kent wada
director, strategic IT policy
ucla chief privacy officer

beyond security and privacy: trust and the value of data

august 18, 2015, arlington

2015 nsf cybersecurity summit
for large facilities and cyberinfrastructure

if your shop assistant was an app …
(hidden camera)

NOTES

- *If Your Shop Assistant Was an App (Hidden Camera).* Forbrugerrådet Tænk / EUROPA Nævnet, 17 Dec. 2014. Web. 24 Aug. 2015. <https://www.youtube.com/watch?v=xYZtHIPktQg>.

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1999

"you have zero privacy anyway. get over it."
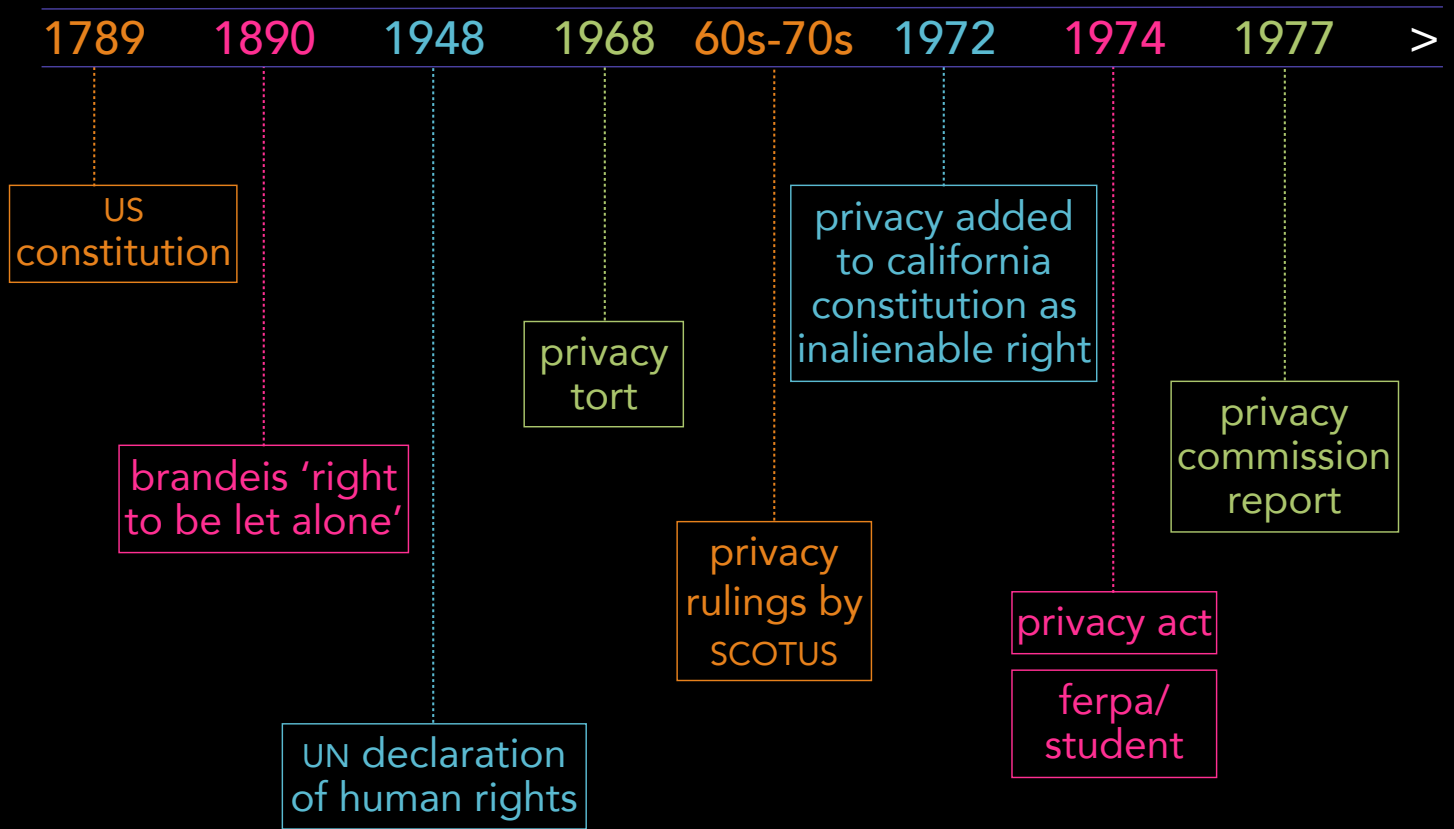
(A) scott mcnealy

2015

(B) Cover of the 30 January 2015 special issue of Science magazine titled "The End of Privacy"

NOTES

(A) Sun Microsystems logo.
(B) *Science* 30 Jan. 2015: cover. Web. 24 Aug. 2015. <http://www.sciencemag.org/content/347/6221.toc>.
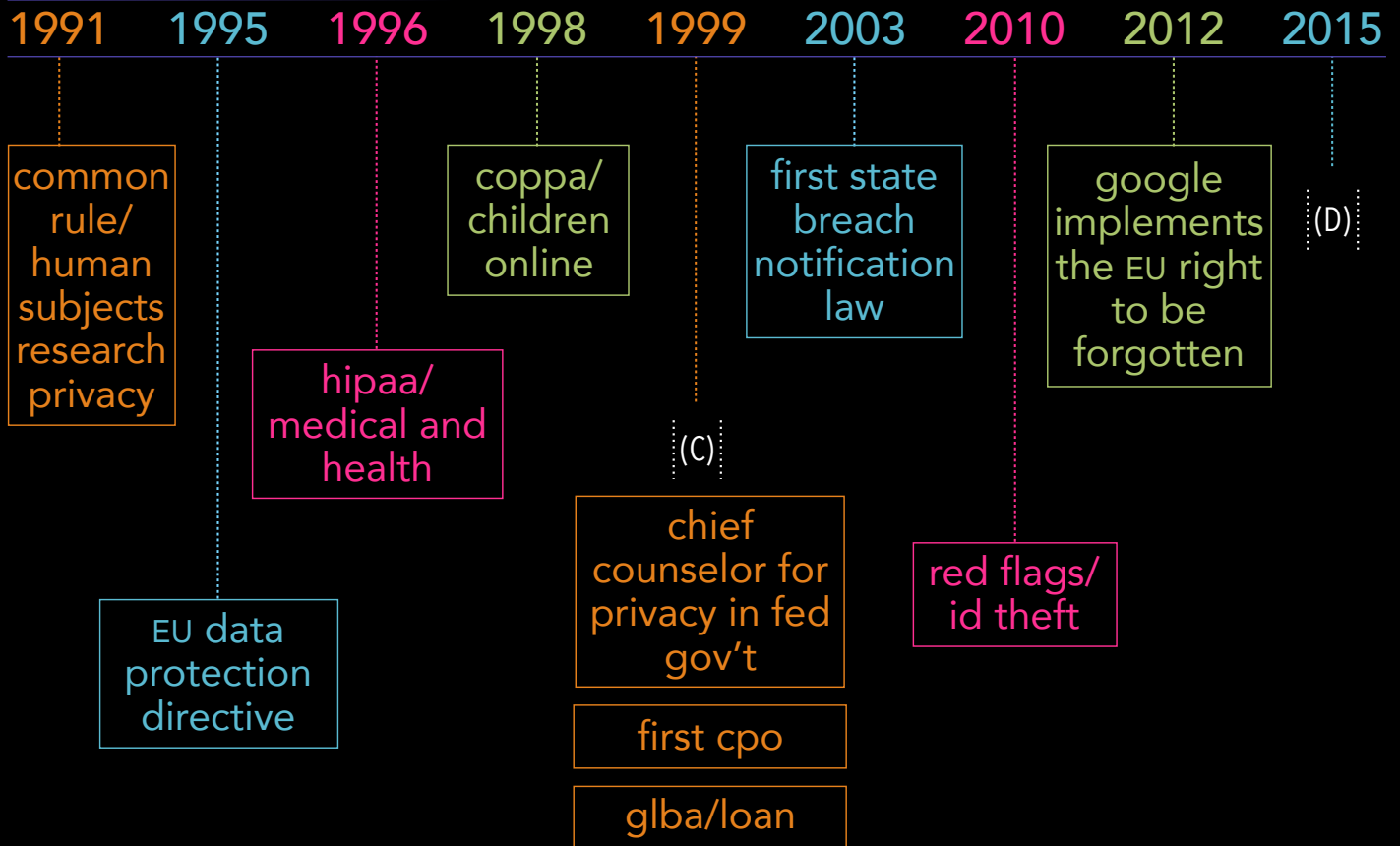
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partial privacy timeline

| 1789 | 1890 | 1948 | 1968 | 60s-70s | 1972 | 1974 | 1977 | > |

US constitution (1789)

brandeis 'right to be let alone' (1890)

UN declaration of human rights (1948)

privacy tort (1968)

privacy rulings by SCOTUS (60s-70s)

privacy added to california constitution as inalienable right (1972)

privacy act (1974)

ferpa/ student (1974)

privacy commission report (1977)

NOTES

- Based on a timeline developed by Sol Bermann, Privacy Officer, IT Policy, Compliance, Enterprise Continuity Strategist, at the University of Michigan.

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partial privacy timeline, con't

1991   1995   1996   1998   1999   2003   2010   2012   2015

common rule/ human subjects research privacy

hipaa/ medical and health

EU data protection directive

coppa/ children online

(C)

chief counselor for privacy in fed gov't

first cpo

glba/loan

first state breach notification law

red flags/ id theft

google implements the EU right to be forgotten

(D)

NOTES

(C) Sun Microsystems logo.
(D) *Science* 30 Jan. 2015: cover. Web. 24 Aug. 2015. <http://www.sciencemag.org/content/347/6221.toc>.

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what is privacy?

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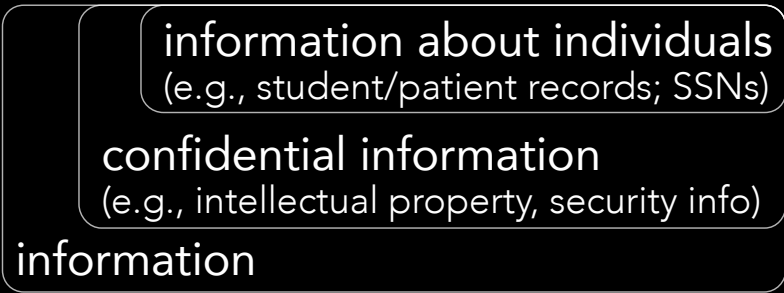
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what is privacy?

1. hipaa notice at your doctor's office?
2. target, neiman marcus, anthem, etc. breaches?
3. annual credit card marketing opt-out mailing?
4. snowden/nsa/government surveillance?
5. facebook/google/uber data mining?
6. the ubiquitous internet "i agree" button?
7. tsa body scanning?
8. a nuisance?
9. other?

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(E) CARTOON SHOWING A COUPLE INSIDE A HOUSE LABELED 'PRIVACY' THAT IS BEING TORN DOWN BY WORKMEN, WHILE OTHER WORKMEN BUILD A FENCE AROUND THE LOT LABELED 'SECURITY'

NOTES

(E) Bennett, Clay. "The Security Fence." *Christian Science Monitor* 29 Oct. 2001. Print. Available on the web as Bennett, Clay. "The Security Fence." *The Editorial Cartoons of Clay Bennett.* Web. 24 Aug. 2015. <http://www.claybennett.com/pages/security_fence.html>.

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information security officer   privacy officer

information security
protects all information

IT security
protects technical infrastructure

information about individuals
(e.g., student/patient records; SSNs)

confidential information
(e.g., intellectual property, security info)

information

infrastructure
(e.g., computers and networks)

information privacy
protects information about individuals

information security officer

(traditional realm of the) privacy officer

information security
protects
all information

information about individuals
(e.g., student/patient records; SSNs)

information privacy
protects
information
about individuals

"cia"

compliance
    privacy rules – hipaa, ferpa, …
    state breach notification laws
    open records laws (state, foia)
fair information practices principles
    notice/awareness, choice/consent,
    access/participation, integrity/security,
    enforcement/redress
dataset techniques
    de-identification, anonymization
    cell sizes
    constraints on use v. collection

NOTES

- Information security and information privacy tend to complement one another

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NOTES

- It's not just security v. privacy, it can be privacy v. privacy
- In some sense, the privacy officer is the people's advocate

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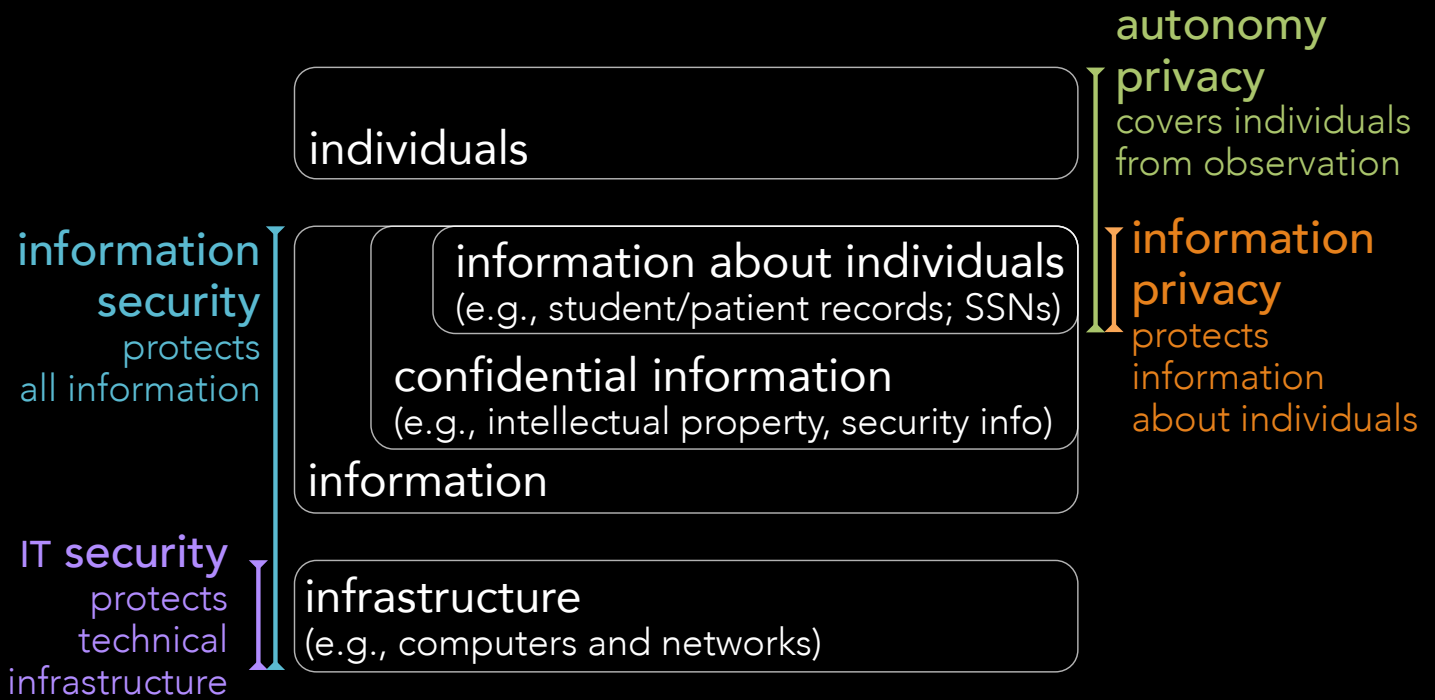
NOTES

- Based on the diagram from the report below. See <http://ucop.edu/privacy-initiative> for further information.
- *Privacy and Information Security Initiative Steering Committee Report to the President.* Rep. University of California, Jan. 2013. Web. 24 Aug. 2015. <http://ucop.edu/privacy-initiative/uc-privacy-and-information-security-steering-committee-final-report.pdf>.

NOTES

- Presner, Todd, Yoh Kawano, and David Shepard. *HyperCities Egypt.* UCLA Digital Humanities Collaborative. Web. 24 Aug. 2015. <http://egypt.hypercities.com/>.

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netsage

an open privacy-aware network measurement, analysis, and visualization service designed to address the needs of today's international networks

NOTES

- Schopf, Jennifer M., Sean Peisert, and Jason Leigh. *NetSage.* Web. 24 Aug. 2015. <https://sites.google.com/site/netsagensf/home>.

in recent years a number of universities including UCLA have received public records requests seeking disclosure of faculty members' scholarly communications. the potential chilling effect of these requests has raised new questions about academic freedom and its intersection with public institutions' legal obligations to conduct business transparently.

— UCLA chancellor gene block

NOTES

- Block, Gene. "Principles of Scholarly Research and Public Records Requests." Letter. 10 Jan. 2014. *UCLA Chancellor Gene Block.* UCLA, 10 Jan. 2014. Web. 24 Aug. 2015. <http://chancellor.ucla.edu/updates/principles-of-scholarly-research-and-public-records-requests>.

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harvard secretly photographed students to study attendance
november 6, 2014 | the chronicle of higher education

but if someone wanted to do this at UCLA, who would they ask?
how would the decision be made?

NOTES

- Koenig, Rebecca, and Steve Kolowich. "Harvard Researchers Used Secret Cameras to Study Attendance. Was That Unethical?" *Chronicle of Higher Education* 6 Nov. 2014, Technology sec. Web. 24 Aug. 2015. <http://chronicle.com/article/Harvard-Researchers-Used/149865/>.

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(F) Article headline "With Big Data Invading Campus, Universities Risk Unfairly Profiling Their Students"

such student analytics is not considered to be human subjects research

NOTES

(F) Selinger, Evan. "With Big Data Invading Campus, Universities Risk Unfairly Profiling Their Students." *The Christian Science Monitor* 13 Jan. 2015, Passcode sec. Web. 24 Aug. 2015. <http://www.csmonitor.com/World/Passcode/Passcode-Voices/2015/0113/With-big-data-invading-campus-universities-risk-unfairly-profiling-their-students>.

"chief human resources officer ibm watson"

big data privacy hazards

indiscriminate collection of data
data generation
predictive analysis
indefinite storage
data breaches

volunteered data
observed data
inferred data

descriptive – summarize what happened
predictive – forecast what may happen in the future
prescriptive – recommend one or more courses of action

NOTES

• Based on material from Doron Rotman, KPMG

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fipps is meaningless!?

q: how would the NSA write a meaningful privacy notice?
q: how would facebook write a useful privacy notice?

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(G) ᴀʀᴛɪᴄʟᴇ ʜᴇᴀᴅʟɪɴᴇ "Fʀᴀɴᴋ Pᴀsᴏᴜᴀʟᴇ Uɴʀᴀᴠᴇʟs ᴛʜᴇ Nᴇᴡ Mᴀᴄʜɪɴᴇ Aɢᴇ ᴏғ Aʟɢᴏʀɪᴛʜᴍs ᴀɴᴅ Bᴏᴛs"

NOTES

(G) Selinger, Evan. "Frank Pasquale Unravels the New Machine Age of Algorithms and Bots." *The Christian Science Monitor* 28 Jan. 2015, Passcode sec. Web. 24 Aug. 2015. <http://www.csmonitor.com/World/Passcode/Passcode-Voices/2015/0128/Frank-Pasquale-unravels-the-new-machine-age-of-algorithms-and-bots>.
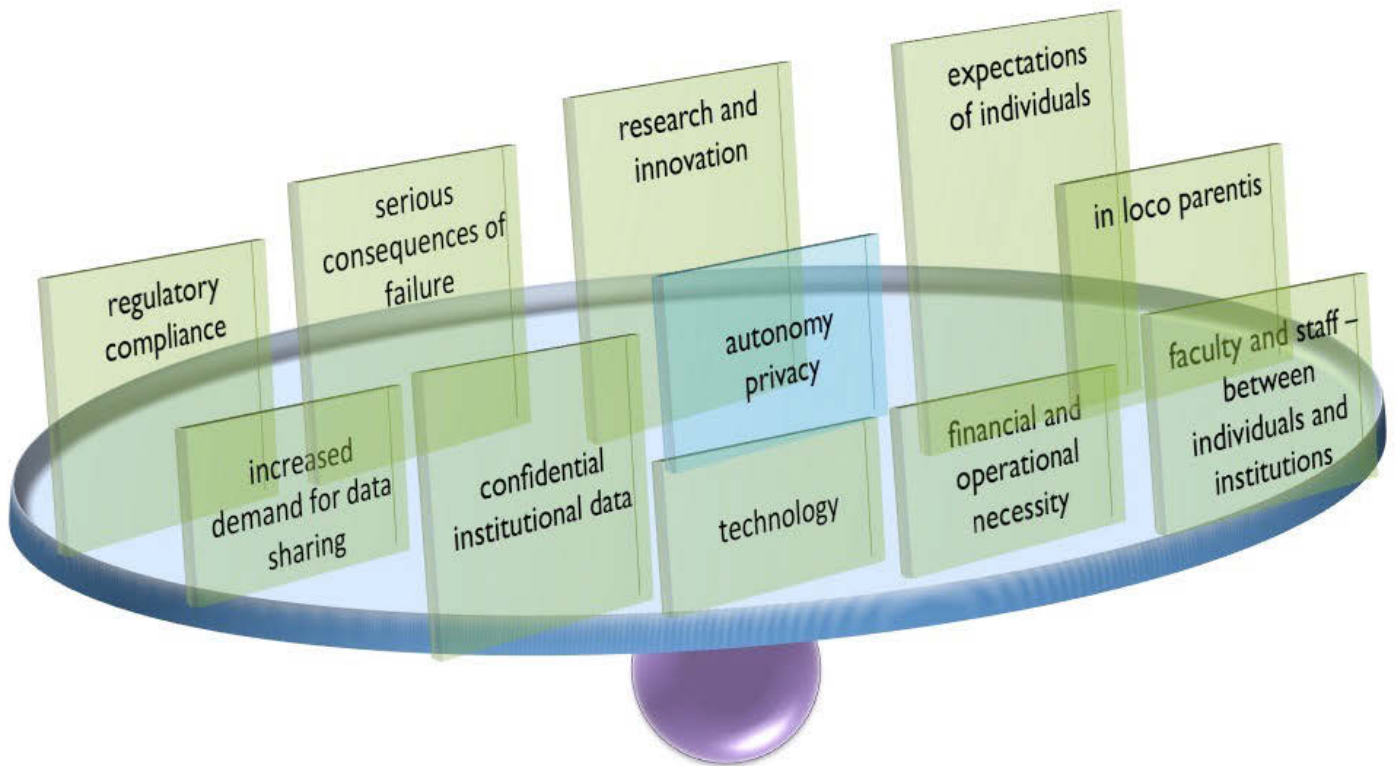
"institution"
benefits

individual
surprised*

* nistir 8062 "predictability"

NOTES

- United States. National Institute of Standards and Technology. Information Technology Laboratory. NIST Internal Report 8062 (Draft) Privacy Risk Management for Federal Information Systems. Ed. Sean Brooks and Ellen Nadeau. By Michael Garcia, Naomi Lefkovitz, and Suzanne Lightman. National Institute of Standards and Technology, 28 May 2015. Web. 24 Aug. 2015. <http://csrc.nist.gov/publications/drafts/nistir-8062/nistir_8062_draft.pdf>.

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balancing a constellation of obligations, values and consequences

NOTES

- From a 2010 presentation to the University of California President's Privacy and Information Security Initiative Steering Committee.

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these scenarios are challenging because:

1. we have discretion
2. we are often weighing values against the concrete
3. once the irb says its not under their purview, there nowhere else to turn

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"mission first" governance

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operationally: contracts, good stewardship, transparency, predictability, …

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(H) COVER OF THE SEPTEMBER 19, 2014 ISSUE OF FORBES MAGAZINE TITLED "MEDICINE'S MANHATTAN PROJECT: THE WORLD'S RICHEST DOCTOR IS BANKROLLING A MASSIVE OPERATION TO CURE CANCER – AND FIX AMERICAN HEALTH CARE (AND GUESS WHAT? IT'S WORKING)"

NOTES

(H) *Forbes* 19 Sep. 2014: cover. Web. 24 Aug. 2015. <http://blogs-images.forbes.com/matthewherper/files/2014/09/0909_forbes-cover-patrick-soon-shiong-092914_1000x1304.jpg>.

working with your privacy officer

commonalities

- data classification
- reviews of contracts and agreements (cloud + international)
- community awareness
- need for "[privacy,security,accessibility] by design"

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(I) Event homepage for the UCLA Hammer Museum's evening program "America Under Surveillance"

(J) Cover of the graphic novella "Terms of Service: Understanding Our Role in the World of Big Data"

(K) Logo of the documentary film "Terms and Conditions May Apply"

NOTES

• Regardless of whether you agree or disagree / like or dislike, these have served well to catalyze discussion.

_____

(I) Angwin, Julia, James Bamford, and Ian Masters. "America Under Surveillance." Hammer Forum: America Under Surveillance. UCLA Hammer Museum, Los Angeles. 20 Jan. 2015. *Hammer Forum: America Under Surveillance.* Web. 24 Aug. 2015. <http://hammer.ucla.edu/programs-events/2015/01/america-under-surveillance/>.

(J) Keller, Michael, and Josh Neufeld. *Terms of Service: Understanding Our Role in the World of Big Data.* Al Jazeera America, 2014. Web. 24 Aug. 2015. <http://projects.aljazeera.com/2014/terms-of-service/#1>.

(K) *Terms and Conditions May Apply.* Dir. Cullen Hoback. Hyrax Films, 2013. *Terms and Conditions May Apply.* 12 July 2013. Web. 24 Aug. 2015. <http://tacma.net>.

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- the new kid on the block … e.g., incident response

"we should not be building surveillance technology into standards. law enforcement was not supposed to be easy. where it is easy, it's called a police state."

— jeff schiller (wired, 1999)

NOTES

- McCullagh, Declan. "Wiretapping the Net: Oh, Brother." *WIRED*. Condé Nast, 12 Oct. 1999. Web. 24 Aug. 2015. <http://archive.wired.com/politics/law/news/1999/10/31853>.

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- the 'no' (wo)man

"WHAT WE SAY TO DOGS" CARTOON BY GARY LARSON IN
(L) THE FAR SIDE, SHOWING A MAN TALKING TO HIS DOG AND
THE DOG ONLY HEARING HER NAME.

NOTES

(L) Larson, Gary. "What We Say to Dogs." *The Far Side.* 25 Oct. 1983.

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BREACHES OF PERSONAL INFORMATION
- Campus response policy and protocol
- Keynote: Surviving a privacy breach

PROTECTING DATA
- Data classification and other policy
- Data in the cloud
- Concrete suggestions for better awareness

PROTECTING DEVICES AND INFRASTRUCTURE
- Keynote: Surviving a high-profile burglary
- Cybersecurity insurance claims and eligibility
- Campus backbone network protections
- Campuswide initiatives and policy

BALANCING PRIVACY INTERESTS
- Privacy expectations, policy requirements, and the law
- HR and IT procedures for new and separating staff

This seminar is organized by the Office of the UCLA Chief Privacy Officer, supported by the Office of Information Technology, and sponsored by the Office of Insurance and Risk Management.

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Campus Counsel

Campus Human Resources

Campus Backbone Networking

Chief Compliance Officer, Health Sciences

Chief Information Security Officer

Insurance and Risk Management

IT Policy

Library

Procurement

UCLA Chief Privacy Officer

This seminar is organized by the Office of the UCLA Chief Privacy Officer, supported by the Office of Information Technology, and sponsored by the Office of Insurance and Risk Management.

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the creepiness test

when embarking on something new, ask yourself: will someone be creeped out if they knew i was doing this?

the test isn't so much about whether the feeling is based on reality, but on avoiding erosion of trust.

(M) Bʀᴏ ʟᴏɢᴏ

NOTES

- United States. Defense Advanced Research Projects Agency. Information Awareness Office. *Seal of the Information Awareness Office.* Wikimedia Commons, n.d. Web. 24 Aug. 2015. <https://commons.wikimedia.org/wiki/File%3AIAO-logo.png>.

_____

(M)The Bro Network Security Monitor <https://www.bro.org/>

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(N) ACLU video "Ordering Pizza in 2015"

NOTES

(N) *Ordering Pizza in 2015.* Perf. Jason Stiles and Melissa Schwartz. *Ordering Pizza in 2015.* American Civil Liberties Union, 2004. Web. 24 Aug. 2015. <https://www.aclu.org/video/ordering-pizza-2015>.

Additional Notes

1. The concept (value) of academic freedom
   - I often show an ⦚(O)⦚architectural drawing and ⦚(P)⦚real-life building of Jeremy Bentham's panopticon to illustrate the chilling effect of surveillance.
   - Sarah Lewis ⦚(Q)⦚spoke at the 2015 IAPP Global Privacy Summit of the need for private spaces in which to fail without the judging eyes of the public or peers. Also see ⦚(R)⦚ .

2. Recommendations about a governance structure and principles that can be used to balance UCLA's many values and obligations when considering the appropriate use of data about its community will be forthcoming from the ⦚(S)⦚Data Governance Task Force, jointly charged by the Academic Senate and the Administration.

3. A two-minute video by vendor Silent Circle demonstrating what apps can do with your personal info can be found at ⦚(T)⦚.

NOTES

(O) <http://newsjunkiepost.com/2011/05/02/privacy-freedom-and-the-all-seeing-eye-the-panopticon/panopticon_black-2/>

(P) DuBois, Doug, and Jim Goldberg. *Real Life Panopticon.* 2002. New York Times, September 22, 2002. *Philosophy for Change.* Web. 24 Aug. 2015. <https://philosophyforchange.files.wordpress.com/2012/06/real-panopticon.jpg>.

(Q)Carson, Angelique. "Privacy: An Essential Ingredient in Failure and Success." Review. Web log post. The Privacy Advisor. International Association of Privacy Professionals, 9 Mar. 2015. Web. 31 Aug. 2015. <https://iapp.org/news/a/privacy-an-essential-ingredient-in-failure-and-success/>.

(R) Lewis, Sarah E. *The Rise: Creativity, the Gift of Failure, and the Search for Mastery.* New York City: Simon & Schuster, 2014. Print.

(S) Borgman, Christine, and Kent Wada (co-chairs). *UCLA Data Governance Task Force.* <https://ccle.ucla.edu/course/view/datagov>

(T) *#PrivacyNow.* Silent Circle, 26 Jul. 2015 Web. 24 Aug. 2015. <https://www.youtube.com/watch?v=r4iGtCX4A8o>.

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