

Privacy in the age of anti-terrorism

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Human rights in 21st century

- “This is as much an issue of modernity as liberty. We are trying to fight 21st century crime by 19th century means. It hasn't worked. It won't work.”
- “I think these civil liberties arguments are a bit outdated.”



European Convention for the protection of human rights and fundamental freedoms

- Reaffirming their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world:
- Everyone has the right to respect for his private and family life, his home and his correspondence.
- Everyone has the right to freedom of peaceful assembly and to freedom of association with others.

Privacy ever-more fundamental in the information age

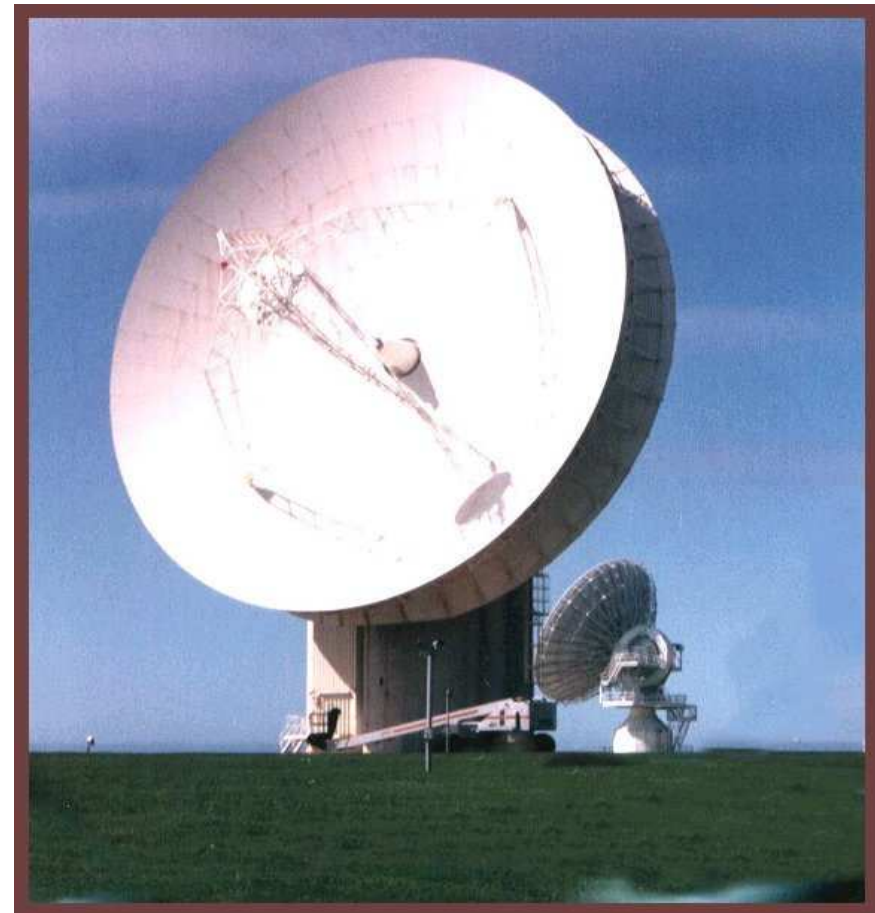
- The right to make mistakes - to learn, to grow, to fall in love
- Strengthens individuals and families as bulwarks against overbearing state power
- A fundamental psychological need for some control over how we are seen by the world – autonomy and dignity

Is the Internet a super-private haven for criminals and terrorists?

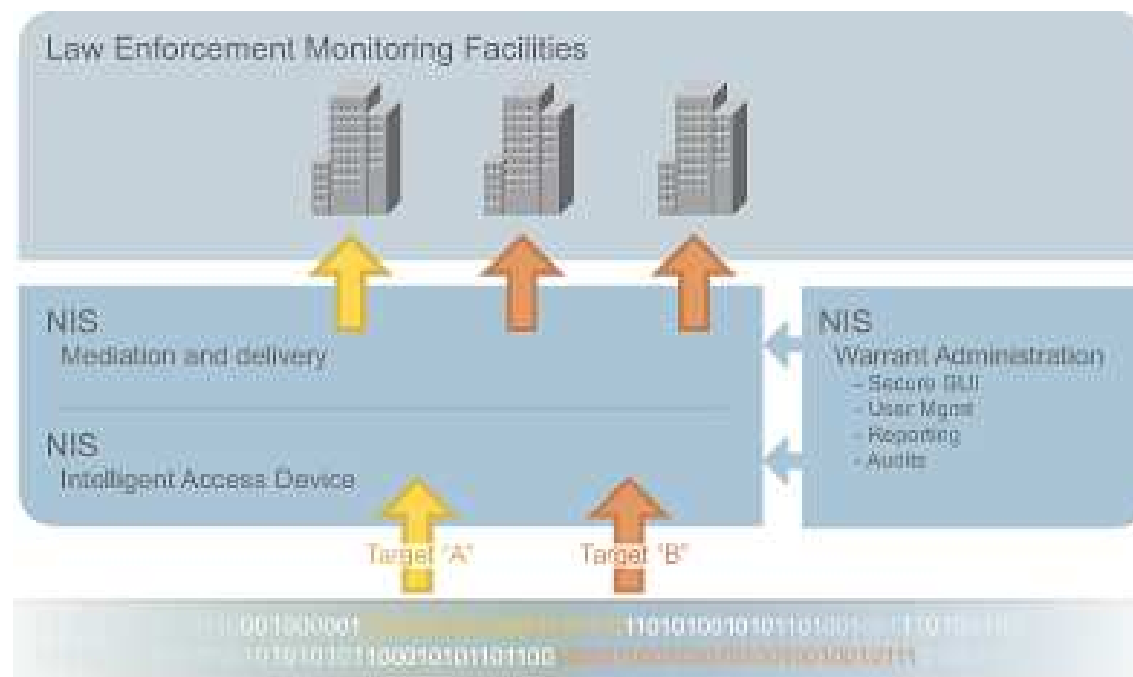
Heavily intercepted:

- Echelon
- Frenchelon
- Multinationals

"We steal secrets with espionage, with communications, with reconnaissance satellites" – James Woolsey



Narus ST-6400



Installed by AT&T in San Francisco, Seattle, San Jose, Los Angeles and San Diego trunk facilities: can monitor OC-192 link in real-time

Privacy vs. security

- Privacy is only an enemy of pseudo-security measures that mistake compiling vast lists with protecting society
- "When you are looking for a needle in a haystack, is it necessary to keep building bigger haystacks?" -UK ICO
- "There is no well-defined profile and attacks are very rare. Taken together, these facts mean that data-mining systems won't uncover any terrorist plots until they are very accurate, and that even very accurate systems will be so flooded with false alarms that they will be useless." - Bruce Schneier

Efficacy of domestic surveillance

- ~5000 Americans surveilled over 4 years; led to <10 warrants per year
- “Techniques that look at people's behavior to predict terrorist intent are so far from reaching the level of accuracy that's necessary that I see them as nothing but civil liberty infringement engines.” – Jeff Jonas, Chief Scientist, IBM Entity Analytics



Schengen, Hague, Prum and privacy

- “The European Commission says that implementation of the principle of availability will change the quality and intensity of personal data exchanges between Member states, and greatly affect the right to data protection. Direct automated access, in particular, will increase the risk of transferring illegitimate, inaccurate or out-of-date information, and the data controller will not be able to verify the legitimacy of a transmission or the accuracy of the data in each individual case... For the G6 to undermine the Commission, and even worse, to do it as our report says, behind closed doors, and behind the backs of the other 19 Member states, is insufferable and must be opposed.” -Lord Avebury
- “National delegations tend to come from law enforcement areas which, up to now, largely prefer to ignore data protection”. -EU Data Protection Supervisor

Data retention

- EU passed Data Retention Directive last year
- Comms data to be retained for several years
- EU Data Protection Supervisor: proposals were disproportionate, unnecessary and hence **illegal**