Lecture 6-2
Privacy and the Government

Snowden and the NSA Scandal

In the fall of 2013, it emerged that the NSA was engaged in a very wide range of wiretapping activities.

https://en.wikipedia.org/wiki/Global_surveillance_disclosures_(2013%E2%80%93present)

The Washington Post summarized the leaks as follows:

> *Taken together, the revelations have brought to light a global surveillance system that cast off many of its historical restraints after the attacks of Sept. 11, 2001. Secret legal authorities empowered the NSA to sweep in the telephone, Internet and location records of whole populations.*
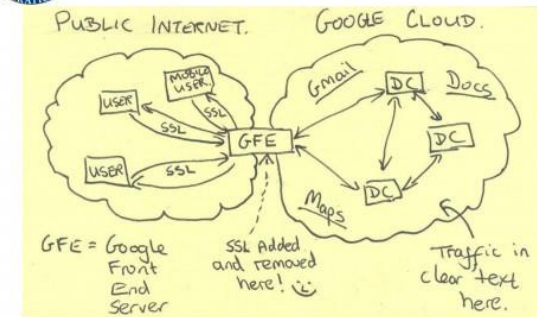
Xkeyscore

"What could you do if you would use XKeyscore?" Snowden:

- *You could read anyone's email in the world, anybody you've got an email address for. Any website: You can watch traffic to and from it. Any computer that an individual sits at: You can watch it. Any laptop that you're tracking: you can follow it as it moves from place to place throughout the world. It's a one-stop-shop for access to the NSA's information. ... You can tag individuals ... Let's say you work at a major German corporation and I want access to that network, I can track your username on a website on a form somewhere, I can track your real name, I can track associations with your friends and I can build what's called a fingerprint, which is network activity unique to you, which means anywhere you go in the world, anywhere you try to sort of hide your online presence, your identity.*

Greenwald: low-level NSA analysts can, via systems like Xkeyscore:

- *"listen to whatever emails they want, whatever telephone calls, browsing histories, Microsoft Word documents. And it's all done with no need to go to a court, with no need to even get supervisor approval on the part of the analyst."*

- *analysis can listen "to the calls or read the emails of everything that the NSA has stored, or look at the browsing histories or Google search terms that you've entered, and it also alerts them to any further activity that people connected to that email address or that IP address do in the future".*

Discussion

Do you think Snowden behaved unethically?

What do you think about wiretapping more broadly?

Government-Issued ID

- Government-issued ID is needed for many activities
  - Getting into a bar
  - Flying on a plane
  - Renting a car
  - Opening a bank account
- Advantages:
  - reduce illegal activities
  - Hard for people to change identities
- Disadvantages:
  - Facilitates fraud (easier to assume my identity)
  - Facilitates data mining (provides a unique key)

Should everyone be required to have a government ID card? Should there be rules about what I'm allowed to do without showing government ID?

Public Records: Statutory Disclosures

- Census
  - Purpose: ensure that seats in Parliament are apportioned correctly
  - Worry: this data may also be used for other purposes
  - Much recent political discussion about the long-form census

- Revenue Canada
  - Intentional disclosure (rogue employees)
  - Unintentional disclosure (lost laptops)

...how worried should we be about the existence of such records?

"Lie Detectors"

- Present Day: Polygraphs
  - Scientific status: ambiguous
    - NAS: better than chance, far from perfect (in lab conditions)
  - Legal status:
    - USA:
      - Maybe admissible as evidence
      - Subject must volunteer
    - Canada:
      - Not admissible as evidence
      - Legal for investigating

- Near Future: Neuroimaging
  - Legal status:
    - India: 1 murder conviction
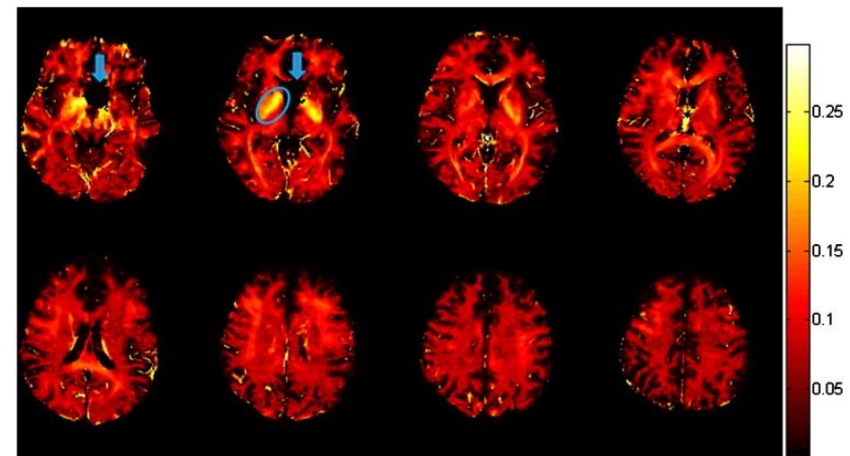
A Working Lie Detector

- *Suppose a 98%-accurate lie detector were invented. What should its legal status be?*
  - A. Admissible in court, and can be court ordered.
  - B. Admissible in court, if the subject volunteers. (USA)
  - C. Usable during investigation, not admissible in court. (Canada)
  - D. Never to be used.