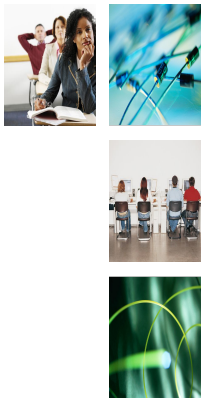

Managing Privacy in Network Operations: Learning from the Law

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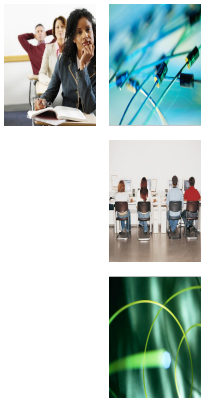
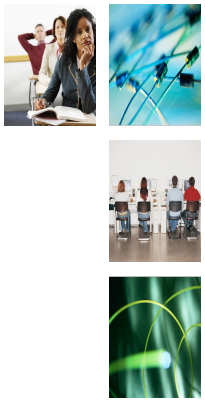


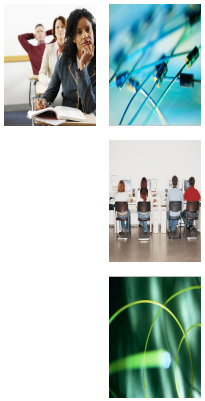
Operators/CSIRTs

- Can be a serious risk to user privacy
  - Easy to get carried away and go too far
  - Or follow personal motivation
  - Or be told to do something inappropriate



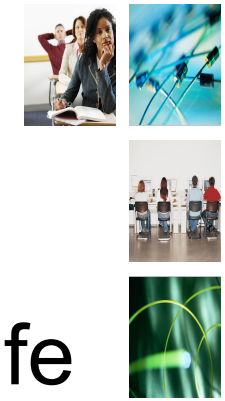
How to do it right?

- Leave it to individual conscience?
  - Unlikely to be comfortable, or consistent
- Mistakes may have legal consequences
  - For you, your organisation, and the bad guys
- Better to have a document to follow



Searching for Guidance

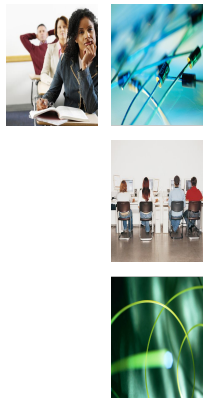
- Laws on privacy exist
  - Often expressing clear principles
- Content:
  - European Convention on Human Rights (ECHR)
- Envelopes/Traffic:
  - European Data Protection Directives
- Content more ‘private’ than envelopes
  - So expect stricter laws/rules
  - But following the same pattern



ECHR Article 8

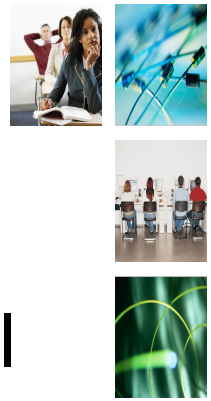
Right to respect for private and family life

Everyone has the right to respect for his private and family life, his home and his correspondence.



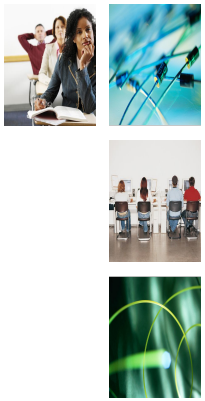
Breaching the Privacy Right

- ONLY if necessary and proportionate
  - In the interests of national security
  - To protect public safety or the economic well-being of the country
  - To prevent disorder or crime
  - To protect health or morals
  - To protect the rights and freedoms of others
- Breach must be covered by law/rules



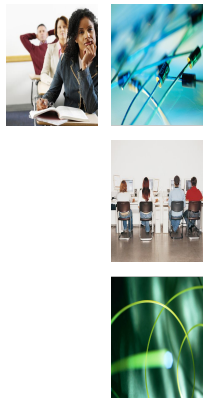
Data Protection (95/46/EC)

- Processing of personal data must be lawful and fair to the individuals concerned;
- In particular, the data must be adequate, relevant and not excessive in relation to the purposes for which they are processed;
- Such purposes must be explicit and legitimate and must be determined at the time of collection of the data;
- The purposes of processing further to collection shall not be incompatible with the purposes as they were originally specified



Guidelines and Laws

- Guidelines say what you should do
- Laws say what you must do
  - Laws of your own country,
  + of the country where you are,
  + of the country where your company is,
  + maybe, of the country where your users are,
  + perhaps others too
- Guidelines can provide more detail or a higher standard, if you choose to adopt them
- You can’t opt out of the laws



Guidelines for CSIRTs

Whether to act (HR)

- Know what objective is
- Do no more than is necessary
- Find a reasoned, reasonable balance

  Harm if we do v.
  harm if we don't

How to act (DP)

- Act (if at all) in least intrusive way
- Follow documented procedures
- Ensure powers aren't abused

  Serious breach of trust if so
- Tell users what we will do

  And what the rules are

Your laws may demand more, or less
Ask a lawyer in your own country, not me!