

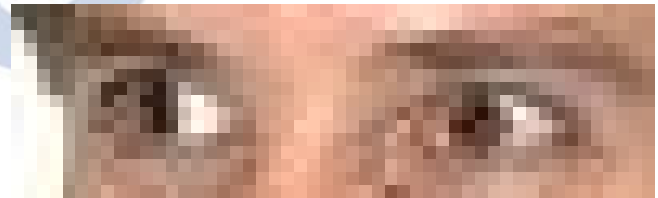
# #STRINT Workshop

# Policy Session

The W3C logo is a large, light blue watermark in the background. It consists of the letters 'W3C' in a stylized font, with a registered trademark symbol (®) to the right. A grey curved arrow points from the 'C' back towards the 'W'.

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# Why are we bothering?



# Headlines against us!

- Poll Oct 2013 in the US indicates a slight majority for surveillance
- Poll Feb 2014 in France gives 57% of users being in favor of surveillance

# A closer look at the polls

- Most people think they are already monitored in all possible ways and can't do much about it
- So why bother for a bit more surveillance if it gives security (the big unproved promise)
- They would like to have hope, but are rather pessimistic

# Why are they pessimistic?

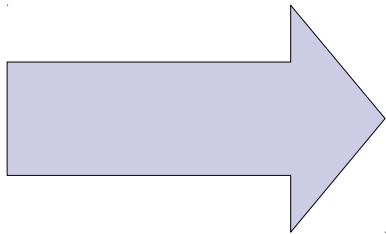
- The Spooks weren't the first to monitor
- Those monitoring all and everything were economically the most successful
- Everybody copied the economically successful
- Monitoring has become ambient
- Ended in a situation where regulation does not stop monitoring

# A slippery slope

- Patriot Act 2001 allowed secret orders to obtain business records
- FISA amendment 2008 allowed direct access
- RIPA UK 2006 (warrantless wiretapping)
- Loi de la programmation militaire France 2014
- EU data retention directive

# Scissors in the head (self censorship)

- No expectation of Privacy on the Internet anymore
- What I say now can always come back and haunt me



The Internet turns  
into a media  
distribution platform

# Our role?

Give  
Them  
Hope!





# How?

Turning the paradigm around  
will be heavy lifting.

Not doable by technology  
alone.

# Policy Ripples

- Principles
- Data localisation policies
- Traffic routing policies
- Legal actions
- Assertion of Jurisdiction
- Diplomatic action



# Developing Policy

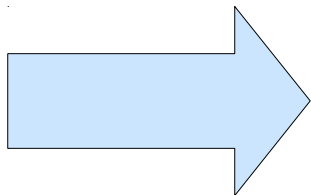
- UNGA Privacy resolution and a variety of other international/regional initiatives
- Policies to host data within a jurisdiction (EU, Brazil etc)
- Schengen-Net and other initiatives
- EU Regulation being applied to actors abroad if EU citizens involved ..
- The unknown unknowns (new initiatives)

# GCHQ and Yahoo

- If you used Yahoo, complain to the European Court of Human rights
- Art. 8 Privacy: Only what is necessary in a democratic society.
- GCHQ to justify if spying on all Yahoo cameras is «*necessary in a democratic society*»

# European Assets to create US pain

- Transatlantic Free Trade Treaty (TTIP)
- SWIFT Agreement (payments)
- Safe Harbour Agreement
- Agreement on Passenger Name Records



Does not work  
against GCHQ

# Action!

- Application No: 58170/13 various groups already suing UK before the the European Court of Human Rights
- Expose Tech-Community to values from Policy papers and detect mismatch
- Expose Policy Community to simplified Tech Descriptions and detect mismatch
- Get back moral highground via UN, OECD, WSIS, Council of Europe, APEC etc

# Dialog needed between Tech and Policy

- A name: Extraterritorial Surveillance
- EU Parliament initiative on Pervasive Monitoring
- ECHR
- UN Declaration on Privacy
- OECD privacy framework

# Next Steps

- Small steps inside (change that line of code) is applied resistance. (data minimization)
- Now larger policy debate required (e.g. yesterday by Germany and agreed by US) = > Keep the discussion informed
- Be conscious about nudges to make tech spyable. It always comes as a convenience
- Create a framework for greater transparency