

GREAT DECISIONS

1918 • FOREIGN POLICY ASSOCIATION

2015 EDITION

2. Privacy in the digital age

Acronyms and abbreviations

CCTV—Closed Circuit Television
CDT—Center for Democracy and Technology
CJEU—Court of Justice of the European Union
COPPA—Children’s Online Privacy Protection Act
ECHR—European Court of Human Rights
ECPA—Electronic Communications Privacy Act
FBI—Federal Bureau of Investigation
FCRA—Fair Credit Reporting Act
FIPP—Fair Information Practice Principles
FISA Court—Foreign Intelligence Surveillance Court
FTC—Federal Trade Commission
GCHQ—Government Communications Headquarters
GPS—global positioning system
HIPAA—Health Insurance Portability and Accountability Act
HTML—HyperText Markup Language
IMSI—International Mobile Subscriber Identity, a telephone eavesdropping device used for intercepting mobile phone traffic
iOS—iPhone Operating System
NSA—National Security Agency
PC—personal computer
PII—personally identifiable information
UK—United Kingdom
USA FREEDOM Act—Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection and Online Monitoring Act

Glossary

Army Signal Corps: Part of the U.S. Army that develops and manages communications and information systems support for the command and control of combined arms forces; conceived in 1860 by U.S. Army Major Albert J. Myer, it has played an important role from the American Civil War to the modern age.

Cloud: Large group of remote servers networked to allow centralized data storage and online access to com-

puter services or resources; can be public, private or hybrid.

Digital Age: The period of information computerization, from the development of the personal computer in the 1970s, the Internet in the 1990s to technology in the 2000s. It is also known as the Information, Computer or New Media Age, and refers to modern day wherein most information is collected or stored in digital form.

Digital Identity: The data that uniquely describes a person or a thing and contains information about the subject’s relationships in digital space.

Encryption: Encoding messages or information in such a way that only authorized parties can read and decrypt it through encryption key.

Fourth Amendment: Part of the U.S. Constitution’s Bill of Rights that prohibits unreasonable searches and seizures and requires any warrant to be supported by probable cause. The full amendment reads: “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.”

Government Communications Headquarters (GCHQ): A British intelligence organization responsible for providing signals intelligence and information assurance to the British government and armed forces.

Hardware: The collection of physical elements that makes up a computer system such as the monitor, mouse, keyboard and computer data storage or the hard drive disk.

Kyllo v. United States (2001): A U.S. Supreme Court case that ruled the use of a thermal imaging device from a public vantage point to monitor the radiation of heat

from a person's home was an unconstitutional search in violation of the Fourth Amendment. *Kyllo's* home had been scanned using such a device, which had detected an unusual amount of heat, and led to the discovery of marijuana plants growing in his house.

Louis Brandeis: Lawyer and associate justice on Supreme Court of the United States from 1916 to 1939; co-published "The Right to Privacy" (1890) with Samuel D. Warren.

National Security Agency (NSA): A U.S. intelligence agency that primarily handles signal intelligence (SIGINT), which is a subset of intelligence collection that gathers information from signals and communications. The NSA is responsible for global monitoring, collection, decoding, translation, and analysis of information and data for foreign intelligence and counterintelligence purposes. The NSA is also charged with the protection of the U.S. government's communications and information systems against penetration and network warfare.

Privacy: Today, privacy can be considered the protection of the information of people who use digital technologies, and how the collection and dissemination of data are controlled; improper disclosure control is often the cause for privacy concerns, and laws regarding privacy constantly change.

***Riley v. California* (2014):** Landmark U.S. Supreme Court case in which the Court unanimously held that

the warrantless search and seizure of digital contents of a cell phone during an arrest is unconstitutional. *Riley* had been indicted after evidence that revealed his gang affiliation was acquired through his cell phone in a warrantless search.

Edward Snowden: Former system administrator for the Central Intelligence Agency (CIA) and private contractor at Dell and Booz Allen Hamilton who leaked classified information from the National Security Agency (NSA) in 2013. The Snowden documents, among other things, revealed a large network of global surveillance programs.

Software: A set of instructions for machines that directs computer processors to perform specific operations; works in conjunction with hardware and can include computer programs.

"The Right to Privacy" (1890): Law review article written by Samuel Warren and Louis Brandeis, published in *Harvard Law Review*, that is widely regarded as one of the most influential essays in American law. First publication in U.S. to advocate right to privacy, which in authors' words mean "right to be left alone."

Samuel D. Warren: A Boston-based lawyer, president of trustees of Boston's Museum of Fine Arts (1902–06) and a friend of U.S. Supreme Court justice Louis Brandeis. He founded Boston law firm Nutter McClennen & Fish in 1879 with Brandeis and helped co-publish "The Right to Privacy," an 1890 law review article.