



Internet Of Bodies: Creepy New Platform For Data Discovery

Technocrats are moving from collecting external data about you to collecting data from inside you, underscoring the point that there is no level of detail that satisfies a Technocrat. From the macrocosm to the microcosm, every piece of data must be collected. □ TN Editor

In the Era of the Internet of Things, we've become (at least somewhat) comfortable with our refrigerators knowing more about us than we know about ourselves and our Apple watches transmitting our every movement. The Internet of Things has even made it into the courtroom in cases such as the hot tub saga of Amazon Echo's Alexa in *State v. Bates* and an unfortunate wife's Fitbit in *State v. Dabate*.

But the Internet of Bodies?

Yes, that's right. It's gone beyond the mere snooping of a smart TV. Data discovery has entered a new realm, and our bodies are the platform.

A January 5 program at the Annual Meeting of the Association of American Law Schools (AALS) in New Orleans entitled, *The Internet of Bodies: Cyborgs and the Law*, discussed the legal, regulatory, and societal impact of this new living and breathing platform for data discovery.

Internet of Bodies?

First things first: What is the Internet of Bodies?

“The Internet of Bodies refers to the legal and policy implications of using the human body as a technology platform,” said Northeastern University law professor Andrea Matwyshyn, who works also as co-director of Northeastern’s Center for Law, Innovation, and Creativity (CLIC).

“In brief, the Internet of Things (IoT) is moving onto and inside the human body, becoming the Internet of Bodies (IoB),” Matwyshyn added.

Joining Matwyshyn on the AALS panel were moderator Christina Mulligan, professor of law and vice dean at Brooklyn Law School; Nancy Kim, professor at California Western School of Law; and Robert Heverly, associate professor at Albany Law School. Elizabeth Rowe, professor of law and director of the intellectual property law program at the University of Florida Levin College of Law, assisted in the development of the program.

The Internet of Bodies is not merely a theoretical discussion of what might happen in the future. It’s happening already.

Former U.S. Vice President Dick Cheney revealed in 2013 that his physicians ordered the wireless capabilities of his heart implant disabled out of concern for potential assassin hackers, and in 2017, the U.S. Food and Drug Administration recalled almost half a million pacemakers over security issues requiring a firmware update.

It’s not just former vice presidents and heart patients becoming part of the Internet of Bodies. Northeastern’s Matwyshyn notes that so-called “smart pills” with sensors can report back health data from your

stomach to smartphones, and a self-tuning brain implant is being tested to treat Alzheimer's and Parkinson's.

So, what's not to like?

Better with Bacon?

"We are attaching everything to the Internet whether we need to or not," Matwyshyn said, calling it the "Better with Bacon" problem, noting that—as bacon has become a popular condiment in restaurants—chefs are putting it on everything from drinks to cupcakes.

"It's great if you love bacon, but not if you're a vegetarian or if you just don't like bacon. It's not a bonus," Matwyshyn added.

Matwyshyn's bacon analogy raises interesting questions: Do we really need to connect everything to the Internet? Do the data privacy and data protection risks outweigh the benefits?

The Northeastern Law professor divides these IoB devices into three generations: 1) "body external" devices, such as Fitbits and Apple watches, 2) "body internal" devices, including Internet-connected pacemakers, cochlear implants, and digital pills, and 3) "body embedded" devices, hardwired technology where the human brain and external devices meld, where a human body has a real time connection to a remote machine with live updates.

Chip Party for Chipped Employees

A Wisconsin company, Three Square Market, made headlines in 2017—including an appearance on The Today Show—when the company microchipped its employees, not unlike what veterinarians do with the family pet. Not surprisingly, the company touted the benefits of implanting microchips under the skin of employees, including being able to wave one's hand at a door instead of having to carry a badge or use a password.

CNBC reported that 50 of Three Square Market's 80 employees volunteered to have the microchips implanted under their skin, and they

even had a so-called chip party, where the radio frequency identification (RFID) microchips—about the size of a grain of rice—were injected into the employees.

However, where the employees really “volunteers”?

California Western’s Kim noted that consent is an important issue for the Internet of Bodies and that it’s an especially challenging issue when the IoB involves employees, who depend on their employers for a paycheck.

In addition, she thinks that having the chip party was a really bad idea.

“I think it impedes the consent condition of voluntariness. They should not have had a chip party on their premises. It shouldn’t be onsite where everyone knows who got chipped and who didn’t. It’s coercive in its nature even if it’s not a mandatory requirement,” Kim said.

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