Week 7: Privacy and Governmental Surveillance
February 20, 2023
Next Wednesday!
- March 1, 2023
- In-class
- Closed book, notes, and Internet
- Syllabus – all material through last Wednesday (Feb 19, 2023)

This Wednesday’s lecture is recorded; but won’t be in midterm

This week’s recitation – write midterm questions

Next Monday’s lecture – virtual office hours; example questions to work on will be made available

No recitation sections next week
Big data meets Big Brother as China moves to rate its citizens

Rachel Botsman

On June 14, 2014, the State Council of China published an ominous-sounding document called "Planning Outline for the Construction of a Social Credit System". In the way of Chinese policy documents, it was a lengthy and rather dry affair, but it contained a radical idea. What if there was a national trust score that rated the kind of citizen you were?
A Balancing Act

- Federal, state, and local governments in United States have had significant impact on privacy of individuals
- Government must balance competing desires of citizens
  - desire to be left alone
  - desire for safety and security

National security concerns increased significantly after 9/11 attacks
Two case examples of this balancing act...
Solove’s Taxonomy of Privacy

- **Information collection**: Activities that gather personal information
- **Information processing**: Activities that store, manipulate, and use personal information that has been collected
- **Information dissemination**: Activities that spread personal information
- **Invasion**: Activities that intrude upon a person’s daily life, interrupt someone’s solitude, or interfere with decision-making
Information Collection by the Government (Direct)

- Purpose: accountability and fairness
Census Records

- Census required to ensure every state has fair representation
- Number of questions steadily rising
- Sometimes Census Bureau has broken confidentiality requirement
  - World War I: draft resisters
  - World War II: Japanese-Americans
• **NCIC**
  – Collection of databases related to various crimes
  – Contains > 39 million records

• **Successes**
  – Helps police solve hundreds of thousands of cases every year
  – Helped FBI tie James Earl Ray to assassination of Dr. Martin Luther King, Jr.
  – Helped FBI apprehend Timothy McVeigh for bombing of federal building in Oklahoma City
Discussion Point: What are the downsides of maintaining the NCIC database?
Closed Circuit Television Cameras

- First use in Olean, New York in 1968
- Now more than 30 million cameras in US
- New York City’s effort in lower Manhattan
  - $201 million for 3,000 new cameras
  - License plate readers
  - Radiation detectors
Discussion Point: Are surveillance cameras worthwhile? Mixed opinion: ACLU opposition; London bombings in subway in 2005
Challenges of government information collection
Surveillance Camera Images of Boston Marathon Bombing Suspects
Airbnb, Lyft, Uber ‘Expressed Interest’ in Using Clearview AI

The tech companies expressed internet is using Clearview AI's technology for identity verification, according to Clearview AI CEO Hoan Ton-That.
Lawmakers call on feds to drop Clearview AI facial recognition contracts

The Pentagon and Department of Justice have active contracts with the controversial company

By Russell Brandom | Feb 9, 2022, 8:12am EST
Covert Government Surveillance
Wiretapping – J. Edgar Hoover

First Director of FBI
Privacy Post 9/11

• National security concerns increased significantly after 9/11 attacks
Privacy Post 9/11
NSA Wiretapping Post 9/11
Information Processing/Mining by the Government
Syndromic Surveillance Systems
Contact Tracing: Using Digital Tools

Technology can support case investigation and contact tracing but cannot take the place of the staff who interview, counsel, and provide support for those impacted by COVID-19. There are two key types of technology that can contribute to the contact tracing process: case management tools and proximity tracing/exposure notification tools. This technology guide serves as a companion to the case investigation workflow and contact tracing workflow.

Types Of Digital Contact Tracing Tools

- **Case Management**
  - Make the traditional contact tracing process faster and more efficient:
    - Streamline the electronic capture and management of data on patients and contacts
    - Integrate workflows with surveillance systems or other workforce management tools

- **Proximity Tracing/Exposure Notification**
  - Identify more contacts than traditional contact tracing alone:
    - Use voluntary, opt-in tools in addition to case management tools to augment traditional contact tracing
    - Use Bluetooth or GPS technologies to estimate the proximity and duration of an individual’s exposure to patients diagnosed with COVID-19

When can information processing/data mining by the Government go wrong?
THE NSA’S SECRET ROLE IN THE U.S. ASSASSINATION PROGRAM
Government Legislation restricting information dissemination
Family Education Rights and Privacy Act (FERPA)
Health Insurance Portability and Accountability Act (HIPAA)