



DIALOGUE ON DIVERSITY

REPORT

January 28, 2009

DIALOGUE ON DIVERSITY PRE-DATA-DAY BRIEFING INTERNET PRIVACY: THREATS AND REMEDIES

January 27, 2009, 12:00 noon – 3:00 p.m

Washington Home of Stewart R. Mott, 122 Maryland Avenue, N.E. Washington, D.C.

AGENDA

OVERVIEW:

Gregory L. Rohde, former Assistant Secretary of Commerce,
President of e-Copernicus, an IT consulting and engineering firm.

MEDICAL INFORMATION: THE RIVAL IMPERATIVES

Deven McGraw, Center for Democracy and Technology

COMMERCIAL DATA BASES AND THE TRANSPARENT CONSUMER

S. Jenell Trigg, Partner, Lerman Senter, PLLC
Katrina Blodgett, Senior Attorney, Identity and Privacy,

Federal Trade Commission

SECURITY AND ITS TRAVAILS: THE PENETRATING EYES OF GOVERNMENT

Jim Harper, Director for Information Policy Studies, The Cato Institute

WE HAVE NOTHING TO HIDE: HEAVY WEATHER ON THE SOCIAL NETWORKS

Shireen Mitchell, President, Digital Sisters, Inc.)

AFTERWORD AND A LOOK AHEAD:

Rep. David Price, [invited] U.S. House of Representatives, North Carolina,
Author of the Resolution for Proclamation of a National Data Privacy Day

MC: **Manuel A. Rosales**, Secretary to the Board, The Latino Coalition, former

Associate Administrator, S.B.A., for International Trade

AUDIENCE

Dialogue on Diversity's January 27 program was attended by an overflow audience in the Boardroom at the Mott House, with representatives of large IT corporations, Congressional staff and other government agency representatives, academia, Chambers of Commerce, ethnic organizations, and other civil society groups, women entrepreneurs, and other friends and members of Dialogue on Diversity. Attendees, over 45 in number, just getting over the exertions of the previous week's inauguration, braved snow and ice to make their way to the Mott Boardroom. In discussions around the conference table, continuing even after the formal close at 3:00 p.m., they explored many of the questions raised by the development of the internet, evidencing an interest in maintaining a network for exchange of further experience and ideas on this topic, aimed at taking action on the pertinent issues.

OUTREACH

Outreach for the Privacy program was effected through three staged notice/invitations circulated to the Dialogue's e-mail list of some 3,000 names (individuals, corporations, organizations), and by a number of friends of the organization who regularly send out the Dialogue's invitations and notices to their own listserv contacts. Additionally several articles on the program appeared in the local Spanish-language papers. Copies of the flyer were circulated to D.C. and Virginia schools, women's organizations, chambers of commerce, Congressional staff, Congressional Hispanic Caucus Institute. VIP invitation letters were sent to all members of the Congress on our Advisory Board and in addition a number of members who have appeared as speakers at our programs, members of the Women's Caucus, and to their Chiefs of Staff.

DATA PRIVACY DAY

The Dialogue program was presented as part of the observance of Data Privacy Day, January 28th, organized by a variety of governmental bodies, large IT firms, and academic and civil society groups, among these Dialogue on Diversity. The January 28th observance, dedicated to a growing cluster of concerns, growing apace with the ever broader use of the internet and e-mail, has long been observed in Europe, but is only now being taken note of in America. This year's marks the second observance. Rep. David Price of North Carolina has sponsored a Resolution (H.R. 31, 111th Congress), approved on January 27 by the House of Representatives, with its Proclamation claiming the Day for the Cause. The Resolution place a special emphasis on the dangers to young people from abuses relating to careless use of social networking sites.

NARRATIVE

INTRODUCTION

Dialogue on Diversity, in a midday program January 27th, offered a glimpse of the – perhaps disquieting -- technological future in an early-bird program leading off its 2009 public policy series. “The Dialogue's symposium on the 27th,” noted Ma. Cristina C. Caballero, Founder and President of Dialogue on Diversity, “has served as the Pre-Data Day observance setting out the factual and logical underpinnings of the Internet Privacy story. This program is of a piece with the Dialogue's close attention to the development of Information Technology through the eighteen years of its existence, especially as these rapidly developing technologies form an integral element in the toolbox of the women entrepreneurs that are our principal audience.”

The privacy concern is a core part of the larger narrative of the progress of Information Technology and of its problematic spawn -- the harms, potential and actual, to the integrity of a society avid of its benefits. The symposium was staged, before an overflow audience in the ornate conference salon at the Washington Home of Stewart R. Mott, situated at Maryland and Constitution Avenues near Capitol Hill.. Manuel A. Rosales, of the Latino Coalition and formerly Assistant Administrator of the Small Business Administration for International Trade, served as the genial and able moderator for the symposium presentations. Mr. Rosales is a friend of long standing to the Dialogue and is an unflagging source of wise and creative counsel.

OVERVIEW: THE POLICY DIMENSION

At the head of the agenda was an overview of the state of the Information Technology (IT) revolution as assessed by the Hon. Gregory L. Rohde, the former Assistant Secretary of Commerce who presided over the busy National Telecommunications and Information Administration, now spearheading design and planning work for his IT engineering-consulting firm e-Copernicus. His conclusion: the revolution has far from run its course, and the U.S., through lethargy and an institutionalized stodginess, has fallen grievously behind many other countries in the adoption of the newest

technological instrumentalities. Not seldom U.S. governmental bureaucracies continue to bar adoption of clearly improved technology with the frankly avowed purpose of protecting incumbent suppliers. At modest cost, moreover, as seen next to the massive quantities of money being hefted by the federal government in the current economic slowdown, it would be possible, Mr. Rohde averred, to upgrade the country's broadband capabilities to a qualitatively new level of reach, speed, and efficiency.

MEDICAL INFORMATION: THE RIVAL IMPERATIVES

On the specific, very crucial project of constructing a 21st century medical history/treatment data system, Deven McGraw, head of the medical information studies at the Center for Democracy and Technology, gauged the state of information technology deployment in the medical sector as alarmingly primitive, following an instinctive conservatism among practitioners in the industry. The problem is most dramatically displayed in the case of delivery of a patient in an emergency condition to a service point -- action must be taken without delay, yet next to nothing is known of the patient's medical state generally, his allergies, his medications, etc. It is thus an imperative that a universal interoperability among medical information systems around the country, and globally, be put in place, and that the totality of medical histories and treatment details be inscribed digitally in an information bank. But this proposition instantly swivels the spotlight to the opposing imperative, that safeguards have to be erected to keep this now rapidly accessible plenary personal data cache out of the hands of all but the immediate treating providers.

COMMERCIAL DATA BASES AND THE TRANSPARENT CONSUMER:

The practices that have already developed in the realm of commercial transactions, an amassing of substantial clues to an individual subject's buying history, together with other online traces, can yield, once appropriately sorted, a telling profile of the subject's tastes, income, domestic relationships, cast of mind, and other features -- a process that evidently may constitute a threat to privacy, and in the hands of abusive parties, the actual violation of privacy. S. Jenell Trigg of the Washington law firm Lerman Senter, PLLC, along with Katrina Blodgett, Attorney with the Privacy and Identity Division at the Federal Trade Commission, analyzed the privacy threats posed. The harm arises when the user is not meaningfully aware of the scope of data being collected and collated, and apprised, in particular, of its projected delivery to any third parties. The most alarming feature of these collection practices lies in the reach of the collecting agent's data dragnet beyond the transactions of its own with the user, to draw in the history of the subject's use of all internet sites, the time and frequency of such visits, the content of transactions with other counter parties/sellers, and still further data stored in or accessible through the subject's computer. The internet user thus becomes a veritable transparent figure, essentially the lucite man, whose innards, down to mental and emotional quirks and contours, are available for inspection at will by entities unknown.

WE HAVE NOTHING TO HIDE: HEAVY WEATHER ON THE SOCIAL NETWORKS

In a final segment Shireen Mitchell, Director of Digital Sisters, an organization diffusing IT information and operational skills to the members of minority communities under- or un-served in a technically sophisticated society, reviewed the plague of ill advised disclosures being made on every hand by the young and inexperienced on social networking sites. Such expedients as blocks on a computer used by one's teen-aged offspring, along with other attempted technical barriers, are all less than effective, since an ingenious teen can easily enough, with the help of a circle of friends, devise perfectly serviceable work-arounds. It was Ms. Mitchell's conclusion, based on long experience with both the technical apparatus and its capabilities, and the human facts on the ground in the neighborhoods, that the remedy lies in earning the confidence of children at a early date and instilling the lessons that there is a realm of privacy to be observed and defended, and that disclosures, if made at all, should not be uttered outside a circle of well known and trusted friends, treated with face to face. Among the prime sensitive items: last name, address, telephone numbers, and, a fortiori, such codes as passwords, Social Security number, and financial account numbers.

DATA PRIVACY OBSERVANCES

Among numerous events marking Data Privacy Day around the country and abroad, the Washington Data Day observances have been primarily organized by the Intel Corporation, which, in collaboration with Information Technology Association of America (ITAA), sponsored a late-afternoon briefing and reception at the Gold Room, Rayburn House Office Building, on January 28 itself with Rep. Price, Rep. Cliff Stearns of Florida, and Mr. Alexander Alvaro, member of the European Parliament, visiting in Washington in connection with the Data Privacy cause. Guests were welcomed by Ms. Liesyl Franz, Vice President for Information Security and Global Public Policy of ITAA. Along with Intel as the chief proponent of Data Privacy Day activities in the U.S., a number of other IT firms, the headliners of the industry have joined hands in the cause: among these are Google, AT&T, Oracle, Microsoft, EWA-IIT, Gemalto, and LexisNexis.

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