



Lecture 16

Privacy and the Government

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Clicker Quiz: “Split the Dollar”

- Suppose I promised to give you \$100, provided that you offer to split it with a random (anonymous) student in class, and he/she accepts your proposed split. If he/she rejects the split, you both get nothing.
- How much do you offer to the other student?
 - A. \$50
 - B. \$40
 - C. \$30
 - D. \$20
 - E. \$10

Solove's Taxonomy of Privacy

- Privacy can become an issue in four different ways:
 - Information collection: gathering personal information
 - “How much information do I have to give to rent a car?”
 - Information processing: storing, manipulating, and using information that has been collected
 - “Should Google use the content of my emails to target ads to me?”
 - Information dissemination: spreading personal information
 - “Is it wrong to forward an email that was sent to me?”
 - Invasion: intruding upon a person's daily life
 - “Is it a good idea to email professors you might be interested in working with in grad school? How many: 2, 10, 100, 1000?”

Public Records: Statutory Disclosures

- Census
 - Purpose: ensure that seats in Parliament are apportioned correctly
 - Worry: this data may also be used for other purposes
 - Concern over the long-form census
- Revenue Canada
 - Intentional disclosure (rogue employees)
 - Unintentional disclosure (lost laptops)

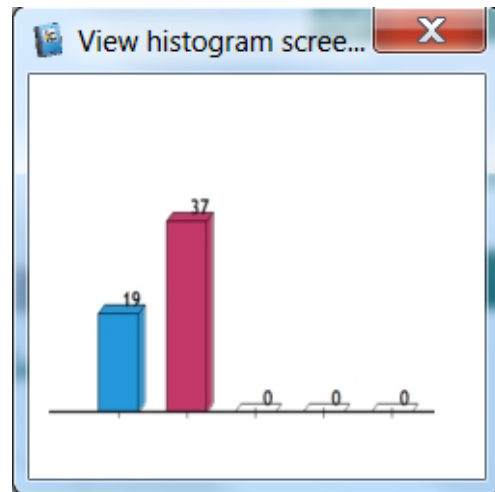
...how worried should we be about the existence of such records?

Privacy and the Government

“The government should create a database identifying the DNA of every resident and make it available to medical researchers and police.”

Privacy and the Government

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Wiretapping in the Digital Age

- Carnivore Surveillance System
 - Created by FBI in late 1990s
 - Monitored Internet traffic, including email exchanges
 - Captured packets going to/from a particular IP address
 - Used about 25 times between 1998 and 2000
- Post 9/11:
 - Bush authorized new, secret, intelligence-gathering operations inside United States
 - OK for NSA to intercept international phone calls & emails initiated by people inside U.S.; no search warrant required
 - Monitored ~500 people inside U.S.; 5000-7000 people outside
 - Two al-Qaeda plots foiled
 - Plot to take down Brooklyn bridge
 - Plot to bomb British pubs and train stations

USA PATRIOT Act (2001; 2011)

- Provisions
 - Greater authority for intelligence agencies to monitor communications within USA
 - Greater powers to regulate banks to prevent money laundering, particularly involving foreigners
 - Greater border controls
 - New crimes and penalties for terrorist activity, including indefinite detention of foreigners
 - Terrorism redefined to include domestic terrorism
- Critics say Act undermines 4th Amendment rights
 - Searches (of phone, internet, financial records) and seizures without warrants
 - Warrants issued without need for showing probable cause

Bill C-30

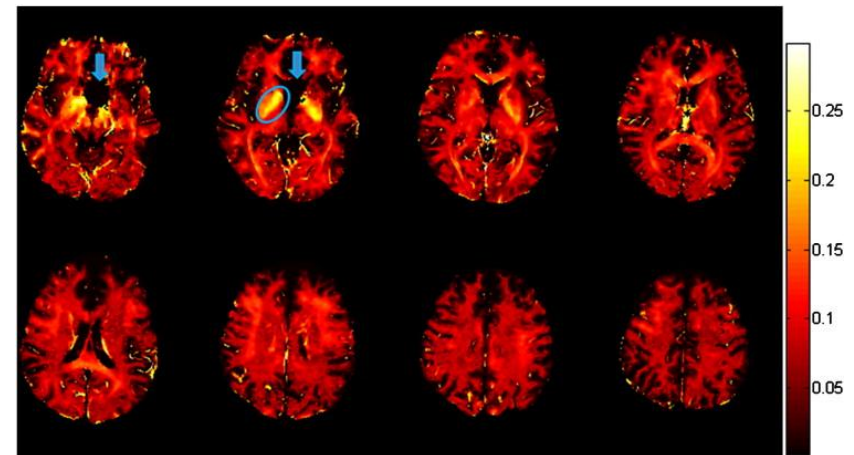
- “Protecting Children from Internet Predators Act”
 - Originally titled “Lawful Access Act”
- Proposed on February 14, 2012, by Canada’s public safety minister, Vic Toews
- Key elements:
 - Requiring internet service providers to give subscriber data to police and national security agencies without a warrant, including names, unlisted phone numbers and IP addresses.
 - Forcing internet providers and other makers of technology to provide a “back door” to make communications accessible to police.
 - Allowing police to seek warrants to obtain information transmitted over the internet and data related to its transmission, including locations of individuals and transactions.
 - Allowing courts to compel other parties to preserve electronic evidence.

Wiretapping

- Law enforcement argues that it's necessary to have the ability to listen in to conversations, record IP traffic on the internet, in order to catch criminals.
- *What do you think?*

“Lie Detectors”

- Present Day: Polygraphs
 - Scientific status: ambiguous
 - NAS: better than chance, far from prefer (in lab conditions)
 - Legal status:
 - USA:
 - Maybe admissible as evidence
 - Subject must volunteer
 - Canada:
 - Not admissible as evidence
 - Legal for investigating
- Near Future: Neuroimaging
 - Legal status:
 - India: 1 murder conviction



A Working Lie Detector

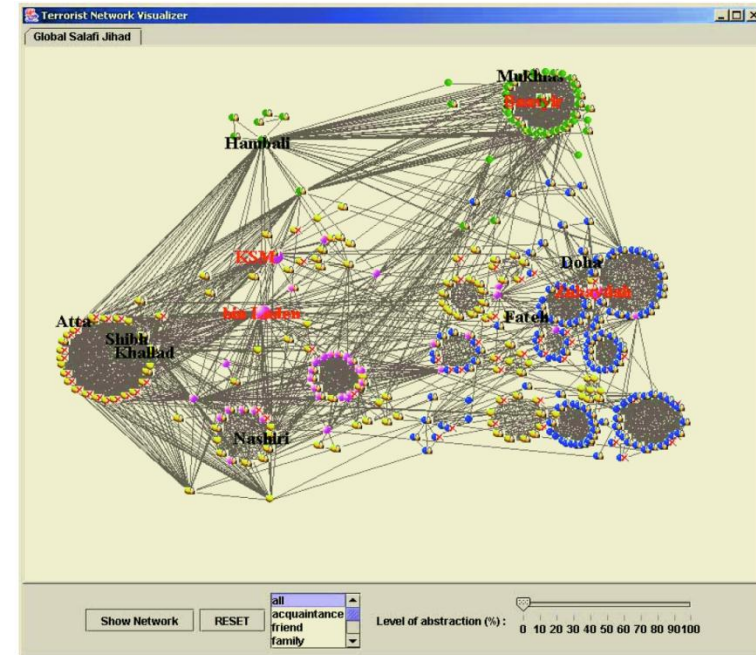
- *Suppose a 98%-accurate lie detector were invented. What should its legal status be?*
 - A. Admissible in court, and can be court ordered.
 - B. Admissible in court, if the subject volunteers. (USA)
 - C. Usable during investigation, not admissible in court. (Canada)
 - D. Never to be used.

Information Processing and Policing

- “Dave’s story”
- Statistical inference:
 - False positives and false negatives
 - *What is an acceptable error rate?*
 - *Given the possibility of error, what is an acceptable level of response?*

Information Processing and Policing

- “Dave’s story”
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- Inference on social networks
 - *Should governments be able place people under investigation, based on distant (2+ hops) network activity?*



Government-Issued ID

- Government-issued ID is needed for many activities
 - Getting into a bar
 - Flying on a plane
 - Renting a car
 - Opening a bank account
- Advantages:
 - reduce illegal activities
 - Hard for people to change identities
- Disadvantages:
 - Facilitates fraud (easier to assume my identity)
 - Facilitates data mining (provides a unique key)
- *Questions: Should everyone be required to have a government ID card? Should there be rules about what I'm allowed to do without showing government ID?*