

Data-Privacy Protections Are Needed

CSCI 340 Information Stewardship Paper

Ross Mitchell

3-13-2015

DATA-PRIVACY PROTECTIONS ARE NEEDED

Introduction

The internet has become an integral part of most if not all American's lives. "According to a new report from the Pew Internet and American Life project, nearly 90% of Americans now own a cell phone, computer, MP3 player, game console, e-book reader or tablet computer." (Gahran, 2011) The amount of data that Americans produce is enormous. The United States should enact comprehensive privacy laws that include criminal penalties for any government official, bureaucrat, candidate for public office or campaign worker that is mining, receiving or using data associated with a U.S. citizen without either specific written permission that specifies the use of that data or a search warrant issued by a court. This paper will discuss privacy and the need to have comprehensive privacy laws that will protect individual citizens.

"At the Techonomy conference in Lake Tahoe, CA, the first panel featured Google CEO Eric Schmidt. As moderator David Kirkpatrick was introducing him, he rattled off a massive stat. ... Every two days now we create as much information as we did from the dawn of civilization up until 2003, according to Schmidt. That's something like five exabytes of data, he says.

...
Naturally, all of this information helps Google. But he cautioned that just because companies like his can do all sorts of things with this information, the more pressing question now is if they should. Schmidt noted that while technology is neutral, he doesn't believe people are ready for what's coming." (Siegler, 2010)

Privacy vs Security

Data breaches during Christmas shopping season prior to Christmas 2013 demonstrated that all of the data we are putting out can be used for unscrupulous purposes. "Three major retail chains have recently admitted being victims of massive data breaches that compromised sensitive data from over 100 million customers. Sadly, though, Target, Nieman-Marcus, and Michael's are just the beginning of a trend that isn't likely to fade away any time soon." (Bradley, 2014) Though the data breaches were primarily a security issue, they also violated the privacy of shoppers in those stores.

The difference between privacy and security is explained well in a paper on Intellectual Property, *The Impact of Computer Security Regulation on American Companies*: "...'privacy' involves the right of individuals to control the use and disclosure of information about them. 'Security' means the safeguards (including personnel policies, information practice policies, disaster preparedness, hardware, software, and an oversight) to protect information from unauthorized access, attacks from outside the organization, and from misuse and negligence within the organization. Intuitively, without security, it is not possible to provide complete privacy, because unauthorized access and use of personal information can occur." (Dean William Harvey, 2002)

Premise 1 - Constitutional Right

"The 4th The Fourth Amendment (Amendment IV) to the United States Constitution is the part of the Bill of Rights that prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause. It was adopted in response to the abuse of the writ of assistance, a type of general search warrant issued by the British government and a major source of tension in pre-Revolutionary America." (Wikipedia, 2014)

Following the American Revolution, the newly freed colonies attempted to function as thirteen sovereign states using a weak federal government that was authorized under the Articles of

This could be a good example of industry + maybe feature regulation

tough requirement

Avoid using personal information

affected

Confederation. When that government proved too weak to handle the foreign affairs and the pension demands of Revolutionary War Veterans, the U.S. Constitution was written and sent to the states for ratification. After recently winning independence from an oppressive government, the citizens of the new country were very wary of forming a government that would have the power to be as oppressive as the government that they had just thrown off. The only way to get the new Constitution ratified was to present a Bill of Rights that would be amended to the constitution as soon as it was ratified. These rights are at the core of what the revolution was fought for and what the Founding Fathers established in the birth of our country.

Excellent
analysis

Since the 9-11 attacks in 2001, there has been an ongoing debate on where the line should be drawn between the government's responsibilities to protect the American people and the American people's right to privacy. The NSA gathering data and metadata has been in the news and there is a general distrust of the government and what it is doing with the massive amount of data it is gathering. The questions people have been asking mainly center around whether the Government is violating the 4th amendment. It is not only those working in government who are tapping into Big Data but also those who are running campaigns for candidates seeking office.

I worry about people trying to sell things also.

Premise 2 – Big Data Manipulation in Elections

It has been proven that querying Big Data allows politicians to identify ways to influence individual voters. "During the 2012 campaign, Barack Obama's reelection team had an underappreciated asset: Google's (GOOG) executive chairman, Eric Schmidt. He helped recruit talent, choose technology, and coach the campaign manager, Jim Messina, on the finer points of leading a large organization. "On election night he was in our boiler room in Chicago," says David Plouffe, then a senior White House adviser. Schmidt had a particular affinity for a group of engineers and statisticians tucked away beneath a disco ball in a darkened corner of the office known as "the Cave." The data analytics team, led by 30-year-old Dan Wagner, is credited with producing Obama's surprising 5 million-vote margin of victory.... By the time Wagner signed on as chief analytics officer for Obama's 2012 campaign, it was clear Big Data would be central to the reelection strategy. Along with identifying potential supporters, Wagner's team built intricate mathematical models of swing states that provided an alternative to traditional polls. "Those guys were our bible," says Plouffe. "They consistently told us what was really going on." (Green, 2013)

Google CEO Eric Schmidt stated the issue well back in 2010 when "he cautioned that just because companies like his can do all sorts of things with this information, the more pressing question now is if they should. Schmidt noted that while technology is neutral, he doesn't believe people are ready for what's coming." (Siegler, 2010)

Fascinating

Premise 3 - Ability to Identify Political Foes

If a political campaign or political party is able to find and target individuals who will likely vote for a particular candidate, they are also able to identify the individuals who will vote against their candidate or political party.

Currently there is no law that requires the campaign to delete any information they gathered. The candidate gets elected and those who worked on the campaign have likely found jobs in the government as bureaucrats. Both the official and the bureaucrats will have the power to affect the lives of ordinary citizens.

So getting targeted with...
with...
on page...

Premise 4 – Abuse of Power to Target Foes

The U.S. Government has targeted political opponents of the party that is currently in power. There have been instances of the government using data it has obtained to unlawfully target American citizens. In the Articles of Impeachment adopted by House Judiciary Committee on July 27, 1974 during the Watergate Scandal:

“Article 2

Handwritten:
Huge
quote!

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States; and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposed of these agencies.

Handwritten:
-3

This conduct has included one or more of the following:

1. He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service; in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes not authorized by law, and to cause, in violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner.
2. He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; he did direct, authorize, or permit the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance.
3. He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.
4. He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavored to impede and frustrate lawful inquiries by duly constituted executive, judicial and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities including those relating to the confirmation of Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.
5. In disregard of the rule of law, he knowingly misused the executive power by interfering with agencies of the executive branch, including the Federal Bureau of Investigation, the Criminal Division, and the Office of Watergate Special Prosecution Force, of the Department of Justice,

and the Central Intelligence Agency, in violation of his duty to take care that the laws be faithfully executed.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States. ..." (Articles of Impeachment, 2015)

More recently and as if to demonstrate that the abuse of Government power is bipartisan we have a report from the IRS Inspector General -- "The targeting of conservatives by the IRS started earlier and was more extensive than the IRS acknowledged last week, according to a draft IRS inspector general report obtained by ABC News.

As we reported on "Good Morning America" this morning, the IRS began targeting "Tea Party or similar organizations" in March 2010. That was when the Cincinnati-based IRS unit responsible for overseeing the applications for tax exempt status starting using the phrases "Tea Party," "patriots" and "9/12" to search for applications warranting greater scrutiny." (Karl, 2013)

Conclusion

Given the fact that the 4th Amendment of the Constitution prohibits unreasonable searches and seizures and that Bureaucrats and Government Officials have been accused of using personal information to target law abiding citizens, congress should enact comprehensive privacy laws to protect U.S. Citizens. Any privacy laws Congress enacts should include criminal penalties for any government official, bureaucrat, candidate for public office or campaign worker that is mining, receiving or using data associated with a U.S. citizen without either specific written permission that specifies the use of that data or a search warrant issued by a court.

Wow, this would be an enormous change. I'd like to see us experiment with these restrictions on the government & if it works, do it to industry.

Well written, interesting paper

Thanks!

...of the Fourth Amendment to the United States Constitution. Retrieved from Wikipedia: http://en.wikipedia.org/wiki/Fourth_Amendment_to_the_United_States_Constitution

References

Articles of Impeachment. (2015). Retrieved from Watergate.info: <http://watergate.info/impeachment/articles-of-impeachment>

Bradley, T. (2014, January 27). *Retailer data breach trend not likely to end soon*. Retrieved from PC World: <http://www.pcworld.com/article/2090839/retailer-data-breach-trend-not-likely-to-end-soon.html>

Dean William Harvey, A. W. (2002). THE IMPACT OF COMPUTER SECURITY REGULATION ON AMERICAN COMPANIES. *Texas Wesleyan Law Review*.

Gahran, A. (2011, February 3). *90% of Americans own a computerized gadget*. Retrieved from CNN: <http://www.cnn.com/2011/TECH/mobile/02/03/texting.photos.gahran/index.html>

Green, J. (2013, May). *Politics & Policy*. Retrieved from Bloomberg Business: <http://www.bloomberg.com/bw/articles/2013-05-30/googles-eric-schmidt-invests-in-obamas-big-data-brains>

Joel R. Reidenberg, T. H. (2013, March 10). *Should the U.S. Adopt European-Style Data-Privacy Protections?* Retrieved from Wall Street Journal: <http://www.wsj.com/articles/SB10001424127887324338604578328393797127094>

Karl, J. (2013, May 13). *ABC News*. Retrieved from Politics - The Note: *IRS IG Report: Targeting Conservatives Began In 2010*: <http://abcnews.go.com/blogs/politics/2013/05/irs-began-targeting-conservatives-in-2010/>

Siegler, M. (2010, August 04). *Eric Schmidt: Every 2 Days We Create As Much Information As We Did Up To 2003*. Retrieved from Tech Crunch: <http://techcrunch.com/2010/08/04/schmidt-data/>

STEVEN ROSENBUSH, M. (2013, March 10). *How Big Data is Changing the Whole Equation for Business*. Retrieved from The Wall Street Journal: <http://www.wsj.com/articles/SB10001424127887324178904578340071261396666>

Wikipedia. (2014, December 29). *Fourth Amendment to the United States Constitution*. Retrieved from Wikipedia: http://en.wikipedia.org/wiki/Fourth_Amendment_to_the_United_States_Constitution

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**Database Design, CSCI 340, Spring 2015
Information Stewardship Paper**

977

Jan. 30 – Topic & References (10 pts) 10
Feb. 13 – Thesis & Arguments (10 pts) 10
March 13 – Paper (80 pts) 77

Standardized Written Assessment Form

Form updated: 6/26/07

Course Number: CSCI340

Semester: Spring 15

Date: March 25, 2015

Topic: Information Stewardship

Evaluator: Celia Schahczenski

Instructor: Celia Schahczenski

Paper types: (1)Personal (2)Argumentative (3)Informative (4)Compare-and-Contrast

Content 1 = Poor, 2 = Needs Improvement, 3 = Satisfactory, 4 = Exceptional

Material is relevant to topic*	1 2 (3) 4
Topic is explored in depth	1 2 3 (4)
Paper is accurate	1 2 (3) 4
Reliable sources were used	1 2 (3) 4

Organization

Title and subheadings are used*	1 2 (3) 4
Appropriate introductory paragraph is given*	1 2 3 (4)
Paragraphs are cohesive*	1 2 3 (4)
Clear conclusion or summary is given	1 2 3 4

Mechanics

Paper tone is appropriate for the topic*	1 (2) 3 4
Grammar, spelling, and punctuation are appropriate for a professional, reviewed journal*	1 2 3 (4)
Paper is the appropriate length*	1 2 (3)
References are in APA format*	1 2 (3)

* See notes on the back.

Comments:

Notes

Content

Material is relevant to topic – The paper is cohesive and every paragraph in it relates to the thesis for argumentative papers and to the paper topic for all other types of papers.

Organization

Title and subheadings are used – Paper has a title and at minimum three sub-headings: an introduction, conclusion, and at least one sub-heading for the body.

Appropriate introductory paragraph is given – The introductory paragraph depends on the paper type. For a personal or informative paper the introductory paragraph summarizes the paper's topic and scope. For an argumentative paper it states a thesis. This thesis must have a subject and an arguable claim. For a compare-and-contrast paper it sets forth what will be compared.

Paragraphs are cohesive – all of the sentences related to a single theme or subject. One way to do this is to begin the paragraph with a topic sentence which has a subject and a claim. Every sentence in the paragraph relates to the initial topic sentence. The paragraph ends with a concluding or transitional sentence.

Mechanics

Paper tone is appropriate for the topic – Non personal papers have a formal tone.

Grammar, spelling, and punctuation are appropriate for a professional, reviewed journal - Avoid slang, clichés and directly addressing the reader. Personal pronouns (we, I, you) are only present in personal papers.

Paper is the appropriate length - Paper is the assigned length (within 5% on the low side and 15% on the high side). Papers way out line will be scored "poor" on this attribute.

References are in APA format – APA is the American Psychological Association. You can borrow a recent edition of the Publication Manual of the American Psychological Association in the CS/Math departmental office. If all reference list entries are in compliance as well as all in-text citations the score is "satisfactory."