

# The Ethics of Data Privacy in Marketing

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## ABSTRACT

In the era of big data and algorithmic personalization, the ethical implications of data privacy in marketing have become a critical issue. This paper examines the complex relationship between consumer data practices and ethical marketing, drawing on historical context, current regulatory landscapes, and evolving consumer perspectives. It highlights how digital technologies have shifted traditional marketing paradigms and intensified ethical dilemmas around transparency, consent, and data ownership. The study underscores the limitations of self-regulation, the challenges in implementing ethical data practices, and the implications of consumer trust erosion. Through case studies and theoretical analysis, it advocates for a comprehensive ethical framework that includes purpose limitation, proportionality, and consumer empowerment. The findings suggest that without stronger regulation and a renewed ethical commitment, data-driven marketing risks undermining the very trust it seeks to cultivate.

**Keywords:** Data Privacy, Ethical Marketing, Consumer Trust, Big Data, Digital Surveillance, Consent and Transparency, Regulatory Frameworks.

## INTRODUCTION

In marketing, data privacy pertains to how a brand collects, uses, stores, and discloses customer information. Having people's data comes with risks for customers, companies, and businesses. A company without expertise in data security, marketing research, strategy, privacy policy, or IT may find leaked data detrimental to its market position. An expert strategy, privacy policy, and conducting ethical marketing research give a competitive advantage. A well-defended site reaps rewards such as repeat purchasing and increasing brand loyalty. Ethical dilemmas in seeking data can occur. When businesses must guarantee that people's data has been irretrievably destroyed, questions arise regarding the length of time data should be retained. Customers wish to know whether their information is used invisibly and whether they can delete it. At its best, much of marketing research and the use of data is practically harmless and done in good conscience and spirit. Yet some strategies are inherently unethical or borderline and merit concern. The market can offer viable, oppressive, deceptive, and unfriendly solutions. Deontological marketing research and policies can protect various stakeholders. Different countries perceive ethical marketing differently. For an unknown product with a long transmission time, consumers may decide after tasting it, as harm is not immediate. Creating a European law limiting data processing is ethically a proportionate response and an adequate public policy product. However, sometimes privacy is needed, as data should be acquired legally without manipulation. But firms do not assess their data use and whether new forms of data ownership are needed. When companies can access other companies' data in a complex web, what will prevent data abuse? In attempting to seize more data than needed, companies violate the principle of purpose limitation and many customers' first principle of data processing [1, 2].

### Historical Context of Data Privacy

To develop an ethical framework guiding marketing practices regarding informing information use, it's essential to consider the historical evolution of data and privacy issues. For decades, marketers have tracked customer behavior through transactional records, utilizing cash registers to log when and what products consumers purchased, typically analyzing this data locally. However, advancements like point-of-sale scanners have escalated public concern about record-keeping and potential misuses of this information. These technologies have simplified the compilation and analysis of data, which stirred significant media attention in the 1990s as convenience was at risk due to the depth of consumer data collected. Initially, databases were employed to evaluate pricing tradeoffs and promotional targeting for individual retailers.

Recently, factors such as the rise of supermarket chains, chain drug stores, and data-sharing networks have transformed the landscape. Retailers now often digitize their cash registers and buy scanning systems, gaining access to data once monopolized by supermarkets, while marketers can obtain information from multiple retailers. As public concern over consumer behavior recording grew, consumer advocates responded with increased scrutiny, leading to legislative efforts in the mid-1990s to regulate marketing practices that many consumers, unaware of the implications, found concerning. Over time, as awareness heightened, a dialogue between retailers and advocacy groups formed, addressing sharply divided opinions. This maturation of issues prompted mainstream media to showcase a more nuanced understanding of the complexities surrounding consumer surveillance [3, 4].

### **The Importance of Data Privacy in Marketing**

The market has long been essential to life on earth, with providers competing to enhance consumers' well-being, leading to reduced poverty and want. This system recognizes each party's right to engage in exchange, a concept known as the free-market system, which has thrived for over two centuries. However, there is growing concern about its effectiveness. Increasingly, discussions question whether the market is functioning properly, with claims of connivance and betrayal surfacing. Recently, consumer protection from predatory practices has garnered attention, indicating flaws in the market's foundational discussions. Disappointment with market motivation isn't new; even David Hume noted concerns 300 years ago. Ethical scrutiny of the market often focuses on the roles of buyer and seller. Marketers can extract personal identification and insights into consumer behavior, which raises ethical dilemmas. Some information helps efficiency, while data warehousing creates troubling implications due to its predictive power regarding consumer behavior. A supply theory approach to consumer maintenance can seem defensible, yet it tempts abuse quantitatively. The market remains a crucial part of trade, and ethical scrutiny has a long history. However, practices like data mining and knowledge management introduce new ethical concerns about consumer privacy [5, 6].

### **Current Regulations and Laws**

While changes in the marketplace have driven a growth in data-driven marketing, the regulatory environment governing its use has not kept pace. Industry self-regulation addressed only a small portion of the issues raised. The North American advertising industry is, for the most part, self-regulated and policed. This means that those in violation of existing practices are not fined, but rather taken to a media channel where they are publicly shamed. With this being the primary means of enforcement of the rules of the industry, businesses are incentivized to seek higher margins and consumer value. Consequently, the problem is one of business ethics and consumer confidence rather than a systematic audit of business practices. For most organizations, \$10 million is an enormous fine. Even for those that can create billions of dollars in revenue within months of completing an IPO, a \$10 million fine is likely to lead to changes in marketing operations. The resulting cloak of secrecy means that many minority businesses will have their networks upended, their business models destabilized, and potentially have their business lost altogether. The irony is that by destroying the tools that many small businesses depended on to create things like an app that spilled the beans on the flak and scandal directed at a campaign, the organization takes away the economic incentives of criticism. If there is a takeaway here, it's that data privacy does matter. You may not think it does if you're an organization collecting data on consumers' behavior, but it is almost certainly going to matter a lot more after this week than before. A think-tank may think it has only an ethical obligation to its members to be transparent about its activities, but someone behaving unethically – or even on the wrong side of an issue (which is not of course to say that such an organization is acting badly) – can just as easily be a thorn in your side. It is just going to take getting hit in the pocketbook for an epiphany [7, 8].

### **Ethical Considerations in Data Collection**

There has been a long-standing discussion concerning the ethics of marketing. The basic dilemma revolves around whether marketers help or harm society. Proponents of marketing list benefits such as increased efficiency, lower prices, greater selection, niche products accommodating minorities, and enhanced consumer choice initiated by marketing-induced innovation. Critics point to adverse effects such as homogenizing global culture, consumerism, increased indebtedness and bankruptcy, and lack of privacy when acquiring a product/service as the consumer's identity is tracked and cumulated. The outpouring of objections to and ethical concern over such marketing practices was surprising given the relatively self-righteous attitude exhibited by marketers, particularly direct marketers, toward early criticisms. There had been an expectation that outrage over dubious marketing practices would subside as marketers would rationally respond to justified protests. Technology proliferation revealed unforeseen grooves, however, within which consumer information tracking and analysis via data mining spread unchecked. The

technology that marketers once considered their savior became their prying, irritating, exploitive nemesis. Taking processing speed, sophistication, and data recycling to a worldwide level, the technology-enabled shift to big data analysis left the consumer's once secure shopping environment exposed and artificially unprotected. Finally, the notion of a new marketing policy/culture environment is one of the foremost developments in the marketing landscape over the last three decades. Not only have marketers begun talking of the need for a greater understanding of and adherence to broader social norms, guidelines, and constraints, but they also have begun shifting their codes, practices, and operations in ways attuned to this changing marketing environment. Astute observers agree that the more this new world view is nurtured and emulated, the more successful both individual companies and the overall marketing system will be. In light of these concerns, it was with much anticipation that the Ethics of Data Collection symposium was conceived. It is a first attempt to address the marketing, technology, and ethics nexus that is currently receiving attention but remains relatively untouched academically. While many questions go unasked as well, the symposium is a start toward exploring the many ethical dimensions of data collection [9, 10].

### **Consumer Perspectives on Privacy**

Building on the broad topic of tensions in data privacy in marketing, this study focuses on the beliefs of consumers. Notably, all informants acknowledge data skeptics, who proactively protect their privacy, yet they believe most consumers are willing to accept some loss of privacy in exchange for the personalization of the right experience. However, who these consumers are and how to identify consumer segments that would have a tolerable response towards data trade-offs and make this trade-off more acceptable for them remains an important question. In addition, all consumers employ various forms of protection from privacy risks, whether of a reactive or proactive nature, which tie consumers' beliefs and trigger protective responses. Understanding when these responses would be triggered and what role privacy-enhancing technologies could also have in explicitly evoking these protective responses would help firms devise more effective strategies. This knowledge would not only shed further light on how to minimize consumer data privacy risks but also help find a middle ground between consumer expectations for privacy and firms' interests in competing with data-driven capabilities. Lastly, understanding consumers' dynamics of privacy risk, once it is violated or an attack happens, directs attention towards firms' benevolence, and measurements that allow firms to actively solve issues and mitigate harm will enrich this work [11, 12].

### **Marketing Strategies and Data Ethics**

Since the advent of computers, marketing has increasingly relied on the concepts of "databases." Marketers have always collected data about consumers to target audiences with marketing communications. However, commercial databases on consumers existed before computers and have been morally questioned. Whether normalized databases should retain records of personal consumption patterns is a direct extension of the long-standing question of how long records of any transactions should be kept by businesses that interact with consumers. Marketers have long been able to access snapshots of consumers for tailored individual marketing activities. Technological advances in computing and telecommunications have enabled a burgeoning industry devoted to psychographically profiling consumers down to the individual level. Using data mining techniques and personal identifiers such as phone number, household address, and social security number, marketers can construct individual consumer profiles on millions of consumers. These profiles, often embedded in massive relational databases that aggregate scores on consumer purchase propensity across numerous product lines, help predict purchase prospects of individuals and, as such, increasingly reallocate marketing expenditures toward more targeted individual marketing strategies. An unassimilated consequence of this trend is the rise and rapid consolidation of a powerful marketing industry dedicated to the production, brokering, and sale of consumer information to the marketing community. With the advent of these computer-enhanced consumption databases, households may create a permanent record of what individual consumers tend to buy, where they tend to buy it, the price paid, and, in instances where price incentive motivated the transaction, the nature of the price incentive. Some marketers can even use this information to proactively select and drive away consumers projected to be unprofitable, namely in terms of lifetime value to the firm. The potential downside of this trend is all too quickly realized in the form of consumer outrage at invasive perception marketing. A large, interpreted, and growing segment of consumers is troubled by technology-aided marketing practices that can seem prying, predictive, and explorative. Such marketers complain that an over-aggressive or improper use of metadata is creating an entirely new level of concern among consumers. Significant percentages of surveyed respondents believe that consumers have lost control over the extent to which their personal information is collected about them, how it is shared with others, and the purpose for which it is employed [13, 14].

### **Challenges in Implementing Ethical Practices**

As society navigates the rapid growth of technologies and related consumer data privacy issues, exploring the challenges in implementing ethical marketing practices is essential. Marketing professionals, particularly those tasked with resource allocation, promotional content creation, and customer data interpretation, face at least four significant challenges. The immediacy of media, data transmission beyond regulations, and the absence of personal risk can lead marketers to question the ethics of their actions, which complicates their decision-making process. This combination may result in cognitive dissonance, prompting changes in behavior or beliefs. While established ethical frameworks may help mitigate these effects, many marketers struggle to adhere to them. The swift nature of transactions and external pressures related to paid media purchases contribute to the difficulties marketers encounter in maintaining ethical standards. Marketers often focus solely on fulfilling task requirements, leading to potential oversights regarding personal data exchanges. The duration of media presentation reports or cookie tracking can further detach marketers from authentic ethical considerations. Their main goal is typically to allocate resources effectively to achieve maximum results, but this can create a disconnect when financial stakes become significant. The perception of lost deals or revenue can foster a sense of realism, distancing. If requests are only seen in terms of paid media, misconceptions may arise as programmers or media contacts take charge of more significant direct deals with publishers. Additionally, a marketer's actions are scrutinized by various stakeholders, including economic traders and strategists [15, 16].

### **Case Studies of Ethical Breaches**

The future fairness and justice of Internet marketing will depend far more on ethics than law. While laws regarding e-marketing are of growing importance, ethical evaluations of offline applications of marketing technology need to be done. At the same time, it cannot be assumed that just because new technology is coming onto the Internet scene, either directly or indirectly, tomorrow's new technology will automatically pass the ethical litmus test and need no further scrutiny. It is important to identify as many of these as possible and convert them into rubrics for evaluating current or proposed online marketing technology. Marketing practitioners adopt new technology because it promises to increase the efficiency or effectiveness of exchange. Online marketing is a new technology area, and in many instances, it can be clearly defined. It includes marketing tools available on the Internet, to a greater or lesser degree, such as website capabilities, e-mail, newsgroups, and other IP address designs and capabilities. Within each area, certain capabilities (and therefore privacy and ethical concerns) can be delineated. This is best accomplished through a technological spec sheet that marketers would need to fill out before using any new technology to evaluate the ethical implications. New technologies bring with them some questionable and often unintended side effects. While marketers are forced to keep pace with technology for current and future competitive advantage, too little concern is given to those who will lose because of new technology, even if only temporarily. Technology can sometimes create and intensify economic inequalities. It is important to evaluate the economic impact of technology from different perspectives. Ethical litmus tests for evaluating telemarketing technology, a technology that already exists, need to be developed and these be filled out before e-marketing capability is incorporated into a firm's marketing strategy [17, 18].

### **Best Practices for Ethical Marketing**

The business culture around the world is constantly moving towards more aggressive, profit-oriented corporate attitudes. Changes in legislation regarding corporate freedom and the influence of the market have made life easier for some elite businessmen and have also driven a wedge between normal citizens and the ruling class. Along with this, clear exploitation of consumers and workers has become part of the establishment. This marks the development of a skewed and dangerous national legacy, where wealth is hoarded by a few and poverty haunts the masses. However, the dark side of this greed in modern society lies in information. Private consumer information stored on computers and databases of conglomerates is the new oil of the market. The information-rich Park Avenue ad agency can request any consumer's history of transactions with a local supermarket. This type of information is probably the most valuable asset of a conglomerate, and yet it cannot be controlled like fixed assets. The ethical sensitivity of this issue is fairly obvious. If the consumer can be lured in only once by a discount coupon, then the next coupon offered will have to come with strings attached. Certain scan information will probably be needed to trigger a coupon, or even worse, additional revealing questions. This new type of coupon brings with it the need for an ethical marketing analysis. If the consumer's scan data is sold to the highest bidder, trends can be discerned across geographic regions and profiled for easy exploitation by companies who rely mainly on impulse buys. As intimated earlier, those who hold the information also own the consumer. This essay will discuss how personal information may be gathered using the Internet. They will explore

the nature of the information collected, how it is recorded, stored, and exploited for marketing purposes. It will explain how this new source of information about consumer preferences is combined with design tools to create powerful marketing mixes. It will stage a consumer outrage over some implications of the method but call for mostly regulation rather than guidance or ethical sensibility. Finally, it lists some steps which individual companies can take to build and maintain consumer trust [19, 20].

#### **Future Trends in Data Privacy**

With increasing regulatory scrutiny on privacy, a focus on data privacy is crucial. Research indicates that data and its applications are transforming marketing, triggering discussions on ethical usage. Informants acknowledge data skeptics who opt for encrypted platforms or reject personalized services. However, most consumers seem willing to sacrifice some privacy for tailored experiences. Identifying consumer segments with acceptable data trade-offs is essential, along with understanding when these preferences arise and the impact of privacy-enhancing technologies. Additional research could explore how privacy responses affect firms financially. Recently, legal and policy frameworks have shifted significantly, particularly with Europe and California's opt-in privacy laws emphasizing consumer awareness and consent. This shift necessitates changes in terms of data collection, sharing, and consent, as seen with startups like Notice Labs providing updated privacy policies for Google. Changes in privacy policies often lead to reduced features or performance, forcing firms to quickly adapt to avoid legal consequences. However, this adaptability could undermine consumer trust as firms leverage newfound knowledge to refine advertising strategies. New regulations also require the establishment of Machine Learning Model Ethics Boards, though initial implementations have often been superficial, maintaining business practices without significant societal benefit. While firms express enthusiasm for the complexities of model regulation, they typically maintain a business-as-usual approach. Ultimately, firms often prioritize profitability over ethical concerns unless enforcement alters their priorities [21, 22].

#### **Global Perspectives on Data Privacy**

Privacy regulations worldwide vary significantly. In Europe, the General Data Protection Regulation (GDPR) dictates data collection and consumer rights concerning access and deletion. The UK's Data Protection Act complements this, while individual nations may implement additional laws. Outside Europe, data protection varies widely. The California Consumer Privacy Act (CCPA) governs data management of Californian consumers, while British Columbia's Personal Information Protection Act (PIPA) offers similar protections. Conversely, Australia's Privacy Act only applies to organizations earning over AUD 3 million annually, with no corresponding State-level legislation, creating disparities in data privacy. Some companies are proactively addressing the information gap between consumers and marketers by emphasizing their data privacy measures. For example, Apple campaigns to showcase strict privacy practices. Firms are publishing prescriptive reports outlining collected data, usage, and consumer rights regarding deletion and data protection. Other innovative initiatives include copyright data privacy policies to enhance consumer awareness in a typically opaque context. Independent companies now leverage technology to analyze and report on user data across social media platforms. Meanwhile, various stakeholders have engaged in public battles against certain corporations' data-collection methods, leading to exposés and detailed reports on the extent of data tracking and the associated risks linked to marketing technology. Some organizations advocate against the implications of these practices on democracy. However, it remains unclear how informed consumers are about marketing technologies and their trust in advocacy groups handling these issues [23, 24].

#### **The Role of Technology in Data Privacy**

As technology advances, privacy-related consequences are likely to increase, particularly concerning ethical dilemmas in marketing technology. Issues arise about consent validity, consumer rights regarding database control, access to personal information, and the marketing industry's handling of race. Systematic investigation into these ethical matters is essential for high-traffic websites to fulfill their consumer promises, given their significant privacy management issues. Experts believe that privacy concerns hinder the Internet's growth. While consumer privacy is theoretically a recognized right, it faces threats from advertising agencies, new technologies, corporate practices, advocacy groups, and government actions. The retail sector is particularly intriguing, as it navigates public policy on consumer privacy rights. The acceptance of privacy rights is evolving, with database marketing strategies that both promote products and undermine privacy. Despite some consumer acceptance, ethical issues persist. The barrage of telemarketing, direct mail, and junk emails creates consumer dissatisfaction, worsened by extremist or unconventional marketing entities. Growing privacy anxiety underscores the need for companies to address privacy systematically, reinforced by the Federal Trade Commission's push for policy on consumer privacy rights. This issue merits serious evaluation for marketers involved in

database marketing. Retail advocates can benefit from assessing consumer privacy rights in marketing contexts [25, 26].

### **The Impact of Social Media on Data Privacy**

The Cambridge Analytica incident, which allowed voters' social media records to be tied to ballots cast, and the subsequent investigation of Facebook's business dealings, illustrated key concerns in the debate over data stewardship. Although bitter political polarization in the U.S. is widely attributed to social media's growing political prominence, such views ignore how that polarization might be dampened by an understanding of broader governance challenges presented by new technologies. Public interests in social media ecosystems were on full display in the fallout from Cambridge Analytica, showing both a desire for social media reforms and a limited understanding of just what to reform. Commentators exhibited emotional responses to the news, often devoid of understanding the size and intricacies of the resulting governance challenges. In part, this lack of understanding is due to being trapped in a mode of thinking that focuses strictly on a single actor's behaviors, in this case, Facebook or Cambridge Analytica, as opposed to the wider social network of inequalities, constraining institutions, and embedded technologies that regulate behavior. Data storage is another important aspect with implications for social media users' privacy. Since Facebook and advertisers rely on user data to make their profits, they implement protocols that produce large storehouses of data, concentrating vast stores of information in the hands of the few largest players. Hackers with access to this data can gather sensitive records of the preferences and behaviors of a vast number of people. Compounding the other problems of the digital age is a set of market and metadata systems going unregulated by governments, leaving every citizen susceptible to surveillance on par with East Germany's Stasi or Moscow's KGB. The emergence of dealing with data-governance issues could increase inequality as those least able to afford protections lose an increasingly larger stake in how the larger sample navigates the political landscape. Ultimately, such population-level governance issues relating to the functionality of social media technosystems must also be consistently attended to alongside more natural governmental reform caused by wrongdoing [27, 28].

### **Corporate Social Responsibility and Data Ethics**

Many of the questions and concerns regarding data collection, Internet tracking, consumer profiling, and marketing are not new. Ethically questionable and socially undesirable practices similar to those now occurring on the Internet have been observed in offline settings. Telemarketing and direct mail are important segments of the marketing communication mix. However, the infusion of the newer information and communication technologies has broadened the opportunities for questionable practices. The growth of database marketing and direct marketing is enhancing the ability of marketers to individually target consumers with unprecedented accuracy, not only based on what they do buy, but also on what they do not buy. The ethical ramifications of database marketing, direct marketing, and telemarketing are being vigorously and openly debated in traditional media, through upstart industry electronic journals, and on the Internet. The Internet itself has been viewed as a global marketplace for the buying and selling of goods, services, information, and ideas. However, the inherent characteristics of the Internet, including being global, computer-based, text-oriented, low-cost, high-capacity, and interactive, can lead to questionable and condemnable practices in the conduct of Internet marketing. As the Internet continues to grow and evolve, issues concerning data privacy, corporate governance, and marketing continue to move up the corporate agenda. Certainly, public and media interest regarding all facets of the Internet is at a fever pitch. Information wants to be free, but where is the line drawn between marketing intelligence and invasion of privacy? These questions must be asked to develop well-considered plans for action. The ethical ramifications of all marketing-related technological advances have been and will continue to be a matter of interest in need of an ongoing, thorough examination. Much has been written about telemarketing, direct mail, and bulk e-mail. Those practitioners and academics with an interest in ethics must likewise examine ways in which marketing technology might lead to ethical problems, and more importantly, proposals for reducing ethical harms. It is important to define corporate social responsibility. As with most multifaceted concepts, definitions of corporate social responsibility differ widely. Furthermore, different facets of corporate social responsibility, including data privacy, consumer protection, environmentalism, and corporate governance, can and have been defined in different ways [29, 30].

### **CONCLUSION**

The ethics of data privacy in marketing represent a pressing challenge in the digital age. While data-driven strategies enable greater personalization and efficiency, they also expose consumers to unprecedented surveillance and manipulation risks. Historical evolution reveals that marketing has always sought deeper insights into consumer behavior, but recent technological capabilities have intensified ethical concerns around informed consent, data commodification, and opaque algorithms.

Existing self-regulatory efforts are insufficient in curbing exploitative practices, and consumers increasingly demand greater control over their personal information. To foster responsible innovation, marketers must embrace transparent data practices, adhere to clear ethical guidelines, and respect consumer autonomy. Stronger legal frameworks, international cooperation, and a culture of ethical accountability are crucial to ensuring that marketing practices align with public expectations and social values. Ultimately, ethical data stewardship is not only a moral imperative but also a strategic necessity for long-term brand trust and sustainable consumer relationships.

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<p><b>CITE AS: Kato Nabirye H. (2025). The Ethics of Data Privacy in Marketing. EURASIAN EXPERIMENT JOURNAL OF HUMANITIES AND SOCIAL SCIENCES, 7(3):126-133</b></p>
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