Lecture 16
Privacy and the Government
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

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• Statistical inference:
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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?