

Privacy, Control and Oversight in an Era of Big Data Analytics: Adopting A right to Explanation for Israeli Data Protection Law

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Big data analytics score and predict human behavior: who will pay her debts on time; which applicant will better meet the employer's business needs; who is likely to commit a crime. Many decisions that strongly implicate our lives increasingly rely on privately-developed predictions, including our housing, consumption, education and job opportunities. Are these algorithmic predictions subject to adequate oversight? This article suggests that big data analytics suffer from insufficient checks. Data subjects do not understand the reasoning behind decisions that shape their lives because these decisions rely on complicated, dynamic and non-transparent analytics in their data. Consequently, they do not have the ability to contest erroneous or biased predictions about them. To enable better oversight, this paper explores the possibility of adopting a right to explanation under Israel's privacy protection legislation, using the framework of *privacy as control* and building on the model recently adopted in the General Data Protection Regulation.