few months duration, just Google yourself to know what is there, something bad that has been written about you on the internet. Also professionals suggests that you keep an Google alert of on yourself, so that if by chance anything is written about you, anything pops up, you will be one of the first one to be aware of.

And also the present strategy that we see is that many employees create multiple or separate social media account, one is for the professional setting which is public and other is like the private locked one which is just, which just has friends which are very close and your relatives. And lastly, most important thing, be mindful of what you post, say anything that is being online is, will remain there forever, even if you are deleting it. So be mindful of what you're posting and hence with this we conclude. Hope this was an insightful presentation and made yourself aware of your social presence, digital presence on internet.

With this we conclude. Thank you .Yeah, very good job of presenting the case, bringing all the facts that is related to decision making and you gave three options and you chose the third option. But I am a bit concerned as to, even if you confront Mimi, it's going to be one or the other, right. She says well, I was an activist when I was studying in Stanford or wherever, I did all that and that's what I believe. But her credential standards, you also find she is one of the most suitable candidates to lead a new business in China.

She knows Chinese language. She is an MBA from Stanford, she has similar work experience, she is a female you know, it's all positive. And as you said if she's not hired, competitors would hire her and she would definitely contribute to the competitors. So that is plus side but I don't think you are seeing the other side completely. As to, if you decide to hire her after doing all the credentialing, it is there in the public domain that she has done anti China activism. Yeah, so in the third point Google yourself and I was checking, there are companies that can actually help you to erase whatever is there on net and to bring up a good image about yourself.

So the company is actually willing to hire her based on a performance and credentials. But there is actually inner party, inner organizational politics here. The HR manager and CEO are not in good terms. So HR manager is trying to, because it is Fred's person you know, Fred is trying to bring his person in, which the HR manager doesn't want. So she would be negative about anything that, if she will not allow that to happen.

Where are you raising? Yeah, yeah, yeah there is. Organization is a complex entity you know. So it's not very smooth. Even we wanted to discuss the possibility of, branches of, for that particular solution, which is to confront Mimi and take a decision. Where the first branch would be, as she told we can either try to remove such post wherever there to know directly, since it was mentioned it was some news article and some Facebook post, we can directly either ask the channel to either remove or edit the post or something of that sort or we can try to again build up a positive image over the social media presence by writing good about the Chinese government or how in general, by taking diplomatic standpoint and making that more visible, compared to the old, earlier her involvement in protest and other activities and the second branch or second suggest suggested alternative would be to, not let go of her, but keep not at the same time, not permitted to go to China, by keeping her in US and let her handle the overseas operations of taking some strategic decisions of how the store should open, how she, how they should relate to the culture, local culture and everything.

So basically they may, the organization can keep her in US, under Fredo in the same organization where she will oversee the operations of how they are expanding into China

and then you know, years down the line, of seeing how the climatic standpoint of, how liberal or communist the Chinese government is, they can plan to you know, push her down that side. Yeah but that may defeat the purpose because she is being hired for China. It is not doing anything because the local culture is what she is familiar with. That's where I felt that, we felt that we need to reach a middle one because we can never say that, yeah we can take we cannot take a leap of faith by just hiring her even though she has some bad influence in the internet digital profile. So we can just confront her and just negotiate or reach a middle ground saying that, you do have a lot of opportunities inside, let and she's an expatriate, though she does want to work there but still she's an expatriate.

So she might be okay with you know, working overseas and then going there to deal with, that's what we came up with. But you must also keep in mind that governments are very very very, what do you say, I mean, you can put it as a hyperbole, in the sense they are very negative about individuals particularly Chinese government, who question their authority, it is an authoritarian government. It is not democracy, you know the Tiananmen Square event, do you do you, so they just crack down and kill students who protested against the government, that's it. So there is no place for protest in China. The government decides and it is authoritarian and anyone who questions their authority is not welcome there.

Just like Indian government is how, you know how difficult it is for a Pakistani citizen to come to India? They, currently we are holding a conference and there is a Pakistani born German citizen, the German scholar but parents live in Pakistan. You cannot come to India. Government has made it almost impossible for such a person. If you have origins in Pakistan, even if you are the citizen of another country, it has to be informed to the government and then government works with the German government and delays and almost denies.

So this is how governments function. So one is the credentials, as you are suggesting. If the candidate is good, you should select. You know that is very straightforward but the other is the political side of it. So both you know, you call it legitimacy of organizing, for an organization to function legitimately in a place, one has to look into both.

That's what, that's the complexity in the case. So you are actually exploring via media options, hire and try for some time, train her you know, put her on probation. So these are possibly options I can think of, all right. Thank you.