

Case 9: Informed Consent

The social media site Facebook is used by over a billion people all over the world for a variety of purposes. Facebook operates a research branch that conducts studies on its users, investigating everything from responses to different types of advertisements, to those stories people are more likely to read, to whether or not predictions can be made about someone's behavior from their posts on Facebook.

In 2014, Facebook and collaborators at Cornell University published a study in *Proceedings of the National Academy of Sciences*. This study tested whether exposure to positive and negative emotions led people to change their own posting behavior — for example, whether exposure to positive emotional content led people to post more positive pictures, statements, etc. This study was conducted by removing positive posts in the news feeds of one group of people and removing negative posts in the news feeds of another group. In total, 689,003 people's Facebook pages were manipulated as part of this experiment (Kramer et al., 2014).

This experiment was conducted without informing any of the subjects before or after it was conducted. That is, the researchers did not get *informed consent* from their subjects. Informed consent is one of several ethical principles that guide scientific research conducted on humans. Most generally, the requirement of informed consent mandates that people must be informed of potential risks of participation in a given study before they agree to participate. In some cases, not all of the details of the experiment are given to potential subjects, as full disclosure may bias the data. But even in these cases, participants are informed of potential negative outcomes before giving their consent, and often they are given the full details of the study after it is completed. Neither of these measures was taken in the Facebook study. In addition, every academic institution that conducts studies on human subjects has an Institutional Review Board (IRB) that determines what the potential harm participants could suffer and what information must be given to potential participants both before and after the study is conducted.

In their paper, the authors state, “[The study] was consistent with Facebook’s Data Use Policy, to which all users agree prior to creating an account on Facebook, constituting informed consent for this research.” They also stated that “[b]ecause this experiment was conducted by Facebook, Inc. for internal purposes, the Cornell University IRB

[Institutional Review Board] determined that the project did not fall under Cornell's Human Research Protection Program.”

The study was met with an overwhelming outcry from the scientific community, who argued that the absence of informed consent violated fundamental and well-established best practices of human research. These practices are laid out in the “Common Rule,” a set of regulations provided by the U.S. Department of Health and Human Services. The journal that published the study, *Proceedings of the National Academy of Sciences*, claimed that, as a private company, Facebook was “under no obligation to conform to the provisions of the Common Rule when it collected the data used by the authors, and the Common Rule does not preclude their use of the data. Based on the information provided by the authors, *PNAS* editors deemed it appropriate to publish the paper. It is nevertheless a matter of concern that the collection of the data by Facebook may have involved practices that were not fully consistent with the principles of obtaining informed consent and allowing participants to opt out.”

Study questions:

1. Was it ethically permissible for the Facebook and Cornell researchers to conduct this experiment in the way they did? Was it permissible for *PNAS* to publish the results?
2. Does Facebook users' agreeing to Facebook's terms of service mean they gave informed consent to participate in this research?
3. What does a private company like Facebook owe to its users, many of whom use Facebook to have private conversations and to share personal information?

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