The big dollars of Big Data result in widespread data collection that fuel new technological innovations but have rendered traditional notions of privacy largely obsolete. And what privacy laws do exist fail to adequately capture the full extent of harms that result from users’ relationship to the collection and dissemination of their data. This paper uses a distributional analysis to examine how privacy law has facilitated the collection of user data, how the benefits and risks of such collection are unevenly distributed among individuals in society, and what role it may play in efforts to shift market power away from data collectors and toward data creators.

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