



Privacy in the Broadband Era

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Privacy Defined



“the ability to determine for ourselves when, how, and to what extent information about us is communicated to others”

- Alan Weston, 1967

Why Privacy?



- essential to human dignity and autonomy
- fundamental component of civil liberties and democracy
- underpins relations of mutual trust & confidence, healthy social fabric

Online Privacy Threats



- Criminal/Malicious
 - Fraud/scams
 - Identity theft/fraud
 - Stalking/harassment
- Commercial – “social sorting”
 - Covert collection/use/sale of personal data
 - Consumer profiling
 - Behavioural targeting
 - Workplace surveillance
- State Surveillance
 - without reasonable grounds to suspect

Technologies



- computers: data collection/storage/analytics
- internet: websites, social networking, email
- cookies; deep packet inspection
- spyware, rootkits, keystroke loggers
- digital rights management systems
- cameras: video, CCTV, cell phones
- geo-locational devices
- RFIDs, other intelligent sensor devices
- biometrics



“The electronic computer is to individual privacy what the machine gun was to the horse cavalry”

Scheflin and Opton, *The Mind Manipulators: A Non-Fiction Account* (1978)

Legal Regime



- Criminal Code (Bill C-27)
- Public sector:
 - Data Protection legislation
 - Charter of Rights and Freedoms
 - due process requirements
- Private sector:
 - Data Protection legislation
 - based on CSA Code
 - Tort of privacy invasion

PIPEDA: Principles



1. Accountability
2. Identifying Purposes
3. Consent
4. Limiting Collection
5. Limiting Use, Disclosure and Retention

6. Accuracy
7. Safeguards
8. Openness
9. Individual Access
10. Challenging Compliance
- (11) Limiting Purposes

Where law falls short



- Always behind technology + market
 - min. effect on technology design + initial use
- Grey areas (inadequate detail)
 - “reasonable security measures”
 - Employees; business processes
 - Technical measures
 - minimal collection of personal data
 - “inappropriate” collection/use/disclosure
- Cross-border challenges

Role of Standards



- Designing privacy into technology
- Encouraging Privacy-Enhancing Technologies (PETs)
- Developing basis for domestic law
- Facilitating cross-border transactions
- Interpreting grey areas of law

“Privacy By Design”



- New technologies
 - RFIDs
 - Biometric encryption
 - CCTV cameras
 - Deep Packet Inspection
 - Digital Rights Management

Privacy-Enhancing Technologies



- limit disclosure of personal data
 - encryption
 - automatic data purging tools/services
 - anonymous remailers, web-surfing tools
 - anonymous digital credentials
- give consumers more control or facilitate privacy compliance
 - cookie managers; ad blockers
 - P3P (?)
 - privacy “wizards” (?)

Role of Standards



- Precursor to legislation
 - consensus; workable solution
 - *CSA Model Code of Privacy*
 - *Guidelines for Data Breach Notification*
- Cross-border privacy rules
 - consensus at international level on minimum standards

Role of Standards



- Clarifying grey areas in the law
 - “reasonable security measures”
 - Encryption standards
 - Employee screening/monitoring
 - minimizing collection of personal data
 - Anonymous authentication (digital credentials)
 - *Canadian Principles for E-Authentication*
 - Behavioural targeting/marketing
 - *FTC Proposed Guidelines*

Hot Issues



- Identity theft/fraud
- Cross-border data flows
- Behavioural targeting
- Social networking sites
- Kids' privacy
- ISP policies
- Search engine policies
- Digital Rights Management
- Health records privacy
- Photos/videos on the Net
- RFIDs
- Public video surveillance
- Biometric ID cards
- Location tracking
- Employee monitoring
- Privacy torts



Behavioural Targeting

Standard Targeting Capabilities: MySpace vs. Web



Freely expressed data in a user's Personal Profile offers marketers more authentic, powerful, and direct targeting beyond common proxy methods.

Sample Target **ATHLETIC SHOE BUYER (M18+, Active, Sports Fans, Healthy)**

Targeting Method

General Web Proxies

MySpace User-Expressed

Demographic

Required or optional registration data

Male, 28, Aries, CU Boulder grad, nonsmoker, want kids someday

Behavioral

Pages viewed, clicker retargeting

Member: The Raider Nation, Snowboarders, Track & Field Runners

Content

Personal fitness and sports articles, search terms, shopping sections

Friend: Nike and Jeep Communities

About Me: "I feel the need for speed – bring it on"

Interests: running, fitness, outdoors, South Park, travel, NFL, Phish

Blog: "I need your support! have gone off deep end and agreed to cycle 100 miles..."

Comments, Photos, Videos

Hyper-Targeting Segments



Currently **549 hyper-targeted segments** available across five key categories

SPORTS

35 Segments



Sample Segments

College Football
Baseball
Soccer
NASCAR
Running

GAMING

5 Segments



Sample Segments

PC Games
Playstation (all)
Nintendo (all)
Xbox (All)
MMOs

MOVIES

230 Segments



Sample Segments

Thrillers
Animal House
Romance
Finding Nemo
Casablanca

MUSIC

226 Segments



Sample Segments

The Beatles
Hard Rock
Electronic
Radiohead
Dr. Dre

TELEVISION

53 Segments



Sample Segments

The Family Guy
Grey's Anatomy
Sopranos
SportsCenter
Arrested Development

Email:

Password:

Remember me

Login

[Forgot Password?](#)

Everyone Can Join

Sign Up

Business Solutions

Social Ads

Pages

Beacon

Insights

Platform

Polls



Facebook Social Ads

+ Create a Facebook Ad

Social Ads leverage the power of Facebook News Feed by serving relevant stories about friends engaging with your business.

Reach the right people.

Instead of creating an advertisement and hoping that it reaches the right customers, you can create a Facebook Social Ad and target it precisely to the audience you choose. The ads can also be shown to users whose friends have recently engaged with your Facebook Page or engaged with your website through Facebook Beacon. Social Ads are more likely to influence users when they appear next to a story about a friend's interaction with your business.

Meagan Marks gave a 4-star rating to the movie Top Gun.



Blockbuster Total Access Online

Do you feel the need? The need for speed.



Deep Packet Inspection



- “The Ellacoya solution identifies applications through signatures in the data packet and through sophisticated traffic-pattern analysis to provide unprecedented visibility into subscriber usage, subscriber-specific service activity and service quality on a per application basis.”
- “The platform delivers comprehensive granular reports on subscriber and application usage to enable effective service marketing based on real subscriber behavior data.”

Behavioural Targeting



“NebuAd delivers the most actionable consumer intelligence by extending its reach dynamically to encompass the ever-growing network of sites that consumers visit. NebuAd combines this web-wide view of pages navigated, searches performed, ads clicked, etc., with the industry’s most accurate targeting capabilities, matching consumer interests across more than 1,000 categories....

Behavioural Targeting



“And all of this is done without collecting and using any personally identifiable information.” (NebuAd)

- IP addresses...linkable to individual?
 - PIPEDA compliance?
- even if no name attached, individuals are clearly being targeted....privacy issue?

Behavioural Targeting



- FTC investigation & proposed principles:
 - Clear, conspicuous notice + opt-out
 - Express consent to “materially different” uses
 - Collection/use of sensitive data:
 - Express consent (what is “sensitive”?)
 - Prohibitions e.g., re: kids data?
 - Reasonable security measures
 - Minimal retention

Behavioural Targeting



- “Do Not Track” proposal (CDT et al)
 - Centralized service for all consumers
- Stop profiling of kids; require opt-in consent (CDD et al)
- Legal Issue: What is “necessary” information from a marketing perspective? Where are the limits?



Cross-Border Data Flows

Cross-Border Data Flows



- Public concern:
 - B2B cross-border transfers
 - 65% “high concern” (5% low concern)
 - 75% very important to be notified (5% not impt)
 - 84% very impt that consent be obtained (2% low)
 - G2B cross-border transfers
 - 65% high concern (6% low)
 - 72% very impt to be notified (6% low)
 - G2G transfers
 - 51% high concern (11% low)
 - 70% very impt to be notified (8% low)

Cross-Border Data Flows



- BC gov't approach (FOIPPA, 2004):
 - Gov PI databanks must be located in + accessed from Canada
 - Blocks disclosure to foreign governments
 - Substantial fines
 - Whistleblower protection
 - Requirement to report foreign gov requests
- PIPEDA – CSA Principle 4.1.3
 - “comparable level of protection”

Cross-Border Data Flows



- OECD Guidelines
- EU “adequacy” standard
- APEC Privacy Framework
 - “Cross-Border Privacy Rules” + enforcement scheme for multi-national corps and outsourcers
 - meant to substitute where no law
- SPP (US/Can/Mex)
- ISO Standard?

Conclusion



- Law:
 - Establishes fundamental principles
 - Responds to threats
- Standards:
 - Can anticipate and respond to threats
 - Build principles into technology and business processes
 - Develop basis for legislation + help interpretation of existing law



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