



# Privacy and the NSA

by Charlie Evans



# Introduction

- Relationship between NSA and right to privacy is rocky
- Became more strained in recent years
- Technology overtaking almost every aspect of social communication

# What is the NSA?

- Initially created in 1952 by Harry Truman
- Purpose to collect, monitor, process information
- Involved in domestic and foreign information
- Became biggest intelligence agency after Cold War



# NSA Operations

- Provided evidence of North Vietnamese attacks
- “MINARET” monitored anti war figures
- Also monitored civil rights movement leaders
- “Stuxnet” caused damage to Iran nuclear program





# The Right to Privacy

- “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 be issued, but upon probable cause”
- No single law regulating online privacy

# Carpenter v. United States (2018)

- Four men arrested after armed robbery
- Government unlawfully collected phone information on suspects
- Does warrantless search and seizure of phone records violate Fourth Amendment?
- Court ruled: yes





# Global Surveillance Disclosures

- Leaked classified government documents regarding surveillance
- Backdoors in major internet companies
- About 1.7 million intelligence files



# Edward Snowden

- Former intelligence contractor for NSA
- Disillusioned with programs he was involved in
- Allegedly brought concerns to higher ups
- “Inform the public as to that which is done in their name and that which is done against them”
- Sought asylum in Russia after leak
- President of Freedom of the Press Foundation







# Controversy of Edward Snowden

- He violated a security agreement
- Leaking info vs using legal channels
- Was the law itself unjust and unconstitutional?
- “He broke the law. He caused harm to our national security and I think that he has to be held accountable for his actions” - Attorney General



# Section 702

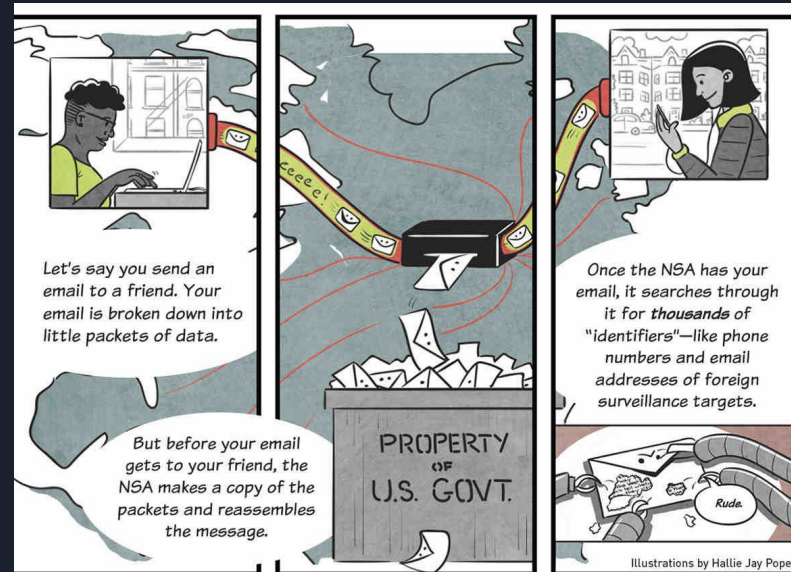
- Part of FISA Amendments Act of 2008
- Allows government to surveil foreigners outside United States
- Used to surveil American citizens
- PRISM and upstream



702

# Upstream Surveillance

- Tapping fiber optic cables for monitoring
- Supposed to filter out domestic communication
- Not truly filtered



# Downstream Surveillance (PRISM)

- Force companies to hand over data
- Prohibited from disclosing monitoring
- Collect private communications between foreign individuals
- Foreigners do not have 4th amendment rights
- Also used towards american citizens





# Patriot Act

- Created for counter terrorism purposes after 9/11
- Result of increased patriotism in US
- Ability to tap phone calls
- Increased penalties for terrorism



# Controversy of Patriot Act

- Indefinite detention without trial of immigrants
- Searches without warrant, knowledge, or consent
- Prevents against technologically sophisticated terrorists
- Many state it is too broadly written



# Section 215 of Patriot Act

- Allows government to look at individuals activity held by third party
- Companies, Universities, ISP, etc
- No reasonable suspicion or probable cause
- “Reasonably believed to be outside the US”



# Extension of Patriot Act

- Obama signed PATRIOT Sunset Extensions ACT in 2011
- USA Freedom Act passed in 2015
- 2020 Patriot Act expired
- Lives on through other laws



# Ethics of Online Monitoring

- When is data monitoring too much?
- When is it a violation of our rights?
- “If you have nothing to hide, you have nothing to fear”





# Should public be informed of monitoring?

- NSA secret until 1975
- Edward Snowden leaks
- Does public knowledge of government operations reduce their ability?



# National Security vs. Personal Privacy

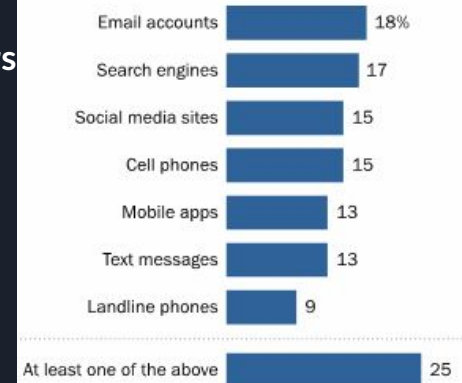
- Sacrifices during war time
- Securing general welfare
- Personal privacy protected by law
- Security measures doesn't always increase security

# Pew Research Center Polls (2015)

- 54% disapprove of government collection of data
- 42% approve
- 74% think they should not sacrifice civil liberties for counter terrorism measures
- Up from 60% in 2004
- Most countries opposed US monitoring of foreign citizens or leaders

## Surveillance Programs Prompt Some to Change the Way They Use Technology

*Among the 87% of U.S. adults who have heard of the government surveillance programs, the percentage who have changed their use of ... "a great deal" or "somewhat"*



Source: Survey of 475 adults on GfK panel November 26, 2014-January 3, 2015.

PEW RESEARCH CENTER



# Conclusion

- No fine line between freedom of privacy and data monitoring
- NSA has become more public about its operations
- Trust in NSA has decreased since leaks
- EFF helps defend our online rights



Questions?



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