

The Last, Best Hope:

Sysadmins and DBAs
as the Guardians of Privacy



privacy



fair use



innovation



free speech

Danny O'Brien <danny@eff.org>

IANAL
IJCHOTAW



What does the EFF do?

- Don't usually do this:
 - Don't want to be the story (or the client)
 - Serious legal obligations
 - “Pro-Client Zealots”
 - *Big* fans of free speech

But since you asked...

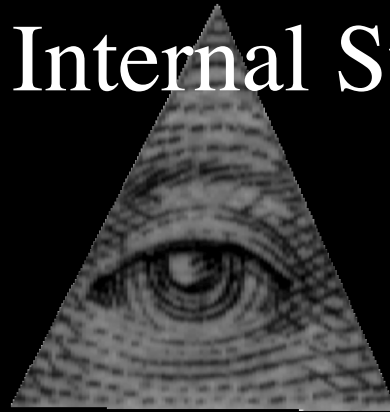
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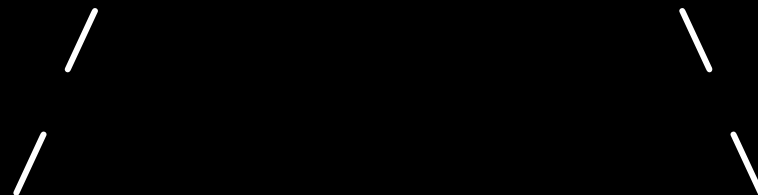
Funding

- 2006 budget: \$2.5m
- 23 employees (third are attorneys)
- 2005: 75% of our budget was from individual donors (21% foundations)
- No government money
- 10,000 very independent members

Secret Internal Structure



tech research



illegal ----- legal

Things We've Done in Last Year

- Took Grokster to Supreme Court, secured Betamax principle.
- Secured settlement with Sony BMG, including Mediamax customers.
- **Cracked color laser printer dot code.**
- Litigated for transparency in e-voting machines.
- **Created Legal Guide for Bloggers.**
- Helped overturn Broadcast Flag in courts.
- Begun challenge of series of overreaching software/business practice patents.

Things We've Done in Last Year, contd.

- Successfully opposed DOJ's attempts to track cell phone users without probable cause.
- Helped defend right to anonymous speech in several cases.
- Supported Tor, the anonymizing proxy
- Educated the public on dangers of RFIDs, data mining, national ID schemes.
- Fought to ensure online journalists have same legal protections as offline journalists.

Things We've Done in Last Year, contd.

- Fought for right to reverse engineer a product to make a new interoperable technology, whether it be printer cartridge refilling, garage door openers, or game servers.
- Represented interests of open source TV projects on the European Digital Video Broadcasting forum.
- Represented public interests at WIPO, supporting more OSS friendly international IP law, stood against Broadcast Treaty.
- Launched class action against AT&T over warrantless wiretapping of its subscribers.
- Successfully delayed introduction of Congressional broadcast flag legislation for over a year.

Preserve Civil Liberties in a Digital Age

Amendment IV:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.



- No search so long as there was no physical trespass.
- Conversation could not qualify as a seizure, for the Amendment referred only to the seizure of tangible items.

“ Discovery and invention have made it possible for the Government to obtain by means far more effective stretching upon the rack disclosure of ‘what is whispered in the closer’. Through television, radium and photography, ways may soon be developed by which the Government can, without removing papers from secret drawers, reproduce them in court and by which it can lay before the jury the most intimate occurrences of the home. ”

- Justice Brandeis, 1928

“ The Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his home and office, is not a subject of Fourth Amendment protection. But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected. ”

- Justice Stewart, 1967

“ The Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities, even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in a third party will not be betrayed. ”

- Justice Powell, 1976

From Server/Client to Lawyer/Client

NetApps

X Window System™ Terminals

Web 2.0

Software-As-Service

Amazon S3

WebDAV

P2P Storage

GMail

Local Storage

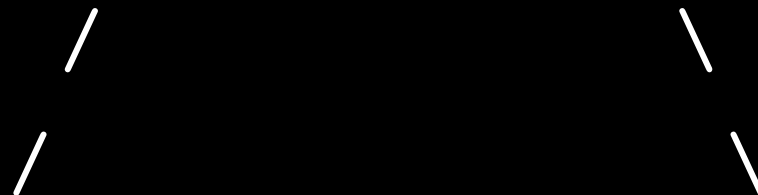
What is EFF Doing?

- Advising Courts with *Amici Curiae*
 - *Warshak v. U.S.*
- Advising Users
- Advising Companies
- Advocating for Statutory Change

What Can You Do?



running code



culture ----- law

Culture

Logging by Default == Bad Idea

<http://eff.org/osp/>

Code

`passwd(1)`

`crypt(3)`



Translucent Databases
Peter Wayner, 2002, Flyzone Press.

Translucent Database Principles

- Encryption
- Ignorance
- Minimization
- Misdirection
- Stunt Data
- Equivalence
- Quantization

How Do We Get This Past The Boss?

Privacy for PHBs

- Privacy Policies Are Your Friend
- High Cost of Discovery
- Honeypot Risk
- /var at 98%!!

Law

Help Us

- Develop Practices
- Give us feedback:
 - We're small enough to listen
 - Need it to stay two years ahead
- Become a member!

<http://www.eff.org/support/>

Any answers?