

The Internet Then and Now: The Second Wave of Privacy Protection

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The Internet Then



"On the Internet, nobody knows you're a dog."

The Internet Now



Overview

- Privacy and the Internet of the 1990s
 - Technology
 - Europe
 - FTC and Dept. of Commerce
 - U.S. Legal Outcomes
- Privacy and the Internet Today
 - Technology
 - Europe
 - FTC and Dept. of Commerce
 - U.S. Legal Outcomes (?)

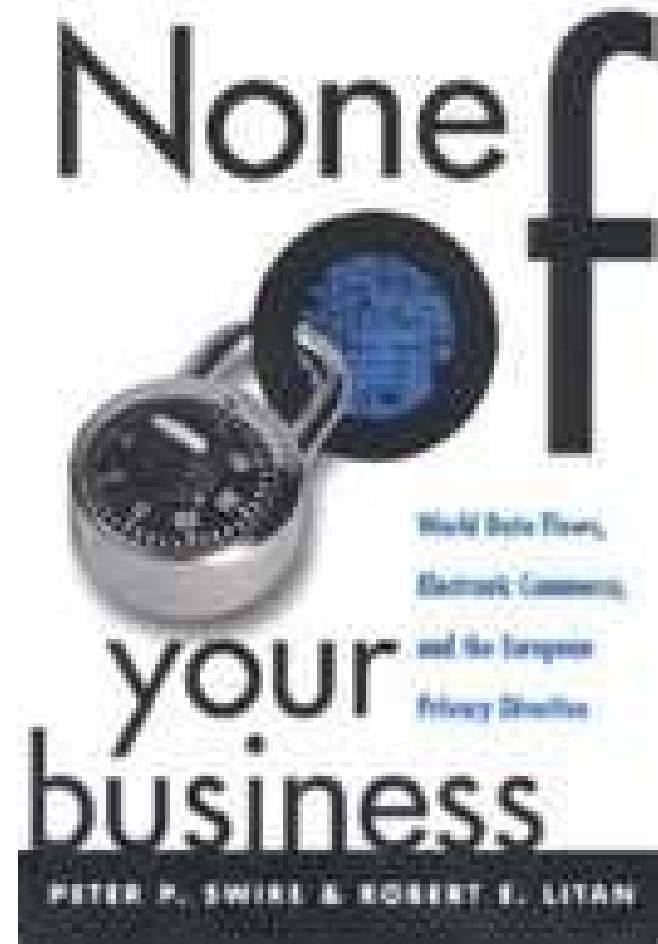
Then: Technology

- First commercial Internet 1993
- The World Wide Web (!)
- 1 billion users by 2000



Europe

- Directive: 1995
- Entered effect: 1998
- Book 1998 =>
- No data can leave E.U. unless “adequate” privacy
- Safe Harbor: 2000



FTC & Commerce

- Privacy an issue, 1995-96
- Annual reports on web privacy policies, 12% in 1997 to 88% in 1999
- GeoCities \$5 in 1998
- Credible threat of legislation
- 1996 conference Sec. Daley: “self regulation”
- Negotiate w. Europe
- Administration move to support legislation for “sensitive” data first (medical, financial)

Then: U.S. Legislation

- Telecom Act (CPNI) - 1996
- COPPA - 1998
- GLBA - 1999
- HIPAA - proposed reg 1999, final 2000
- Momentum building for Internet law, but
 - Gore lost
 - September 11, 2001 and security > privacy

The “Lull” After 2001

- FTC enforcement for privacy & security
- Safe Harbor adopted by 000s
- Professionalization of privacy
 - IAPP: from tiny in 2000 to thousands today
 - CIPP certifications
- Data breach laws spread at state level



Tech Today: Social Networking

- Facebook was founded 7 years ago
- Today, over 500 million users/day
- What privacy controls and laws for social media?

The Facebook logo, consisting of the word "facebook" in white lowercase letters on a dark blue rectangular background.

facebook

The LinkedIn logo, consisting of the word "Linked" in black and "in" in white lowercase letters inside a dark blue square.

Linked in

The Google+ logo, featuring the word "Google" in its multi-colored font followed by a plus sign in blue.

Google+

The Twitter logo, consisting of the word "twitter" in white lowercase letters on a light blue rectangular background.

twitter

Tech Today: Mobile privacy

- Not long ago few people carried cell phones
- Today they are pervasive globally
- They track our location.
- Privacy issues for business and government access



Tech Today: Online Advertising



Europe Round One: The EU Cookie Law in 2.5 Minutes

- <http://www.youtube.com/watch?v=arWJA0jVPAc>

Europe Round Two: The Proposed Regulation

- “Harmonization” in Europe, effects abroad
- Stricter on consent, right to forget, etc.
- Effects on U.S. web companies
 - Claims for expanded E.U. jurisdiction
- Much bigger fines and enforcement

FTC & Commerce

- Enforcement on social networks, kids, online advertising
- Push industry to self regulate
- Do Not Track or other legislation if industry progress not enough
- Commerce Green Paper
- Negotiate w. Europe
- First U.S. administration to support Internet privacy legislation
- White Paper very soon now

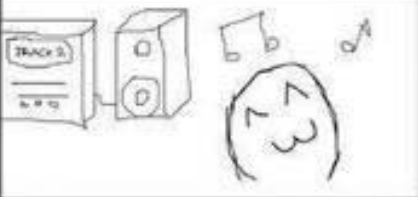









U.S. Legislation (?)

- Always bet against it
 - But, feels like a big privacy wave
- Gridlock in Congress
 - But, payroll tax deal sailed through
 - Salon story on Dole, 1996, and legislation

Conclusion – Part 1

- We're in the second wave of privacy debates
- The last wave brought lasting changes
 - Web policies on Web
 - HIPAA, GLBA, COPPA, CPNI rules

What Has Changed Since the First Wave?

	15 Years ago	Today
Listening to music		
Watching a movie		
Contacting people		
Reading the news		
Making Music		

ommentieren

Conclusion – Part 2

- There are big changes in technology (again)
- Europe is pushing hard (again)
- The U.S., in negotiations, wants to say we do privacy well here (again)
- The FTC and Commerce are gearing up (again)
- So, just maybe things will happen (again)
 - I'm not your lawyer, but
 - Get some good counsel and be ready for what will come next

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