Michael Sanchez
Robbie Sullivan
Public Policy 100
04/09/2023

Today's big tech companies are capitalizing on pressure from recent demand for privacy legislation by phasing out third-party cookies and advancing their own in-house versions of first-party cookies. They are using legislation compliance as a guise to further expand their monopolistic power. This is the causal result of the current market climate and the general problem privacy concerns related to third-party cookies raise. We aim to address both of these problems through market restructuring of third-party cookies regime, but not their complete elimination. To narrow the scope of this problem, we will propose a hypothetical tax on the sale of tele-health related data. We propose, along with market restructuring, an API or Application Programming Interface to integrate a new software system, the user interface portal, with already existing models of cookie crumb aggregation. This will give users access to their personal data, and log data assetization when data is sold or transformed in nature, and most importantly be logistically taxable.

The result of the Google, Facebook, Apple, and Amazon first-party cookie take-over would be exclusive access to user data and metrics integrating and controlling what could be separate markets. However, the result of the status quo or current market structures would be the continued non-consensual and non-transparent extraction of user data. Our proposal aims to toe the line between these two issues.

We propose to:

- Stop the complete transition to first-party cookies and phasing out of third-party cookies
- Add a filtering or color tag to third-party cookies code that will sort them based on the data asset type to create market separation
- Prohibit firms from accessing all cookie types but allowing them to encrypt and aggregate into full data bundles for buyers looking for specific user metrics
- Create consumer API's for user portals that must be easy to access This API for personalized user data portal will facilitate our tax on medical data. By having clear access to data and transaction

is e X based categories they are put 1 This supported by

small businesses flourish and create a market wherein data localization can be facilitated by capitalist free market incentives. Small firms compete for access to open asset data based on the merit of their services and quality of privacy. It is also a response to the FTCôs call for transparency in the data brokerage market. A direct user API such that users can access their data but firms only have limited access to this data could create structured market separations and delineated lines of operation knowledge based on market separations such that the firms will have clearly delineated market areas. This could be a viable solution to this privacy problem in the long-run. However, for the sake of this proposal there will only be two specific market areas, health related data and non health related data.

The major cost to the implementation of our proposal for taxing health data transactions is that it is dependent on the creation of an API that can filter cookies. It could be a government organization like CISA, or it could be a market player that gets paid for this service but is limited to a market task. This could be in the form of a SIC code which restricts the business to optimizing and making private user data in an interactive portal but not to the monetization of the data. Specifically, the large-scale transition of it into user metrics to meet a third-party demand. The benefit of this portal is that users would see the number of data transactions, actively see data points update, have pooled risk and competition because many firms could potentially compete at this role, and most importantly the categories individuals get placed in will be visible. Access to this information is becoming so important that it may be a human rights violation for big-tech to withhold such access. For example, in a ógigô economy, workers from food delivery services have dual production value. They provide labor but also tracking data of orders and services. Some food delivery drivers offer lower wages for courier services and systematically

the peer review article ***Platform capitalism hidden abode: pr data assets the Gig*** Van Doorn 1486***)***

In conclusion, the IJ for effectiveness will be clear user satî economic growth, a decrease in health-market debt because the tax, and an expansion of firm-driven user portals services. The degree IJ which our proposal will be anti-monopolistic can be adjusted and

antitruþ lawyers following investigations into competition in the digital marketplace. The ñSubcommittee that Congress consia legislation that c on two mainstay tools of antimonopoly toolkit: structural separo and line of business restrictions.ò (317) Although this proposal there is

the data they collect will be used. For the sake of this tax the cookies will be sorted into two categories: blue cookies and non-blue cookies, health data and non-health data.

target. However, a marketplace built on many small firms is like spreading the treasure eget.

The broad problem is that Google, Apple, Facebook, and Amazon already have massive gateway monopolies. They abuse their grip on key market infrastructure to bully competitors, pick market winners and losers, and expand their market power. Moreover, their exclusive access to swaths of real-time user data and metrics gives them near-perfect market information. This facilitates their size and allows them to use predatory pricing models; they can use capital gain in one market to finance ventures into emerging markets while abusing market dominance in their first market to give them competitive advantages.

Since 1997, they have bought over 500 companies, and the government has failed to stop a single one for antitrust violations. Are they buying out these companies to insulate themselves from competition? The answer is clearly yes, so we will not spend much time arguing that a stomexc] monopoly exists, but rather focus the scope on a narrower aspect of monopolistic expansion.

First, some examples. Facebookôs purchase of Instagram is a clear example of how a purchase can decrease competition in the marketplace. Facebook and Instagram are each otherôs biggest competition, and they are both owned by the same company which can stop them from competing. Googleôs size is another example, for it allows them to have predatory pricing

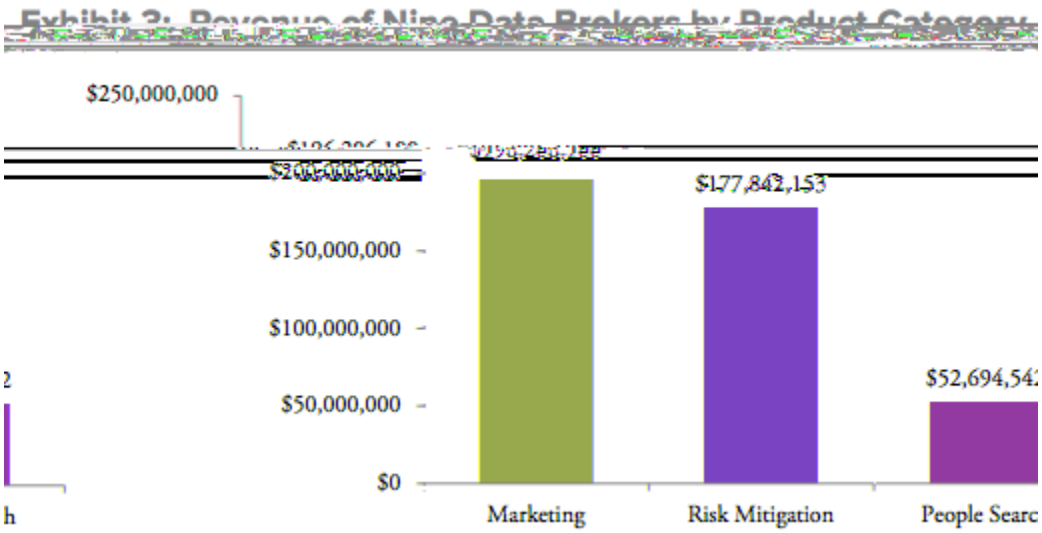
original product off their platform. This is an example of a clear violation of Sherman's Antitrust Act and is the same reason railroad companies were not allowed in the coal mining industry. There is a fundamental conflict of interest with providing infrastructure and having market power to drive out market competition. Google controls virtually all search and web activity, Facebook has a monopoly on all social media apps and competes with itself the most, Apple has a monopoly on device production, and Amazon has a monopoly on distribution. Moreover they all use control of their infrastructure scale and limit competition. This is a conflict of interest. ñIn other words, ownership and control over the computational architecture built for data capture is the essential precondition not only for

ñIt has diminished consumer choice, eroded innovation and entrepreneurship in the U.S. economy, weakened the vibrancy of the free and diverse press, and undermined Americansô privacy.ò (10 Judiciary Committee)

Here is a quote that illuminates the challenges of market entry. Small firms struggle because they need revenue returns or ñrequire short-term returns on their investments in order to survive, the lack of economic sustainability is much less of an acute problem for private platform companies whose profitability is secondary to their market capitalization, or the appreciation of their total stock value.ò Google, Apple, Amazon and Facebook can sustain losses in certain markets because of their monopolization in other markets. Here are more examples found by the subcommittee.

"Googleôs ability to set defaults and steer users to preferred platforms, coupled with its data advantage, enables it to control the online ad stack in a manner that has created an almost unassailable market position." (10 Judiciary Committee)

"Facebook has a history of acquiring poteq



This proposal is aimed at the monetization of health care data. However consider how this market structure could be translated if the data industry were further divided into sector specific submarkets using this type of cookie filtering.

If a users data portal was the sum of all data from these three categories of monetization provided by the FTC, it could be localized by sector specific firms providing a privacy protection barrier and incentivizing market collaboration.

This is an example of how data brokers get information according to the FTCôs study on 9 data brokers. Notice how the arrows go one way, with our proposal the arrows would go both ways and the data brokers at the end would be responsible for the user-interface API which integrates and filters cookies. Moreover, they would be liable for the privacy protection of this data. In this way our free-market alternative also functions as a natural data localization plan where the data is misrepresented.

Consider that

1. "Telemedicine and Telehealth Services." Centers for Medicare & Medicaid Services, https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/downloads/TelehealthSrvcsfctsht.pdf.
2. "Prescription Drug Pricing Reduction Act of 2019." U.S. Congress, https://www.congress.gov/bill/116th-congress/senate-bill/2543/text.
3. "National Health Expenditures 2019 Highlights." Centers for Medicare & Medicaid Services, https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NHE-Fact-Sheet.
4. "U.S. Telemedicine Market Size, Share & Trends Analysis Report By Service Type (Teleconsulting, Telemonitoring), By End Use (B2B, B2C), By Delivery Mode, And Segment Forecasts, 2020-2027." Grand View Research, https://www.grandviewresearch.com/industry-analysis/us-telemedicine-market.
5. "Global Healthcare Expenditure." World Bank, https://data.worldbank.org/indicator/SH.XPD.CHEX.GD.ZS.

1. Singer, Natasha. "Tech Giants Amass Troves of P

7. Metcalf, Jacob, and Emanuel Moss. ñPrivacy on the Ground: Driving Corporate Behavior in the United States and Europe.ò Journalism & Mass Communication Quarterly, vol. 95, no. 3, Sept. 2018, pp. 670ï672. Sage Journals, doi:10.1177/1527476418796632.

8. Duckett, Chris. "Google once again delays phasing out third-party cookies." ZDNet, 25 Mar. 2021, https://www.zdnet.com/article/google-once-again-delays-phasing-out-third-party-cookies/

9. Scott, Nathan J. et al. "A Machine Learning Approach to Identifying Harmful Third-Party Scripts on the Web." Journal of Cybersecurity, vol. 7, no. 1, 2021, pp. 1-13. Sage Journals, doi:10.1177/20539517211017308.

10. Judiciary Committee Publishes Final Report on Competition in the Digital Marketplace. cicilline.house.gov, 6 Oct. 2020, https://cicilline.house.gov/press-release/judiciary-committee-publishes-final-report-on-competition-in-the-digital-marketplace.

11. Tarleton, Ross et al. "Users' Privacy Behaviors in the IoT." Proceedings of the 14th International Conference on Ubiquitous Computing and Ambient Intelligence (UCAmI 2020), 2020, pp. 1-12. Sage Journals, doi:10.1177/2053951718820549.

12. Singer, Natasha. "Mapping, and Sharing, the Consumer Genome." The New York Times, 17 Mar. 2012,

https://www.nytimes.com/2012/03/18/technology/acxiom-the-quiet-giant-of-consumer-database-marketing.html.

13. Fernadez Raul https://arxiv.org/pdf/2002.01047.pdf ñ Data Market Platforms: Trading Dataò