Charge from President Obama

▶ January 17, 2014 speech requesting analysis of big-data implications for policy
  ▶ Scoping study
  ▶ PCAST report to inform and accompany White House report

▶ Objectives of the PCAST report
  ▶ Assess current technologies for managing and analyzing big data and preserving privacy
  ▶ Consider how such technologies are evolving
  ▶ Explain what technological capabilities and trends imply for design and enforcement of public policy to protect privacy in big-data contexts
Presidents Council of Advisors on Science and Technology (PCAST)

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Structure of Report

- Chapter 1: Introduction (what is new, what is enduring)
- Chapter 2: Examples and Scenarios (illustrating current and potential big data and privacy issues)
- Chapter 3: Collection, Analytics, and Supporting Infrastructure
- Chapter 4: Technologies and Strategies for Privacy Protection and building blocks for future privacy protection policies
- Chapter 5: PCAST Perspectives and Conclusions
What is Privacy?

- “Right to be left alone”
- Ability to share information selectively but not publicly
- Ability to make intimate personal decisions without government interference
- Protection from discrimination on the basis of personal characteristics (e.g., race)
- Intersection with anonymity
- Long history of interaction with technology

- Invasion of private communication...byproduct of social networking
- Public disclosure of inferred private facts...byproduct of analytics
- Tracking, stalking...byproduct of locational tracking
- False conclusions about individuals...byproduct of group and sometimes personal profiles from big-data analytics
- Foreclosure of self-determination...byproduct of long-lived data and analyses
- Inhibition of private association...byproduct of concern about potential disclosures
Changing Technological Contexts

- Privacy history conditioned on “small data”
  - Collection of data/development of data sets used w/conventional statistics
  - Context of a personal relationship (e.g., personal physician, local shop)

- Big data attributes
  - Quantity and variety of data available to be processed (3 Vs)
  - Scale of analysis that can be applied to those data (“analytics”)
  - Expansion of metadata

- Laws have not always kept pace w/technological realities
People Emit Data Continuously . . .

**Born digital**
- Generated for computer(s)
- Clicks and taps, GPS, cookies

**Born analog**
- Byproduct of the physical world
- Sensors collect (often invisibly)

Over-collection? Digital convergence?

**Big-data analytics create new information**
- Data mining and machine learning
- Data fusion and integration (data from different sources)
- Image/speech recognition
- Social-network analysis (self-censorship won’t help...)
The Cloud as Dominant Infrastructure

- From commoditized data centers to a complex of software and communications to allow data to be ingested, accessed, and used efficiently
- Replication and distribution
- Infrastructure for mobility (e.g., smart-phone apps)
- Potential security benefits from automation, procedures, oversight
- “Producer-users”—companies that perfect the tech for themselves, may also offer to others
Cybersecurity and Privacy: Distinctions and Dependency

- Cybersecurity: technologies enforce policies for computer use and communication*
  - Systems to protect identity and to authenticate (are you who you say)
  - Systems to protect confidentiality, integrity, availability, non-repudiation; auditability (prove that something occurred)

- Poor cybersecurity is a threat to privacy, but . . .

- Violations of privacy are possible with no failure in computer security
  - Misuse of data, fusion of data

- * More challenging to codify privacy policies than security policies
Technologies and Strategies for Privacy Protection

- Cryptography and encryption
- Anonymization and de-identification
- Data deletion and ephemerality
- Notice and consent
Areas of Concern: Examples

- Healthcare:
  - Personalized medicine (including genetic info); mobile devices that monitor
    - New understanding, better diagnoses, and better treatment (esp. w/massive amounts of data)
    - De-identified data can be re-identified with growth in volume and variety of data

- Education:
  - New online platforms collect masses of data, enable longitudinal datasets
    - New insights are possible into learner abilities and learning styles, more customized support
    - Personal development may be undermined by the persistence of older information

- Home:
  - More ways of collecting, storing, and communicating
    - Fourth Amendment “persons, houses, papers, and effects”
    - Sensors and monitors, home WiFi networks, and Internet connections for more and more objects
What Might the Future Look Like?

- Taylor Rodriguez packs for a trip, leaves suitcase outside home for pick-up
  - Camera on streetlight watches the bag, suitcase has an RFID tag (anti-theft)
- Her suitcase is picked up at night by delivery company
  - Shipper knows Taylor’s itinerary and plans
- Self-driving car arrives, its instructions for her itinerary delivered by the cloud
- No boarding passes or queues at the airport
  - Everyone is tracked by phone, facial recognition, gait, emotional state, RFID tags
- In this world, the cloud and robotic aides are trustworthy WRT personal privacy
  - Improvements in convenience and security of everyday life become possible . . .
  - *Not an endorsement, just food for thought!*
PCAST Perspectives and Conclusions

- Government role to prevent breaches of privacy that can harm individuals, groups
  - Tech plus law/regulation to generate incentives, contend with measure-countermeasure cycle

- New sources of big data are abundant; new analytics tools will emerge
  - New data aggregation and processing can bring enormous economic and social benefits.
  - Unintentional leaking of data and deliberate systemic attacks on privacy are potential risks
  - Cannot always recognize privacy-sensitive data when collected—may emerge w/analytics, may be able to home in on the moment of particularization to an individual
  - “Dual use” (same technologies usable for benefit or harm)

- Data collectors, data analyzers, and users of analyzed data as different actors
  - Policy can intervene at various stages of this value chain
  - Attention to collecting practices may reduce risk, but use is the most technically feasible place to apply regulation

- Technological feasibility matters
Recommendation 1: Policy attention should focus more on the actual uses of big data and less on its collection and analysis

- Any adverse consequences of big data arise from a program/app interacting with raw data or information refined via analytics.
- Policies focused on the regulation of data collection, storage, retention, a priori limitations on applications, and analysis (absent identifiable actual uses of the data or products of analysis) are unlikely to yield effective strategies for improving privacy.
- It is not the data themselves that cause the harm, nor the program itself (absent any data), but the confluence of the two.
Recommendation 2: Policies and regulation should not embed particular technological solutions, but rather should be stated in terms of intended outcomes

- Technology alone is not sufficient to protect privacy
- To avoid overly lagging the technology, policy concerning privacy protection should address the purpose—the “what”—rather than prescribe the mechanism—the “how”
- Controlling the use of personal data is more effective than regulating technologies of data collection, storage, and retention (these may evolve rapidly)
Recommendation 3: With support from OSTP, the NITRD agencies should strengthen U.S. research in privacy-related technologies and in the relevant areas of social science that inform the successful application of those technologies.

- Some of the technology for controlling uses already exists.
- Research and research funding are needed for (1) technologies that help to protect privacy, (2) social mechanisms that influence privacy-preserving behavior, and (3) legal options that are robust to changes in technology and create appropriate balance among economic opportunity, national priorities, and privacy protection.
Recommendation 4: OSTP, together with the appropriate educational institutions and professional societies, should encourage increased education and training opportunities concerning privacy protection

- Career paths for professionals (e.g., digital-privacy experts both on the software-development side and on the technical-management side)
- Programs that provide education leading to privacy expertise are essential and need encouragement
Recommendation 5: The United States should adopt policies that stimulate the use of practical privacy-protecting technologies that exist today. It can exhibit global leadership both by its convening power and also by its own procurement practices.

- Nurture the commercial potential of privacy-enhancing technologies through U.S. government procurement and through the larger policy framework.
- Promote the creation and adoption of standards.
- Cloud computing offers positive new opportunities for privacy.
  - Privacy-Preserving Cloud Services?
- PCAST is not aware of more effective innovation or strategies being developed abroad.
White House
Big Data Study

Big Data: Seizing Opportunities, Preserving Values

May 2014
Areas of Focus

- Preserving Privacy Values
- Educating Robustly and Responsibly
- Big Data and Discrimination
- Law Enforcement and Security
- Data as a Public Resource
Policy Recommendations

1. Advance the Consumer Privacy Bill of Rights
2. Pass National Data Breach Legislation
3. Extend Privacy Protections to Non-U.S. Persons
4. Ensure Data Collected on Students in School is used for Educational Purposes
5. Expand Technical Expertise to Stop Discrimination
6. Amend the Electronic Communications Privacy Act
Questions?

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