

Big Brother (Tech) is Watching: Growing AI Privacy Concerns in Apple Software

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Technology has forever changed how we live our lives. The capabilities of smartphones have allowed us to share more than ever. From tweeting an idea or taking silly photos, to video-chatting with co-workers or locating your friends in real time, our daily lives are constantly being shared and updated digitally. But what happens when we have no idea what we are sharing or with who we are sharing it?

The increased use of artificial intelligence (AI) has invited a new wave of privacy concerns. On June 10, 2024, Apple announced its new use of AI technology in its upcoming software update, iOS 18.¹ Today, more than half of the smartphones sold in the United States are iPhones.² iPhone ownership is particularly high amongst younger generations with 87% of teens owning an iPhone.³ Apple's new use of AI-intertwined software brings new risks to this popular company with an already controversial privacy history.

While Apple launched iOS 18 in the United States on September 16, 2024, its launch in the European Union (EU) was delayed due to the software's risk of non-compliance with the EU's Digital Markets Act (DMA).⁴ Apple announced it will specifically delay the roll-out of its iPhone Mirroring feature, SharePlay Screen Sharing enhancements, and AI features in the EU until 2025. Apple's AI favors Apple products, and these specific AI features' integration with other programs or devices are difficult to comply with the DMA's interoperability rules. These rules refer to the standards and protocols required of technology when exchanging data between different hardware or data formats. Apple's main concern involves losing control over personal data security when responsibility is given to another company, risking DMA violations.⁵

However, this concern has not stopped Apple from establishing a partnership with OpenAI to utilize ChatGPT features on iPhones. Apple plans to enhance security with "Private Cloud Compute" to deidentify personal user data susceptible to misuse.⁶ Apple's Private Cloud Compute software is used when fulfilling a user's requests. It operates without storing data or making data accessible to Apple. Despite required permissions, decoded IP addresses, and other privacy protections, ChatGPT's own data-use policies will still apply.⁷ This has furthered claims from

¹ *iOS 18 Makes iPhone More Personal, Capable, and Intelligent than Ever*, APPLE (June 10, 2024), <https://www.apple.com/newsroom/2024/06/ios-18-makes-iphone-more-personal-capable-and-intelligent-than-ever/> [https://perma.cc/EDP2-BZ53].

² Tripp Mickle, *As Smartphone Industry Sputters, the iPhone Expands Its Dominance*, N.Y. TIMES (Sept. 11, 2023), <https://www.nytimes.com/2023/09/11/technology/apple-iphone-17.html>.

³ *Piper Sandler Completes 45th Semi-Annual Generation Z Survey of 5,690 U.S. Teens*, Piper Sandler Companies, <https://www.pipersandler.com/news/piper-sandler-completes-45th-semi-annual-generation-z-survey-5690-us-teens> [https://perma.cc/H2CX-T7KR].

⁴ Kate O'Flaherty, *Apple's New AI Security Move Explained*, FORBES (June 22, 2024, 11:47 AM), <https://www.forbes.com/sites/kateoflahertyuk/2024/06/22/apples-new-ai-security-move-explained/> [https://perma.cc/WDW3-VEAT].

⁵ *Id.*

⁶ *Supra* note 1.

⁷ *How Apple Intelligence's Privacy Stacks Up Against Android's 'Hybrid AI'*, WIRED (July 4, 2024, 6:00 AM), <https://www.wired.com/story/apple-intelligence-android-hybrid-ai-privacy/>.

security experts that "identifying information can still be found in AI queries after security protocols 'deidentify it.'" ⁸

The introduction of AI software in mainstream products opens a new wave of privacy questions, but potentially opens the door for more states to reconsider their data privacy laws. Only twenty states currently have comprehensive data privacy laws.⁹ How Apple, and other big tech companies working on AI integration, will affect our perception of privacy is still unknown.

⁸ *Id.* ("Apple strips identifying information when sending OpenAI the queries, but there's a lot of identifying information in many queries."). See, e.g., Bree Fowler, *Apple Faces a Tough Task in Keeping AI Data Secure and Private*, CNET (June 21, 2024), <https://www.cnet.com/tech/services-and-software/apple-faces-a-tough-task-in-keeping-ai-data-secure-and-private/> [<https://perma.cc/V99S-UFM7>] (Ran Senderovits, Chief Operating Officer for Wing Security, claims that data input into large language models like ChatGPT "is like telling a friend a secret that you hope they forget, but they don't.").

⁹ *Which States Have Consumer Data Privacy Laws?* BLOOMBERG LAW (Sept. 10, 2024), <https://pro.bloomberglaw.com/insights/privacy/state-privacy-legislation-tracker/#map-of-state-privacy-laws> [<https://perma.cc/L5HT-J6E7>].