

UCLA ADVISORY BOARD PRIVACY AND DATA PROTECTION

January 11, 2006 – 3:00-5:00pm – 2325 Murphy Hall

AGENDA

I. UC position on the revision of the Communications Assistance for Law Enforcement Act by the Federal Communications Commission (endorsement)

CALEA of 1994 was enacted to provide law enforcement a streamlined means of wiretapping when common carriers are involved. More than a year ago, the Department of Justice petitioned the FCC to update the law in order to keep up with new technology. In September 2005, the FCC revised CALEA to cover a much broader range of technology: specifically, broadband Internet access and Voice-Over-IP. The results of this rulemaking are highly controversial: who is affected, whether the FCC has overstepped its authority, whether the legal reasoning behind the revision is solid and the potentially very high cost of implementation with little need to justify it. Higher education has responded mainly through ACE and EDUCAUSE. UC (and a few other universities) filed its own response arguing implementation cost and timeframe, threat to innovation and lack of need; but not about privacy, as the revision did not alter the threshold required to gain approval for a wiretap. However, are there privacy issues that should be given consideration?

II. Email records retention (discussion)

Email records that may feel private can nonetheless be made public through a Public Records Act request or subpoena. This raises questions about awareness of the proper communications to be put in email, the value of email retention to defending the University contrasted with the harm to the University and/or individuals if inappropriate or personal emails are kept without thought given to whether the documents are University records, etc. Though not privacy issues per se, does the Board have a role to play?

III. Campus action and position on RIAA lawsuits (informational)

Experience with UCLA's first RIAA "John Doe" lawsuits has resulted in a tentative process worked out and agreed to by the Dean of Students, Campus Counsel, Media Relations and Office of Information Technology – should there be a next time. This process both complies with a subpoena and ensures that the FERPA privacy provisions are met

Chair: Jim Davis

Members: Susan Abeles | Philip Agre | Stuart Biegel | Amy Blum | Christine Borgman | Alfonso Cardenas | Dana Cuff | Michael Curry | John Hamilton | Leah Lievrouw | Gary Strong | E. Burton Swanson | Kent Wada

AGENDA (CONTINUED)

IV. Monitoring network traffic for research purposes (informational)

A new request has come in for access to campus DNS records. Though this would not necessarily reveal content, it may be possible to track what sites an individual is accessing. This is only a heads up that interest in this type of data for research continues.

V. Strategic topics (discussion)

We have agreed to dedicate a portion of our time to strategic, longer-range topics. There are several broader, more strategic topics beginning to take form that could become new agenda items for us. Please bring with you ideas for these strategic topics that you believe we should be tackling during the remainder of this academic year. In addition, we will be starting up a privacy board website. We would welcome any comments on any general features or content that you believe should be included.

BACKGROUND MATERIAL

- a. CALEA FAQ [http://www.educause.edu/content.asp?page_id=9354&bhcp=1]
- b. Response by UC to the FCC's rulemaking [attachment: UC FCC CALEA comments.pdf]
- c. Response by the ACE/higher education coalition to the FCC's rulemaking [attachment: Higher Education Coalition CALEA Comments.pdf]
- d. Response by the Department of Justice to the FCC's rulemaking [attachment: DoJ Comments 112.14.05.pdf]
- e. Government response supporting ACE's motion to expedite consideration of the petition for review [attachment: govresponse.pdf]
- f. UCLA draft procedures for RIAA subpoenas [attachment: RIAA subpoena procedures draft.pdf]
- g. UCLA student experience of being sued by the RIAA [<http://www.dailybruin.ucla.edu/news/articles.asp?ID=34426>]
- h. New request for network traffic (DNS records) for research [attachment: dnsrequest.pdf]