

Traffic Data Retention

Its impact on Civil Society

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What are Traffic Data?

- All data **except content** that a telco or an ISP has:
- **Subscription** data: your name, address, credit, ...
 - **Comm.** data: phone calls, Internet access, ...
 - **Location** data: GSM cell, wireless access point, ...
 - **Usage** data: services accessed, web pages, ...
- ... and **links** between them.

What is Traffic Data Retention?

- An **obligation** on all telecommunications and Internet service providers and others.
- To keep all **traffic data**.
- For a long period of time (in years).
- And hand it to the police/others when requested.
- With/Without the need for a **warrant**.
- For investigating any crime/other.

Political & Legislative Trail ...

- I am not a lawyer... but it was present in:
- **International bodies:** Council of Europe (Cybercrime), G8, E.U. Directives
- **National legislation:** France, Belgium, but also U.K. Security + RIP Act, (Switzerland?).
- **Lobby groups:** Europol, interpol, and their wish lists.
- See http://www.epic.org/privacy/intl/data_retention.html

Individual Privacy

- *Ex1: Search engine terms*
 - “Breast+Cancer+Cure”
 - “Direct+Action+WTO”
 - “President+fraud+Reuters”
- *Ex2: Private life*
 - Someone checks their email from your house late at night, then early in the morning.
- Clearly sensitive personal data (E.U. Data Protection).
- As rich as content.
- Not always conscious of information leaked.
- Available for years in the future.

Threats to Civil Society

- Traffic data provide a **complete social map** of an organization:
- Who are the members, organizers, leaders, thinkers, specialists, activists, contacts, friends, family, ...
- What are their relations and roles, what is the process for making decisions, working, collaborating, communicating, ...
- What can go wrong? Example ...

U.S. Example

- U.S. Senate Church Committee Reports (II.C.2.(a) 1976)
 - The "Women's Liberation Movement" was
 - **Infiltrated by informants** who collected material about
 - the movement's policies, leaders, and individual members.
 - One report included
 - the **name of every woman** who attended meetings,
 - another stated that each woman at a meeting had described "how she felt oppressed, sexually or otherwise".
- Today all this can be done with traffic data alone.

Political Surveillance (Church cont.)

- **Aims:**

General efforts to discredit.

Media manipulation.

Distorting data to influence government policy and public perceptions.

“Chilling” first amendment rights.

Preventing the free exchange of ideas.

- **Methods:**

Anonymous letters.

Friendly news contacts.

Police harassment.

Disruption of activities.

- **Recommendations:**

Effective safeguards are put in place to oversee surveillance.

Protecting Civil Society

- Minimize expose to surveillance and risks.
- **Organizational aspects:**
education of users, understanding of technology, assessment of risks, ...
- **Technical aspects:**
use privacy enabled technologies, anonymous email and web browsing, secure critical systems, ...

In the long term...

- Need to continue our work.
- **Lobbying** for limitations and oversight:
 - Surveillance according to the rule of law.
 - Only when it is necessary, in breath and time.
 - Restrictions on collection and processing.
 - Requiring warrants from the judiciary.
 - Independent judiciary and parliamentary oversight.
- **Monitoring** for abuses of surveillance powers.