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Artificial Intelligence, Big Tech, and Digital Surveillance: Challenges to the Protection of Fundamental Rights in the Information Society

Artificial Intelligence, Big Tech and Digital Surveillance: challenges to the protection of fundamental rights in the information society

José Alexandre Caldas

SUMMARY

The advancement of globalization, the internet, and artificial intelligence has promoted profound transformations in economic, social, and legal relations, redefining how individuals, companies, and states produce, share, and use information. In this context, Big Tech companies assume a central position in the digital economy, exerting significant influence over the collection, processing, and monetization of personal data, while simultaneously driving the development of technologies based on artificial intelligence. This study aims to analyze the impacts of digital globalization, the actions of large technological platforms, and artificial intelligence on privacy, digital surveillance, and the protection of fundamental rights. It is a qualitative research study, developed through a literature review, based on national and international authors who discuss globalization, cyberspace, surveillance capitalism, Big Data, artificial intelligence, and data protection.

The results show that digital transformation expands opportunities for innovation, communication, and economic development, but also intensifies surveillance mechanisms, concentration of economic power, and risks related to the massive processing of personal data. It is concluded that strengthening regulatory mechanisms, coupled with the ethical development of artificial intelligence and the effective protection of fundamental rights, is an indispensable requirement to ensure that technological advances occur in accordance with the principles of the democratic rule of law.

Keywords: Artificial intelligence. Big Tech. Digital surveillance. Privacy. Fundamental rights.

ABSTRACT

The advancement of globalization, the internet, and artificial intelligence has profoundly transformed economic, social, and legal relations, redefining how individuals, corporations, and governments produce, share, and use information. In this context, Big Tech companies have become central actors in the digital economy, exerting significant influence over the collection, processing, and monetization of personal data while driving the development of artificial intelligence technologies. This study aims to analyze the impacts of digital globalization, Big Tech companies, and artificial intelligence on privacy, digital surveillance, and the protection of fundamental rights. This qualitative research was conducted through a bibliographic review of national and international literature on

globalization, cyberspace, surveillance capitalism, Big Data, artificial intelligence, and data protection. The findings demonstrate that digital transformation expands opportunities for innovation, communication, and economic development, while simultaneously intensifying surveillance mechanisms, economic concentration, and risks associated with large-scale personal data processing. The study concludes that strengthening regulatory frameworks, promoting the ethical development of artificial intelligence, and ensuring the effective protection of fundamental rights are essential to ensure that technological progress remains aligned with the principles of the Democratic Rule of Law.

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1. Introduction

Contemporary society is experiencing one of the greatest transformations in its history. resulting from the expansion of digital technologies, economic globalization, and Accelerated development of artificial intelligence. Increasing connectivity.
The changes made possible by the internet have profoundly altered the ways of communication, production of knowledge, organization of economic activities and interaction between individuals, organizations, and governments. In this scenario, information has become one of the key strategic assets of the digital economy, driving new models of business and consolidating the operations of large technology companies.
The so-called Big Tech companies have taken on a prominent role in providing the main... Digital infrastructures used daily by billions of people worldwide. while promoting innovation, connectivity and technological development, These companies concentrate a huge amount of personal data, expanding their... capacity for economic, political, and social influence. The mass processing of Information, combined with the use of artificial intelligence algorithms, enables the creation of Behavioral profiles, content personalization, and systems development. Predictive phenomena raise important debates about privacy and protection. data and the limits of digital surveillance.
Meanwhile, the development of artificial intelligence has been expanding significantly increasing the possibilities for technological application in various sectors, including health, education, public safety, criminal investigation, and public administration. Although While such advances provide significant gains in efficiency and innovation, they also impose... challenges related to algorithmic transparency, ethical data handling, and Automated discrimination and the preservation of fundamental rights.
In this context, it becomes essential to discuss the balance between technological innovation and legal protection, especially in light of the increasing use of intelligent systems. capable of influencing decisions that directly affect people's lives. Consolidation Regulatory mechanisms and digital governance represent an essential element for to ensure that the benefits of technological transformation are not achieved at the expense of privacy, freedom, human dignity and fundamental guarantees.

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Given this scenario, the aim of this article is to analyze the impacts of digital globalization, the role of Big Tech companies, and artificial intelligence in protection. of fundamental rights, with emphasis on privacy, digital surveillance and the need ethical regulation of new technologies. To this end, a research project was developed on of a qualitative nature, based on a literature review of authors who discuss globalization, digital society, surveillance capitalism, artificial intelligence and fundamental rights. with the aim of contributing to the understanding of the legal and social challenges imposed through digital transformation.

2. Theoretical Framework

2.1 Globalization, Cyberspace and Digital Society

According to Rattner,[1] In the global economy, it is becoming increasingly evident that the financial market In other words, large corporations—and not governments—ultimately decide on the... Destinations of exchange rates, interest rates, savings, and investments. According to the Rattner's analysis, [2] The opening of markets and globalization provide advantages. significant to big capital, whose ambitions and strategies transcend the limitations of state borders.

Globalization has had disastrous effects in the context of an underdeveloped country, as if This is exemplified by the crisis faced by Mexico in December 1994. Even though Considered one of the best students of the IMF and the World Bank, the country went through difficult times after adopting measures such as economic deregulation and opening up to the international market and the privatization of state-owned companies. This situation demonstrates How globalization can have severe consequences for nations in development. **3**

However, globalization is not limited to the economic sphere. With the expansion of With the internet, cyberspace emerged as a new field of global interaction, in which... The boundaries between public and private are becoming increasingly fluid. The search for the image

[1] RATTNER, Henrique. Globalization: towards a single world? **Advanced Studies,** v. 9, p. 65-76, 1995.
[2] RATTNER, Henrique, 1995.
[3] SOUZA, Celina. **"State of the Art" in the Area of Public Policies:** Concepts and Main Typologies. Proceedings... XXVII Annual Meeting of the National Association of Postgraduate Studies and Research in Social Sciences (ANPOCS). Working Group: Public Policies. Caxambu, MG. October 21-25, 2003

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Perfection, through social validation, acquires a global dimension, reflecting values and...
dynamics of the globalized economy. This phenomenon raises important questions about
Legal pluralism and individual rights, especially in light of the challenges to their application.
Consistent with the law and the protection of human rights in a globalized context.
Sherry Turkle, in works such as "Alone Together: Why We Expect More from Technology
and Less from Each Other, argues that excessive reliance on technology can lead to alienation and the loss
of genuine connection between people.4 Similarly, Andrew Keen,
author of "The Cult of the Amateur: How Today's Internet is Killing Our Culture", criticizes
proliferation of user-generated content, which, according to him, is diluting the quality of
spreading information and undermining traditional cultural institutions. [5]
On the other hand, there are authors who defend the potential of cyberspace to democratize the
knowledge and broaden the forms of expression and artistic creation. Pierre Lévy, in works
such as *Cyberculture* and *Collective Intelligence: Mankind's Emerging World in Cyberspace,*
He emphasizes the emancipatory power of the internet and digital technologies. He argues that
These tools have the power to promote collaboration and expand forms of creative expression.6 Lawrence
Lessig [7] It also highlights the importance of cyberspace architecture in
The formation of social norms and values. He advocates a balanced approach to regulation.
of cyberspace, which preserves both the freedom and the individual rights of users.
It is important to recognize the benefits and opportunities that this platform provides, by
At the same time, the challenges and negative impacts that it causes are being investigated and addressed.
It can generate. A critical analysis of cyberspace, in the context of economic globalization and...
Legal pluralism is fundamental to promoting a just and equitable global order.
guaranteeing human well-being and development in all its aspects.
In this sense, critical reflection on the use and consequences of cyberspace becomes...
fundamental for a comprehensive understanding of economic globalization and pluralism
legal. While some authors express concerns about the superficiality of
relationships and the fragmentation of human experience in cyberspace, others point to the
opportunities for democratizing knowledge and expanding forms of expression
and artistic creation.

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[4] TURKLE, Sherry. Alone Together: **Why We Expect More From Technology and Less From Each Other.** New York, Basic Books, 2011.
[5] KEEN, Andrew. **The cult of the amateur:** how today's internet is killing our culture. (No Title), 2007.
6 LÉVY, Pierre. **Collective intelligence:** Mankind's emerging world in cyberspace. Perseus books, 1997.
[7] LESSIG, Lawrence. **Code:** And other laws of cyberspace. ReadHowYouWant. com, 2009.

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Schneider8 highlights the objectivity present in the way we are seen by others, as a "gaze" that transforms us into objects in their eyes, bestowing qualities upon us. Objectives. This dynamic of recognition and visibility ends up shaping our identity. virtual and influencing how we present ourselves in the digital world.

In fact, it is important to emphasize that this act of objectification is reciprocal: just as me I become an object in relation to the other, and the other also becomes an object for me, both in cyberspace. both within and outside of it. This ambiguous interaction with time and concrete space is addressed by Nicolaci-da-Costa, [9] which highlights how users perceive cyberspace as a space Genuine, with its own reality. This perception contributes to the intensification of relationships. and from the experiences lived in this virtual environment, which, although not as tangible as the Physical space takes on real meaning for its participants.

Indeed, humankind, in its ontological condition, created cyberspace as an extension. from the context in which they live, seeking to fill the existential void and achieve a feeling totalization. On this new platform, he found more efficient ways to accomplish and update your projects, as well as establish faster connections with other people. This rapid communication and the ability to perform actions more quickly suggest A contraction of time and space, providing some relief from the anguish of emptiness. **10**

However, it is important to highlight that this ephemerality may be present in this search for totalization in cyberspace. Even if interactions occur over shorter periods, the The feeling of fulfillment may be temporary, as existential emptiness is not completely gone. supplied. Thus, it is essential to reflect on how cyberspace, despite offering new possibilities, it should not be seen as a definitive solution to the most pressing issues. profound aspects of the human condition. The search for meaning and fulfillment continues to be a challenge that transcends virtual boundaries and requires a more comprehensive approach.11

The virtual platform is undoubtedly the subject of diverse opinions and perceptions. On the one hand, some authors, such as Chauí12 and Bauman, express concerns about the new modes of existence that have emerged with the digital age. They highlight issues such as

[8] SCHNEIDER, DR. **Sartre and clinical psychology.** Florianópolis: Edufsc, 2011, p. 148.
[9] NICOLACI-DA-COSTA, AM **In the web of the network:** the intimate impacts of the internet. Rio de Janeiro: Campus, 1998.
[10] Nicolaci-da-Costa, AM 1998.
[11] Nicolaci-da-Costa, AM 1998.
12 Chauí, MS The contraction of time and the space of the spectacle. [Lecture]. v. 80, 2010.

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superficiality of interpersonal relationships, the alienation **resulting from the** incessant search for validation on social media and the fragmentation of human experience in the face of constant virtual connection.

On the other hand, there are defenders of cyberspace, such as Lévy, [13] Meira and Moses, [14] and many others which contribute to the controversies surrounding this new reality. They point to the possibilities for democratizing knowledge, for facilitating access to information, for global connection of people and ideas, as well as the expansion of forms of expression and creation. artistic.

High-speed connectivity provides an environment conducive to innovation. allowing entrepreneurs to explore new markets, automate processes and expand their global competitiveness. Business models such as e-commerce, fintechs and edtechs depend directly on advanced connectivity to develop15 .

These divergent perspectives reflect the complexity of cyberspace and its multiple facets in contemporary society. It is essential to recognize the benefits and opportunities. that this platform provides, while at the same time investigating and confronting the challenges and negative impacts it can cause. Critical reflection on the use and Understanding the consequences of cyberspace is fundamental so that we can harness its potential. in a conscious, ethical and responsible manner, aiming at well-being and human development. in its entirety.

2.2 Big Tech, Artificial Intelligence and Digital Surveillance

Big tech companies are characterized as defining institutions of our times; companies how Apple, Amazon, Microsoft, Google/Alphabet, and Facebook/Meta have become the The watchword in corporate surveillance is monopoly and market power. These companies increasingly support a significant portion of the social, political and economical, providing the indispensable digital infrastructure for everyday life.

13 LÉVY, P. Cyberculture. São Paulo: Ed. 34, 1999.

14 MEIRA, S.; MOSÉ, V. **What can technology do?** 2009. Available at: http://www.cpflcultura.com.br/2009/11/14/integra-o-que-pode-atecnologia-com-viviane-mose-e-silvio-meira/.

15 FERREIRA, Jorge Siqueira de Rezende. The Boldness of Fearless Entrepreneurship with the Evolution of Fiber Internet and Positive Changes in Society. **RCMOS - Revista Científica Multidisciplinar O Saber,** Brazil, v. 1, n. 1, 2025. DOI: 10.51473/rcmos.v1i1.2025.887. Available at: https://submissoesrevistarcmos.com.br/rcmos/article/view/887.

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Consequently, attention is focused on the regulatory issues of Big Tech, the
which results in an increase in political and legislative measures to reduce their social and market power.16

The term "big tech" is used to refer to multinational technology companies. Large
Part of the current academic and political debate about Big Tech emerges from previous research and claims regarding two key aspects of their social and market power, as well as
subsequent need to find new governance mechanisms to manage the
social consequences of this power. [17]

Helmond [18] states that the discussions relate, in particular, to the idea that the
Platforms play an increasingly important role in our societies.
Politics and economics. Platformization reflects a broader view of Big Tech as
dominant digital infrastructures, frontier technologies, rules and regulations and
users, competitors, and customers. Much of this analytical examination of platforms does not
It is based not on scale or size, but rather on examining the technoeconomic extent of the limits of platform, to include a range of other social actors.

These big tech companies, such as Google, Amazon, Facebook, Apple (GAFA), and other leading companies...
In technology, they have played a prominent role in driving development.
and the implementation of artificial intelligence (AI) in a variety of sectors, since
From virtual assistants to self-driving cars and content recommendation systems. No
However, as these companies expand their influence and reach, they also...
They are facing increasing scrutiny regarding the ethics and social impacts of AI.

Authors like Zuboff [19] They argue that big tech companies have one central motivation: to maximize
Profit is derived from the collection, processing, and monetization of personal data.
This approach has raised concerns regarding privacy and data control.
especially as AI algorithms are increasingly used to make decisions.
decisions that affect individuals and entire communities.

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[16] PRAINSACK, Barbara. Logged out: Ownership, exclusion and public value in the digital data and information commons. **Big Data & Society,** vol. 6, no. 1, p. 2053951719829773, 2019.
[17] KHAN, L. Amazon's antitrust paradox, **Yale Law Journal,** n. 126, vol. 3, pp. 710–805, 2016.
[18] HELMOND, Anne. The platformization of the web: Making web data platforms ready. **Social media+ society,** vol. 1, no. 2, p. 2056305115603080, 2015.
[19] ZUBOFF, S. **The Age of Surveillance Capitalism:** The Fight for a Human Future at the New Frontier of Power. PublicAffairs, 2019.

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In the research conducted by Fuchs et al., the specificity of the context in relation to
to a well-known tech giant: Amazon. Although it is believed that companies like
While Google and Amazon have universal dominance, research has shown that the methods used...
The factors by which Amazon controls workers are influenced by political and labor culture.
American; this is what is called the "human-technology configuration".
Big tech companies affect a range of political, regulatory, and techno-scientific objectives that
They aim for more public, democratic, responsible, and inclusive results. We have the tools.
analytical and empirical approaches are needed to think systematically and move beyond the status quo in
our examination of the social implications of Big Tech.20

Since leveraging artificial intelligence (AI) through technologies of
facial recognition, to significantly expand its surveillance system over the
citizens. Surveillance technologies are developing rapidly and are increasingly
most commonly used in all aspects of daily life: home security, government and
corporate; intelligence and military applications; search and rescue operations; and
personal communications.[21]

Fernanda Bruno [22] points out that technological structures, such as platforms and social networks,
They enhanced individual forms of communication and expression, but, on the other hand,
Mechanisms for monitoring, capturing, tracking, and categorizing data have grown.
in the same proportion, to "fuel advertising and security strategies,
development of services and applications [...]". [23]

Paulo José da Costa Jr. [24] It points out that, in mass society, technology and urban life
They turned the human being into a mere anonymous and devalued component in a "complex
"Industrial gear." Thus, exposing his private life to the gaze of others would cause...
A feeling of overcoming one's own mediocrity.
Nowadays, it's possible to obtain images of your neighbor's backyard with such refined detail that...
They allow you to distinguish between a doghouse and a hot tub.
It is also possible to purchase high-resolution photos of government buildings in various countries.

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[20] PETIT, Nicolas. **Big tech and the digital economy:** The moligopoly scenario. 2020.
[21] PETERSEN, Julie K. et al. Understanding surveillance technologies: Spy devices, privacy, history & applications. CRC Press, 2007
[22] BRUNO, Fernanda. Machines of Seeing. **Modes of Being:** Surveillance, Technology and Subjectivity. Porto Alegre: Sulina, 2013.
[23] BRUNO, Fernanda. Machines of Ver. 2013.
[24] COSTA JÚNIOR, Paulo José da. **The Right to Be Alone:** Criminal Protection of Privacy. São Paulo: Revista of the Courts, 1970.

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foreigners, refugee tankers, a controversial logging site, or the production yard of its main commercial competitor across town.25

Collected and managed data is a powerful weapon: so-called data brokers capture it. Individual information is converted into scores, classifications, and risk calculations. for subsequent monetization, leading to significant legal impacts. Within this problematic context, The algorithms used are not subject to any regulation or inspection. The internet offers a wealth of personal information and lists. Reverse telephone numbers and public record databases. Marketing professionals. They are extracting this data with considerable enthusiasm, judging by the increase. significant amount of electronic waste and misdirected mail in recent years. [26] From the moment we are monitored by mechanisms that do not suffer any prior inspection nor during use and handling, the promise of democracy and Mercado Livre sounds empty (black box).[27] In recent years, the misuse of data has resulted Clear violations of privacy justify discussion on the subject, not only for to clarify past events, but also to foster mature debates on the subject. Transform these into concrete policies for the defense of individual and inalienable rights. Events Examples such as the September 11, 2001 terrorist attack in the United States are used as justification for developing systems that go far beyond mere security and if They have become veritable surveillance mechanisms. [28]

The individual wakes up in the morning to the alarm clock on their cell phone, which is connected to a The app selects the music sequence based on search history. Have coffee and... Take the opportunity to search on Google for that item you've been wanting: a trip. Check social media. You share some likes on social media, and then an ad for a travel website pops up on your feed. social network — what a coincidence! He leaves for work and, on the way, takes the opportunity to check some videos on YouTube. Then an advertisement for an airline appears with Flight deals specifically for the destination searched earlier.

At work, you receive notifications on *Slack* for meetings organized in Google Calendar and Conducts meetings on Google Meet, uses Gmail, and saves documents on Google Drive. Has lunch.

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[25] PETERSEN, Julie K. et al., 2007

[26] PETERSEN, Julie K. et al. **Understanding surveillance technologies:** Spy devices, privacy, history & applications. CRC Press, 2007.

[27] Like a "black box," referring to its opacity: nobody knows exactly what happens inside or the precise reasoning behind the result.

[28] BRUNO, Fernanda. Machines of Ver. 2013.

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At your favorite Italian restaurant, post a picture of your dish on Facebook and on

Instagram accepts credit card payments and requests the CPF (Brazilian tax identification number) on the receipt.

Upon leaving, you receive a notification from Google Maps: "What did you think of the restaurant?"

Italian? End of the day: arrives home, checks the day's news, and there's that advertisement again.

From the travel website, a page opens and it's almost impossible to read the content, given the amount of text.

notifications requesting location, email address to receive updates, acceptance

of *cookies*[29] for browsing, advertisements, etc.

Tempted by the travel company's advertisement, thinking it was a message from...

universe, decides to buy the package, even knowing that finances don't allow it,

Payment made in installments on the card, whose details are saved in Google Pay. Conversation with wife about

the holiday destination, stating that he needs to buy a new hat, upon checking the website of

celebrity gossip; an advertisement for the newest hat model on sale; the

The day's events become the subject of a Twitter post: "What a coincidence." But is it really true?

Even if it was just a coincidence? [30]

The routine of the individual described above, common to thousands of people worldwide, generates

Numerous data points are captured by algorithms. These algorithms also direct the...

They market the researched product, check the availability of credit on the card, and carry out...

the security checks of the financial transaction. Furthermore, the data became...

The fuel of the digital economy; they are bought and sold by data brokers to companies.

Interested parties, primarily for creating individual profiles. [31]

As data collection and analysis become more sophisticated and accurate, and the

As datasets grow to become Big Data, future opportunities seem

infinite. The risks, however, are also high, as the information handled regarding the

Individuals are extremely private. Achieving the right level of privacy is one of the biggest challenges.

challenges of this new decade of the 21st century.

Big *Data* deals with the generation of data, making it possible to locate and analyze information.

originating from different sources. According to the *McKinsey Global Institute: "Big Data* refers-

if to datasets whose size exceeds the capacity of typical tools of

[29] Cookies are small text files stored in web browsers (Chrome, Safari, Firefox, Internet Explorer) when a user accesses a website while browsing the Internet. Cookies store information about the user's interactions on the page, remembering preferences. Because they remain in the browser, they allow tracking of behavior on other pages accessed as well.

[30] BRUNO, Fernanda. Machines of Ver. 2013.

[31] BRUNO, Fernanda. Machines of Ver., 2013.

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"Database software for capturing, storing, managing, and analyzing." Regarding this...
In addition to social media, Big Data has democratized data, given that it offers prices.
accessible, allowing companies of any size to predict behaviors and find solutions to organizational problems.32

Currently, we are closely monitored by various companies that operate in fundraising.
Personal data in electronic media, primarily for commercial and other purposes.
surveillance. These companies use devices that allow for continuous monitoring.
of user behavior and preferences, both individually and
collectively.

Therefore, when accessing a website and allowing the use of cookies, the individual accepts, by
In an unacceptablely passive way, your data is being commercialized. From this,
It's possible to say that privacy has become a bargaining chip, used to obtain something.
Conveniences and conveniences are important, but it's crucial to remember that privacy is a right.
inalienable.

Carissa Véliz33 points out that every step, word spoken, online search, purchase, touch
On-screen data and clicks are recorded, analyzed, and shared with governments and businesses.
According to the author:

> Emotional surveillance companies record and analyze what makes you angry when you watch the news, what online content makes you afraid, and share that data with the authorities. They say such surveillance helps democracy. They say that you don't need to vote any longer because your government can infer what your political opinion is through data analytics. Your data allows the powerful to make predictions about your future based on which decisions are made as to how you are treated in your society. Whether you get a job, a loan, or an organ donation if you need one is decided by surveillance and predictive algorithms. This is a world in which machines manage you. They order the food you need to stay productive in the workforce when your fridge is running low. They time your efficiency at work, including your toilet breaks. They tell you to meditate when your stress levels increase. They tell you how many steps you have to take every day for exercise to keep your access to healthcare. [34]

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[32] ARIANA, Mohammad Hossein; BROUMANDNIA, A. **Big Data Era and Privacy Challenges.** 2016.
[33] VELIZ, C. **Privacy is Power:** Why and How You Should Take Back Control Over Your Data. Oxford, 2020.

[34] VELIZ, C. 2020.

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Following the attacks of September 11, 2001, President George W. Bush signed the *USA Patriot Act,* which granted the government surveillance powers, supposedly to combat cyberattacks. terrorist actions. There was no publicly available information about what data and Information was being gathered, but there was no information about who the target of this capture would be, until... 2013, the same year that documents from the National Security Agency (NSA) were leaked36 . These documents revealed high-level espionage against ordinary citizens.

The book written by Glenn Greenwald37, originally titled *"No Place to Hide"* **38,** narrates The story of one of the biggest allegations about the mass use of personal data for personal purposes. Surveillance conducted by the United States government. The National Security Agency, Authorized by President Bush, it implemented a program of mass collection of telephone, internet, and email records.39 To understand the magnitude of the problem, it presents- if a summary of what happened in this case.

The person responsible for leaking the information is Edward Snowden, who had been working on the case for several years. for the *Central Intelligence Agency* (CIA) and left the agency in 2009, when he began working for private technology companies that provided services to the NSA. In early 2013, it was

[35] Regarding the *Patriot Act:* https://www.justice.gov/archive/ll/highlights.htm.
[36] According to the NSA website: The National Security Agency (NSA) leads the US Government in cryptology that encompasses both Signals Intelligence (SIGINT) and Information Assurance (IA) products and services, and enables Computer Network Operations in order to gain a decision advantage for the nation and our allies under all circumstances. The Central Security Service (CSS), part of the NSA, provides timely and accurate cryptologic support, knowledge, and assistance to the military cryptologic community. CSS coordinates and develops policy and guidance on the SIGINT and IA missions of NSA/CSS to ensure military integration. The CSS coordinates and develops policies and guidelines on NSA/CSS SIGINT and AI missions to ensure military integration. (Free translation) Source: https://www.intelligence.gov/index.php/how-the-ic-works/our-organizations/413-nsa.

[37] Glenn Greenwald is a journalist, constitutional lawyer, author of four *New York Times* bestselling books in the politics and law section, and one of the three founders of The Intercept. Before founding The Intercept, Glenn wrote for the British newspaper *The Guardian* and the *Salon website.* For his reporting on the NSA, he received the George Polk Award for National Security Reporting; the Gannett Foundation's Investigative Journalism and Watchdog Journalism Award; the Esso Award for Excellence in Investigative Reporting in Brazil (he was the first foreigner to receive the award); and the Electronic Frontier Foundation's Pioneer Award. Alongside Laura Poitras, *Foreign Policy* magazine named him one of the 100 leading global thinkers of 2013. His reporting on the NSA for The Guardian *received* the 2014 Pulitzer Prize in the Public Service category. (Adapted text.)

Source: https://theintercept.com/equipe/glenn-greenwald-brasil/
[38] In Portuguese: No Place to Hide.
[39] GREENWALD, Glenn. **No place to hide:** Edward Snowden, the NSA, and the US surveillance state. Macmillan, 2014.

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hired as a systems administrator in the Bozz Allen Hamilton division located
in Hawaii, a company that also provides services to the National Security Agency.40
While working for the NSA, he gained access to documents whose contents...
It was related to United States intelligence activities. With the data and
Having gathered the documents, he traveled to Hong Kong, where he met with journalist Glenn Greenwald.
with whom I had been in contact for some time, and the filmmaker Laura Poitras, to grant
interviews that were later published in The Guardian and *The Washington Post newspapers. 41,42.*

Snowden's files demonstrate that the NSA controls phones and user data, in
worldwide, with access to servers from companies like *Google, Yahoo,*
Facebook, Skype , and *Apple;* the monitoring would be part of the PRISM43 program, which allowed
that the NSA, which operates primarily in combating terrorism, had direct access to
servers of large internet companies, which made it possible to monitor
User behaviors on a global scale. **44**
According to Snowden, the United States government, through the NSA, was building...
mechanisms that would allow access to all types of information from any person in
world, without prior knowledge and without the possibility of control. [45]
The case presented has been the subject of ongoing discussions, given that it involves...
User surveillance is considered a violation of privacy. Combating these actions
Terrorism is nothing more than an excuse for the surveillance of citizens.
which constitutes a clear violation of their right to privacy.
In 2004, Facebook was created in the United States of America, more precisely in
Harvard University, by Mark Zuckerberg and three other friends, including one
Brazilian, Eduardo Saverin. In 2010, Facebook was considered the most popular social network.
visited, surpassing even Google, which held the record for the highest number of visits.

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[40] SPANIOL, Bruna Paiani Nasser. **Internet surveillance: the Brazilian media coverage of the NSA data leak by Edward Snowden.** 2015. Master's thesis. Federal University of Rio Grande do Norte.

[41] CRICK, Emily; HAASE, Heather J.; BEWLEY-TAYLOR, Dave. **Legally regulated cannabis markets in the US: Implications and possibilities.** Global Drug Policy Observatory, 2013.

[42] Following the interview and published articles, the US government revoked Snowden's passport, accusing him of-
The one about being a spy. He currently lives in Russia.

[43] The acronym stands for Sustainable Project Integration Methods; the program enables the collection of historical data.
Browsing, downloading and transferring files, email content and conversations.

[44] GREENWALD, Glenn. 2014.

[45] SPANIOL, Bruna Paiani Nasser. 2015

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Until now, Facebook allows you to create a profile that includes personal and professional information. Owner's choice, sharing ideas and news, posting photos and products, establishing contact and also generating discussions on various subjects.46

The Russian-American psychologist Alexandr Kogan, professor at the University of Cambridge, developed an application that accessed the personal information of social media users. for supposed academic purposes. *"This is your digital life"* [47] is the name of the application from which data such as gender, geographic location, friend networks, and *likes* were collected. (likes), from more than 50 million Facebook users. Of these, only 270,000 gave the your consent to the use of personal data for academic purposes and in exchange for a financial compensation. All other users were part of Kogan's network of friends. and from his company, Global Science Research (GSR), whose data was collected without consent.

The number of users whose data was collected represents one-third of active users. Facebook in the US represents almost a quarter of potential voters in the 2016 elections. Later, Kogan shared this data with Cambridge Analytica, a company. hired to work on the presidential candidate's election campaign in the United States United States, Donald Trump.

With this information in hand, Cambridge Analytica used algorithms to create a profile. each user's political preferences allow them to target campaign messages accordingly. The interests of each profile allow for more effective communication with a larger audience. of voters, which would consequently generate a greater number of votes for the candidate. Donald Trump.

According to Facebook's privacy policy, when creating an account, users They accept that the company collects data, such as communications, camera access, content. Viewed messages, contact list, call logs, and SMS history. The data is... used to "provide and enable the operation of Facebook Products and services "related". The terms indicate that Facebook shares data with apps and websites.

[46] MARTINEZ, Bruno. **Facebook surpasses Google as the most visited website in 2010.** 2010. Available at: http://showmetech.com.br/facebook-supera-google-como-site-mais-visitado-em-2010
[47] This is your digital life (Free Translation).

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third parties integrated into their platform48, exactly what happened with the application Developed by Alexandr Kogan and Cambridge Analytica. [49]

Cambridge Analytica's use of the data forced Facebook's creator, Mark Zuckerberg, to take action. Zuckerberg, to personally provide explanations before the National Congress of United States50. In an official statement, the creator of the social network declared himself responsible. based on what happens within the platform:

[...] But it's clear now that we didn't do enough to prevent these tools from being used for harm, as well. And that goes for fake news, for foreign interference in elections, and hate speech, as well as developers and data privacy. [51, 52.]

Zuckerberg stated that events like those involving the platform should not happen again. to occur and which aims to convert the experience into learning to make Facebook more insurance: "[...] *We didn't take a broad enough view of our responsibility, and that was a big "mistake. And it was my mistake. And I'm sorry. I started Facebook, I run it, and I'm responsible for what happens here."* However, in practice, the privacy of Facebook users still seems to be... violated, with users having no real understanding of how their data is being used.

In the context of AI regulation, authors such as Floridi (2020) highlight the need There is an urgent need to establish clear ethical and legal guidelines to govern development and... The use of this technology. Big tech companies have been under pressure from governments and society. civil society to adopt more transparent and responsible practices in development and in Implementation of AI systems.

The European Union has been leading significant efforts in this regard, with the implementation of the General Data Protection Regulation (GDPR) and more recent proposals for regulate the use of AI in critical sectors such as health and transport (EU Parliament,

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[48] Regarding sharing with third parties, Facebook's Privacy Policy is extremely generic. "We work with external partners who help us deliver and improve our Products or who use Facebook Business Tools to grow their businesses, enabling us to operate our businesses and provide free services to people around the world. We do not sell any of your information to anyone and never will. We also impose strong restrictions on how our partners can use and disclose the data we provide." Available at: https://pt-br.facebook.com/privacy/explanation.

[49] BELL, E. **Facebook is eating the world.** Columbia Journalism Review, March 2016. Available at: http://www.cjr.org/analysis/Facebook_and_media.php?page=all.

[50] The hearing is transcribed in full at: https://www.washingtonpost.com/news/the-switch/wp/2018/04/10/transcript-of-mark-zuckerbergs-senate-hearing/.

[51] The hearing is transcribed in full at: https://www.washingtonpost.com/news/the-switch/wp/2018/04/10/transcript-of-mark-zuckerbergs-senate-hearing/.

[52] But it's clear now that we haven't done enough to prevent these tools from being used to cause harm as well. And that applies to fake news, foreign interference in elections and hate speech, as well as developers and data privacy.

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(2021). These initiatives seek to balance technological innovation with the protection of
Individual rights and public safety.
However, AI regulation also faces complex challenges, including the need
to address issues of algorithmic bias and discrimination, as well as the potential impact
regarding the labor market and social inequality (Crawford, 2020). Big tech companies are in
at the forefront of these debates, facing pressure to ensure that their AI systems are
fair, transparent and responsible.
Therefore, the rise of big tech companies in the age of artificial intelligence is intrinsically...
linked to efforts to regulate the development and ethical use of this technology.
The way these companies respond to these challenges will have a significant impact.
not only in their own businesses, but also in society as a whole.

2.3 Artificial Intelligence and the Protection of Fundamental Rights

The development of new tools and software to contribute to research, with
When using technology, one must always take into account that this advancement cannot exceed...
The limits of human rights must be respected, and procedural principles must be observed.
It is undeniable that the ability to analyze and process data and information of a
Software can greatly contribute to the efficiency and effectiveness of criminal investigations, since
which must be used with due caution regarding fundamental rights. Because the data and
The information gathered in the investigation is extensive and complex for the investigators.
to process and analyze without the help of AI, which can contribute to network analysis,
pointing out and identifying the commonalities and links, called nodes, that connect the subjects.[53]

With the evolution of the internet, big data, and advances in artificial intelligence, the use of
Technology in the European Union is increasing, according to Communication Com/2018/237
about artificial intelligence.
Data and communication are intense through electronic devices, which makes
The physical presence of people is unnecessary. Society is undergoing a profound change in
The way people relate to each other. In this transformation that the internet is promoting.

[53] ORSI, Thaylize Rodrigues. Undercover agent: an instrument to combat organized crime in Law No. 12850, 2013. 2019. Doctoral Thesis.

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Globally, will the scope of some rights considered fundamental also...
Will it not be influenced, and will there be a change in concept or a more advanced vision? Because
Could it be that what was intimate and private to society before the advent of the internet is no longer so?
How has the exchange of so much data and information between internet users transformed things?
Although fundamental rights emerged as a kind of self-limitation of the very
The State acknowledges that every fundamental right is subject to limits, but no right can be completely unrestricted.
violated for free. [54] In their private lives, people hide their intimacy.
determined by the principle of exclusivity, which grants the right to keep it personally.
your information and how to conduct your life, so that your most intimate secrets
remain excluded from the knowledge of third parties.

Final Considerations

The analysis developed in this study demonstrates that the expansion of globalization and
The digital society has profoundly altered the forms of economic, political and...
social, giving information technologies and artificial intelligence a central role.
In contemporary dynamics, cyberspace has established itself as an indispensable environment for...
circulation of information, innovation and economic development, at the same time
which significantly increased the challenges related to privacy protection and
fundamental rights.

It has been observed that Big Tech companies exert increasing influence over the digital economy because
through the collection, processing, and monetization of personal data, consolidating models
of businesses based on the exploitation of behavioral data. Although these platforms
have provided significant advances in communication and knowledge production.
And in technological innovation, its performance also highlights risks stemming from concentration.
of economic power, digital surveillance, algorithmic opacity, and the massive use of
Artificial intelligence in automated decision-making.
Similarly, it has been found that artificial intelligence has high potential for
to increase efficiency in various areas, including criminal investigation and security.
public and in the provision of services. However, its use must strictly adhere to

[54] ASSIS JUNIOR, Luiz Carlos de et al. The fundamental right to banking privacy in conflict with the Fundamental right to evidence in legal proceedings. **UNIFACS Law – Virtual Debate,** no. 228, 2019.

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constitutional principles, procedural guarantees and fundamental rights, especially those related to privacy, data protection, and due process, to transparency and non-discrimination. Technological development cannot occur dissociated from democratic values nor justifying indiscriminate surveillance practices or unjustified restriction of individual freedoms.

It can be concluded that the advancement of artificial intelligence requires the strengthening of mechanisms. national and international digital governance frameworks capable of balancing innovation, economic development and protection of human dignity. In this sense, it becomes It is essential to build regulatory frameworks that ensure transparency. responsibility, accountability, and oversight of algorithmic systems, promoting the ethical use of technologies and ensuring that the benefits of digital transformation are realized. distributed fairly, inclusively, and in accordance with the principles of a democratic state. of Law. Furthermore, it is recommended that future research delve deeper into the subject of... Regulation of artificial intelligence, the responsibility of Big Tech companies, and the protection of... Fundamental rights in the face of the constant transformations of digital society.

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