

# 215/NSA Case Study

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# 215/NSA: Why is this a problem?

- Bulk collection v. targeted collection
- Metadata discovered to be a previously unknown risk
- Timeline or ability to reach back to search data prior to the authorization
- Judge/Lawyer knowledge of technical details
- Lack of transparency in the courts and legal departments
- Demonstrating that the risk justifies bulk collection
- Target of abuse by next leadership

# 215/NSA: Where does the problem belong?

- The FISA system is very legalistic: it is primarily based on law and has little policy
- Privacy is often handled by legal/compliance offices, rules are set by DoJ, and legal offices are typically not transparent
- Do we need a separate profession or role, such as civil rights office?
  - If so, how would we ensure separation from the legal office (e.g., Inspector General)

# 215/NSA: What are the set of requirements to build to?

- Require the companies to store the data and receive and process the queries
- Avoid creating specific technical requirements in law, but allow policy to communicate design principles
- Improve scientific knowledge regarding private information processing, de-identification, etc. (ex. NIST facial recognition study)