DIALOGUE ON DIVERSITY

Over Twenty Five Years of Service to America's Diverse Communities

INTERNET DATA PRIVACY COLLOQUIUM —A REPORT

February 4th, 2016 — Washington D.C.   Ten speakers, each an expert on a special facet of information technology, the internet, and its concerns with the fragile value of privacy, held forth in a series of presentations in Dialogue on Diversity's 2016 Internet Data Privacy Day colloquium held Thursday, January 28th, from the late morning introductions to a conclusion well after 5:00 p.m. The Colloquium venue was the intimate conference room setting at the Stewart R. Mott Foundation on Maryland Avenue in Washington's Capitol Hill district, a setting facilitating a freer and more subtly exploring interchange among experts and hearers. Attendance was standing room only (pending the staff's fetching extra seats from storage for placement around the room's periphery – all in spite of the heavy snowfall that had brought most Washington activities to a halt three days before. Introductions were voiced by **Ma. Cristina Caballero,** Dialogue President/CEO, who summarized the themes of the day's agenda, noting the broad reach of the day's topic, "running from the hidden perils of automated household systems, the Internet of Things, to Encryption as the twenty-first century answer to our own era's version of the infamous 18th Century Writs of Assistance (the general warrants, fostering unlimited, and arbitrary, searches of houses and effects, that ignited the American Resolution), to the challenges of STEM studies for teens, boys and girls as well, and of the Latino, African American, and other diverse cultural communities."

Implicitly each presentation flagged problems that cry out for remedy, either through official regulation, through the equally effective pressures of an instantly responsive competitive marketplace, or by personal prudence in behavior – or all these mechanisms working in a more or less harmonious interaction. Positions assumed by civil society groups on pertinent issues – a broad and complex field of questions implicating technology, commerce, privacy, and liberty of action and speech,   are course always apposite. Among these, recommending action by public authorities, through commercial/corporate policies, and in a newly kindled standard of care on the part of internet users and consumers generally.

➢ The small-loan industry e.g. "payday" loans, should be profiled in detail by private-sector think tanks and investigative personnel, along with official oversight, and subjected to all expedient close monitoring and FTC regulation.

➢ Encryption of internet traffic should become routine, and internet systems should be designed with no "back door" for uncontrolled official access to either "meta" (the tell-tale notes of origin, destination, and frequency of communications) or content data.

➢ Internet of Things (coordinated apparatus monitoring and controlling sub-systems for large units – buildings, vehicles, bureaucratic functioning, other over-arching systems), of perhaps revolutionary benefit, but at once productive of oceans of raw data on the day-to-day doings and experiences of individuals (potentially, in coordination, able to generate a virtual three-dimensional portrait of its user), should explore extensive use of encryption, and regulation of structural and operational features liable to impact privacy. Apparatus should be installed only with careful alerting of users re possible data leakage, and built-in forms of encryption or other barriers against hackers should become routine.

➢ Sharply stepped up efforts should be undertaken to recruit girls and minority students for intensive STEM studies, together with careful research on the reasons for students' choices between hard-science (STEM) and humanities studies, and whether the choices between these by students of various ethnic, gender, or other cognizable population strata are justified or reasonable, and if not, then how it may be influenced for better (individually or socially) outcomes.

A few of numerous Colloquium highlights are recounted here.

Nicole Turner-Lee, Vice President and Policy Research chief at the venerable Multicultural Media Telecom and Internet Council, held forth with a spirited overview of the life of advocacy on the technology front, and the satisfactions of making advances, both small and large, in the long run campaign to secure a sound and effective place for minority broadcasters, and for uses of communications technologies in their enterprises and households.

Michelle De Mooy of the Center for Democracy and Technology reviewed the numerous dimensions of IT use in aid of many phases of health care and medical procedures; Ms. De Mooy has held the post as Deputy Director, Consumer Privacy Project at the CDT for a little over a year, and has spearheaded publications and studies in the immensely challenging field of health care/medical technology, not only in the massive tasks of wrenching a conservative and proud body of professionals and entrepreneurial medical movers and shakers to adopt the radical novelty of information technology, but of devising swift and smart mechanisms for affording proper access to patient data and other sensitive information. This is a matter of privacy on the one hand, and at once of mustering the information contained in a myriad of electronic health records (EHRs) accurately and rapidly so that expert medical resources can be brought to bear in real time for the often precariously surviving patient. Among the achievements of Ms. De Looy's so far brief tenure are the densely argued and evidence filled reports on the status of IT and its privacy dimensions with regard to clinical exigencies, governmental impositions, and the needs of commerce in the medical industries.

Aaron Brauer-Rieke, a longtime favorite presenter at Dialogue on Diversity's programing, introduced the new venture, UPTURN, that he, part of a quartet of technical experts who have recently launched the elite enterprise, leads as Director of Tech Policy Projects. Outlining the fascinating findings, among much else, that has been assembled on one of the firm's investigative/analytic projects, the small loan industry, Mr. Brauer-Rieke set out the basic dimensions of the small loan phenomenon in its contemporary incarnation. The existence of a generally accessible resource offering small loans for financial narrow passages in the affairs of low-income persons with badly riddled credit records, is both necessary and, in is actual operation, often verges on the excessive, and even abusive, with dubious practices in serving/exploiting the swath of the population who find themselves, often chronically, in critical financial straights. The salient feature of the industry is its reliance in large part on a pervasive internet presence, and on a broad phalanx of friendly, persuasive marketing sites drawing in the customers for the loan deal. The deal, once concluded at that stage, is passed on to the actual lender, a distinct entity, generally not known to the borrower, and perhaps some little less friendly, to whom borrowers may soon find themselves irretrievably behind in payment.

Allison Lefrak, Senior Attorney at the Privacy and Identity Protection Division at the FTC, describe that agency's growing concern with the burgeoning Internet of Things, the plethora of automatic monitoring and control devices that are integrated with a system of other devices superintending other parts of a larger apparatus, or system– one so designed as to sustain a useful, or agreeable, state or a desired course of operation. One, for example, that maintains a comfort-maximizing equilibrium within a household maintenance. Hackers penetrating the maze of wireless, on hat, control channels would find a trove of personal and behavioral data. A bonanza for, say, a struggling novelist without the native faculty for fashioning rounded characters, and who would find in computer portraits the endlessly variegated texture of motivations and idiosyncratic habits.

Michael E. Beck, heading up MEDOX Technologies of New York City as CEO, laid out the mathematical and engineering hurdles that control and management systems he daily grapples with in designing the contours of the future, in an effective IT-permeated heath care sector in American economic life. The Medox firm poses the problem: with the sheer mass of health care information, specifically patient electronic health records, new privacy and security risks are springing up on every hand, novel in kind and newly voluminous in quantity. The Medox firm's patented systems are designed specifically to achieve the shrewdly fashioned procedures for working around these obstacles, to ensure safe and speedy operations in the health care realm. Central to this task is the job of rationing access to classes of data by degrees of the requester's relationship, or proximity in concern, with the subject data, protecting the patient in real time from disclosure to any entity other than that disclosure defined in the system as proximately needed in order to deal with for the health care need immediately at hand. A series of patented operations, accreted in the Medox repertory over the last decade and more, and successively refining and enlarging the capacities of the Medox systems, are steadily being augmented by the aggressive management and visionary product development style that is the hallmark of Mr. Beck's enterprise.
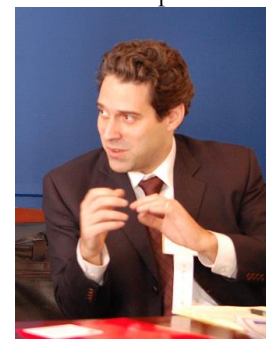
Readers will find the complete Colloquium report, summarizing presentations of each of the ten speakers, at the Dialogue on Diversity internet site: www.dialogueondiversity.org

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Ximena Hartsock, a native of Chile, superintends the work of a Washington-based Internet platform, *phone2action*, permitting interested and motivated adherents of social, political, and other seriously felt movements to direct their ides, proposals, and requests to precisely the business leaders and those public agencies and officials who are in a position to deal with the subject matter matching the user's intentions. Previously she had served in the District of Columbia Government as an executive under the Michelle Rhee reform régime in the school system, and subsequently as the chief of the Parks Department. The reach of the present Phone2Action platform and its novel capabilities are being extended through Ms. Hartsock's energetic efforts, displayed here in their private sector forum, capping her public sector achievements in Washington.

Another pole of the private sector's internet concerns was discussed by **Ed Silva**, Ecuadorian in origin, who has successfully managed a train of IT companies and is now engaged in propelling a fresh start-up, Centerpoint, Inc., to economic heights. This firm operates under the title of Cybersecurity, designing systems, used by companies in the U.S. and elsewhere, and by public agencies, for warding off electronic intrusions of the kind now well enough known to readers of the daily press, and those still more subtle and penetrating than ever that are on the way. Mr. Silva's own history as an entrepreneur is one of striking mobility and successes. As a serial start-up launcher of stellar qualifications, he has presided over a train of successful IT operations, of which the Centerpoint firm is the most recent.

Jadzia Butler, the Privacy, Surveillance, and Security Fellow at the Center for Democracy and Technology, argued a functional near identity of some of the governmental data collection/surveillance systems – those now operating,
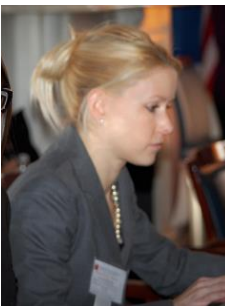
and now not only suspected but known of with some degree of particularity, through the increasingly detailed glimpse lately afforded of the observational apparatus of the U.S. official agencies – between these governmental practices of nowadays and the odious general warrants of the late eighteenth Century, under which, brandishing the Writ of Assistance, as the royal authorities named them, the officers of the Crown moved from house to house along the street, overturning the end tabled, ransacking every drawer and cubbyhole, lighting upon any scrap of paper hinting at disdain for the monarchy. This roused very considerable discontent among the colonists, our linguistic and ideological ancestors, who shortly wrote into the republic's Constitution, Amendment IV, an

explicit prohibition against searches and seizures, except upon warrant duly approved and specifying place and purpose. It was to be a Privacy Republic. The points of likeness in these latter days between government observation, or surveillance (to use with apology that loaded word), with no formal restraint by a neutral authority (pace the FISA court), and certainly no adversarial process, and touching the "effects" of persons finding themselves momentarily in the cross-hairs by happenstance or principles not related to any tasks of the government. If the privacy interests of individuals and groups are to be secured now, it is probably through a blunt instrument in resistance in the sense of making data unavailable, specifically, through encryption, of such strength as to resist decipherment by hackers, foreign interests, and U.S. official organs. And there should not be, Ms. Butler argues, the so-called back-door, the key in the hands of the U.S. intelligence agencies to pierce, when necessary, or desirable, or desired, the otherwise hard encryption employed by the internet carriers. Ms. Butler's papers and memos during her time with CDT have very shrewdly explored and researched the law and the techniques and the strategies in the security/surveillance problematic. They repay looking up and perusing.

The Colloquium concluded with two essays on aspects of education in the IT age – the first was presented by **Ms. DeVan Hankerson** of the Multicultural Media, Telecom, and Internet Council, on the utility of STEM studies, and the ominous present sluggishness as a study of choice among the lamentably underrepresented girls and minority students of American society. Ms. Hankerson is a dynamo of multiple skills, centering around her facility in the reasoning and empirical research processes employed in the study of economic structures and policy expedients, especially in developing economic societies. Among her exploits is work on the middle eastern economic growth picture as a researcher with the Dubai Chamber of Commerce, an organ of the government of that very remarkable gulf Emirate – a task facilitated by Ms. Hankerson's learning in the Arabic language, a linguistic topic – alphabet, orthography, the complex grammar, and the vast, thoroughly alien lexicon – almost totally opaque to most western investigators.

The second discussion of data respecting the affairs of students, this especially in the K-12 period of their educational careers, set forth an analysis by **Brenda K. Leong**, of the Future of Privacy Forum, of a cluster of novel

products yielded by "mining" the vast assemblage of data on schools and their students accumulated for some years past, for various purposes, and by school systems in many and varied locales around the country. The data in question, Ms. Leong noted, were collected not with a fixed purpose of bringing light to any specific array of questions; but new questions and answers have emerged from studies on a decade and more of data from many schools, many towns, and many kinds of educational milieu, as statistical analysis makes evident certain lines of relationship, often unexpected ones, among features of the educational picture. The computers' faculties of analysis, of taking into account all possible lines of relations or causality, many of the kind that would not occur in even the most perceptive and imaginative analysis without the prompting of the so-called "data mining". Lines of associations uncovered by these methods would not immediately rise to the level of causation, but would drive investigators to ferret out the interrelations of factors that in combination may in fact point to paths of causality. Again, the ultimate aim is to discern levers of policy and educational technique which, if moved, will procure results, perhaps not evident to mere common sense but real and effective nevertheless. While cheering the discovery of scientific principles, attention must, it is pointed out, be given to the possibility that some of the data fed into the analytic machine, may have the potency for disclosing information about students, certainly about groups or classifications of students, and with less probability about individuals. The form in which student data is employed out of school files may be more or less de-identified. Ms. Leong pointed out that for the analysis described, one might insofar as possible use not the actual labels of names, places, times, etc. but only designate these as a, b, c. etc. the relationships ultimately found must then be re-translated into the named educational factors. Another point: the phrase: "data mining" has an unsavory reputation since it was employed some years ago in reference to a proposed campaign of the government's aggrandizing plenary data on the affairs of the whole population – this process might indeed reveal some interesting, even useful, things, but the pervasiveness of the observation and the uncertainty that de-identification would occur generated a public uproar that resulted in the government's announcing abandonment of the practice. Whether a ghost of the practice is still walking abroad is sometimes questioned. The data mining on the present educational data, however, is, as noted, pretty well insulated from the dangers cited, and is a reference to a bloodless, but mathematically productive statistical technique.