



Family
Online Safety
Institute

ANNUAL CONFERENCE 2014

Panel Summary: Privacy: Exposed

Moderator: Nuala O'Connor, Center for Democracy and Technology

Panelists: Jules Cohen, Microsoft; Eric Heath, Yahoo!, Michael Kaiser, National Cyber Security Alliance; Tim Sparapani, App Developers Alliance; John Verdi, National Telecommunications and Information Administration

Moderator Nuala O'Connor, of the Center for Democracy and Technology, prompted her panel with poignant questions about cyber security looking back and looking forward. Each panelist was first asked what they thought the most significant internet security event of 2014 was and what the biggest threat or risk to individual online privacy will be in 2015.

Michael Kaiser of the National Cyber Security Alliance, began by citing the example of the Target security breach having caused a “fundamental sea change” in the consciousness of consumers about the security of their personal information. Looking forward, he is interested to see how information will be shared across the Internet of Things, how these devices will support us and what they will know about us.

John Verdi from the NTIA believes that Obama’s focus on big data will inform on future discussions around cyber security, the Internet of Things, educational technology, student privacy, online privacy and offline privacy. His concerns around data collection are whether its use and sharing is going to benefit citizens and how it will interplay with core American values (eg. Anti-discrimination, child protection).

Next Eric Heath of Yahoo! cited that the European Court of Justice’s ruling on the Right to be Forgotten has “reverberated throughout the internet industry and among companies” and how it has raised “troubling and complicated limitation questions going forward.” He sees this as having changed the landscape for operating in the EU and that its imperfect solution gives a false sense of security that things can actually be ‘erased’ from the internet. He also cited government surveillance as an ongoing and serious concern continuing into 2015.

Jules Cohen, representing Microsoft, complicated the question, stating that it depends on whether someone has been personally affected, and that’s its subjective across cultures and age groups. Looking forward, he expects ‘more privacy, everywhere, all the time’, which reflects societal changes and government initiatives.

Last, Tim Sparapani of App Developers Alliance, was surprised that the FTC only brought 2 enforcement actions against COPPA in 2014, not exercising the extent of its authority. And in the future, he wonders

if by trying to abide the somewhat outdated FIPPs guidelines is going to rob consumers of potential benefits of big data through overwrought policy.

O'Connor moved the conversation toward US 'versions' of the Right to be Forgotten, citing the juvenile justice system and credit records protections as good domestic examples. She asks the panel about digital records being 'expunged' for the sake of giving kids a clean slate at age 18. Kaiser emphasizes that where there are some things (ex. starting a business) that kids *would* like to have follow them, we don't want them to have to learn from their online mistakes in a way that's going to haunt them forever. Sparapani asked, "What would our discourse be if kids didn't have repercussions for that they do online?" He said, "Whether it's a technical solution, or a philosophical solution, or a legal solution", it's important for kids to be able to control what follows them through life. A good compromise would be having a record "of a moment of cruelty or insensitivity" to stand as a lesson, but he isn't sure how to manage that. And he doesn't want to see all consequence removed for fear that the internet would become a 'troll like space'.

Moving on, Verdi talked about big data in education and stated his concerns about, "big data analysis being used for assessment and award criteria (ex. admissions, honors)," but he that doesn't hear enough dispute about, "big data analysis to improve learning methodology to better match students with curricula that will help them advance more quickly", or "big data analysis that is used as a matter of general applicability." Kaiser called for an "injection of realism" into the conversation, reminding that it's no secret that the US education system is not perfect and big data analysis will not magically fix it.

Sparapani then suggested an alternative to a right to be forgotten as something closer to a right of redress with corporations. He stated that, "we need to afford individuals the ability to go to every corporation they intersect with and say this is wrong, fix it." And that if there is no corporate redress mechanism, then we should not expect consumers to share their information, not matter what the benefit.

O'Connor's next two questions are about public vs. private data collection and the panel's hopes and fears for the future of internet privacy. Heath immediately cites government as a bigger threat to privacy because of its track record of non-disclosure, misuse and surveillance. He calls for more transparency, but believes that future tech users will have the capacity to solve these problems through differential privacy, etc. Kaiser sees public and private data collection activities as equally threatening because they both erode trust, which he believes is the most essential element to all of this, and that the discussion of privacy and technology needs to continue out in the public. Jules Cohen thinks regardless of how data is collected, different demographics (ex. students, activists, developers) see different threats which is a, "societal challenge of working toward trusted internet." But he is also excited about the potential of differential privacy to anonymize data sets, calling it a possible "have your cake and eat it too" scenario.

Sparapani worries more about government data collection because of the huge economic power that government held information can wield over an individual, but reminds that private corporations are

often the ones selling that data to government. He is also worried, from a philosophical position, that we as a society are not prepared to innovate the way we think about technology as quickly as technology is developing and that there are inevitable down sides to big data analysis but in turn, exponential advantages. Verdi and Cohen closed the panel on a more optimistic note, reminding us that companies are now using built-in privacy and security functions as attractive selling points and that companies are investing in huge privacy departments as part of their business models.