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**UNIFIED DATA**

**CISPA: Information Without Representation?**



**Robert Plant**, Associate Professor, School of Business Administration, University of Miami  
 4/24/2013  
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The Cyber Intelligence Sharing and Protection Act (CISPA), working through the US legislative system, is developing into a highly controversial law, and the first real test of governmental big data gathering power.

The bill can be seen in many ways. The US Government says it will enable it to gain information from the data it needs to fight "cybercrime" -- that is, prevent attackd from both domestic and international sources against networks and systems.

This bill needs to be seen in context: Just as the public does not see the many security threats thwarted by agencies such as the FBI, TSA, and CIA, it's also largely unaware that security services such as the NSA are continually battling a war against cyber intruders.

In a recent speech, Leon Panetta, the former Secretary of Defense, spoke of DDoS attacks to banks and their customer websites, and further illustrated the threat to a sovereign nation's strategic assets by discussing the "Shamoon" virus. This virus was used to attack the computer systems at ARAMCO, the Saudi Arabian Oil Company, requiring 30,000 computers to be replaced, and, more worryingly, illustrating the vulnerability of their network.

As such, [the need to protect vital assets](#) such as power stations, water supplies, the financial sector, and telecommunications, is clear.

Balanced against what data needs to be collected to ensure the intelligence services can do their job is the individual's right to privacy, which, in the United States, is enacted through the fourth amendment to the Constitution:

*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.*

The key clause is "without probable cause." In essence, the argument comes down to the individual's privacy rights vs. the greater interests of the state. The contention is not that the government has the need to fight cybercrime on our behalf -- that's undisputed -- but rather that the data collection process needs checks and balances.

The great concern for many is how this bill has been positioned. The original intent was that firms could run data analysis over their big data sets, and then pass on any information they thought valuable to the government without violation of their privacy contract to their customer -- in essence, anonymously. So far, this has not made it through Congress.

The possibility of the government watching us through a corporate proxy is a multi-layered concern. For example, your personal profile may be misconstrued and passed through government agencies. You may be denied a secret clearance for a job you desired, or you may simply be searched more carefully at the airport. Unfortunately, you would never know why this is happening, or have any resource.

For some, CISPA is just a tool to position the government towards the ultimate big data end game: access to all data. Imagine being able to access all the data for all entities in a country, such as data from banks, energy companies, health records, education, credit card companies, social media sites, and cloud-based data storage. Beyond this is information from other vendors, whose data tentacles reach internationally, such as airlines, search engines, even car rental companies.

CISPA has not yet reached the Senate and the office of the president, and as such has many twists and turns in its path to becoming law. However, in the time it takes to reach the desk of the president, the bill will have done a great service to the nation in promoting active discussion around privacy, the role of the corporate custodians of our data, and the government's role in protecting us and our privacy.

Let's hope everyone gets involved, as it is our data, and ultimately our country's future, that is at stake. The concern is that the majority of citizens are not aware of the debate and will only notice when their bank is hacked, the power company goes offline, and the Internet does not work. But at that point it will be too late, as the nation's defenses will be down and its corporate secrets will have been stolen, and even TV's 24 hero, Jack Bauer, with big data guru Chloe O'Brian's help, will have a hard time putting things right.

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 kiran, User Rank: Petabyte Pathfinder  
4/29/2013 | 12:12:39 PM

**Re: Needs adjustment**  
@smkinoshiat - You're right. CISPA did have multiple facets. It basically let organizations dictate over the minors by telling them its all for their own good, so to speak.


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 smkinoshita, User Rank: Exabyte Executive  
4/28/2013 | 9:33:50 PM

**Re: Needs adjustment**  
I'm late to this party, but I thought a big problem with CISPA wasn't just with the privacy issues, but also for the potential mis-use by various organizaions to use it to spy on their customers for practices they didn't like in the name of security.



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 kiran, User Rank: Petabyte Pathfinder  
4/28/2013 | 12:01:06 AM

**Re: Needs adjustment**  
That just might happen AlphaEdge. The Hanover Fair was recently held in Germany in which they introduced the Industry 4.0 Consortium. Basically it highlights tools of the trade, industrial practice standards and guidelines for the future.



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 AlphaEdge, User Rank: Exabyte Executive  
4/27/2013 | 6:29:32 PM

**Re: Needs adjustment**  
@kiran, Thanks for the clarification. It makes sense to ban the type of activities. In information era, new rules shall be set up.



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 kiran, User Rank: Petabyte Pathfinder  
4/27/2013 | 9:31:20 AM

**Re: Needs adjustment**  
@AlphaEdge - A lot of companies and organizations DO sell data to third parties. Needless to say it harms people's privacy. However, the idea is killed now, fortunately. It was a direct contradiction of democracy anyways, as mentioned in one of the comments.



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 AlphaEdge, User Rank: Exabyte Executive  
4/26/2013 | 9:55:25 AM

**Re: Needs adjustment**  
I am not necessarily agree with this point though. That makes people's life much more difficult? Do you agree?

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 Ariella, User Rank: Blogger  
4/26/2013 | 8:42:58 AM

**Re: Needs adjustment**  
Well, it's dead now: <http://www.usnews.com/news/articles/2013/04/25/aclu-cispa-is-dead-for-now> One of the top comments includes this important statement: " The free exchange of information is critical to a functioning democracy."



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 AlphaEdge, User Rank: Exabyte Executive  
4/25/2013 | 11:54:10 PM

**Re: Needs adjustment**  
I think it could be a problem long term regarding the data privacy issue. You just never know who can keep your personal data in confidential, and who simply just cannot. Some businesses even sell the privacy data to third parties!

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 Ariella, User Rank: Blogger  
4/25/2013 | 10:06:17 AM

**Re: Needs adjustment**  
@legalcio "We already ban Internet gambling." Not altogether. <http://www.bloomberg.com/news/2010-07-28/house-panel-passes-frank-backed-measure-to-legalize-some-internet-gambling.html>

There's a difference between people expecting to be accountable for what they publish on the web without complaining that their privacy has been invaded. and having the government squelch all websites that they consider to be potentially harmful. The latter is a very slippery slope.

 **Big Data Republic** @BigDataRepublic 15 Apr

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 **Marcus Borba** @marcusborba 28 Apr  
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legalcio, User Rank: Exabyte Executive  
4/25/2013 | 10:01:52 AM

**Re: Needs adjustment**

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Goes back to the question of how much monitoring is vital vs. an invasion of privacy. Freedom of Speech doesn't extend to foreign web sites. We already ban Internet gambling. In reference to the site the two bombers referenced to build the bomb I think the case can be made that some cyber hacking on behalf of the US gov't is completely warranted.

Expect privacy? Stay off the web, stay off email. If not, you're fair game.

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