



A Severe Setback to Personal-Information Privacy

Kelly Wheelan

In the beginning of 2001, the high-tech revolution appeared to have given defenders of privacy rights a reason to finally start responding to intrusions brought on by technology. In June of 2001, an opinion poll unveiled that 66% of Americans favored additional laws to protect privacy. Washington lawmakers had started supporting bills on everything from limiting data collection on the Internet to restricting unwanted marketing through cell phones.

However, after September 11, fears of more terrorist attacks changed public opinion in favor of stronger security. This also led to congress promoting information sharing among government departments and funding high-tech spy systems. Face recognition technology, which provoked heated debates when it was implemented last summer, is now being put in airports across the country with little concern for privacy or effectiveness.

The American Association of Motor Vehicle Administrators recommended, on January 14, that states add "biometric" identifiers, such as digital fingerprints or iris scans, to all licenses.

New laws have also made it easier for law-enforcement officials to subpoena records of banks and Internet service providers. Also, the Justice Department has convinced Congress to reduce the amount of evidence required to tap the phones or computers of suspected terrorists. The problem with this is- who is going to watch the watchers?

This brings up the point that consumers need to learn to better manage their own privacy. Reading privacy notices, installing encryption software for e-mail, and signing up for the "do not call" telemarketing lists are all ways to help keep personal information safer.

Source: Black, Jane (10 January 2002). "The Fight for Privacy Has Just Begun". *BusinessWeek* [Online]. Available: http://www.businessweek.com/print/bwdaily/dnflash/jan2002/nf20020110_6472.htm.

Who's Watching You: E-911 Privacy

Rion Hollenbeck

Since the September 11 attacks on the World Trade Center and the Pentagon, the buzz phrase has been, "National Security." In light of these events, many Americans are willing to give up just a little more personal freedom for the good of national security. But

when is it enough?

With the mandate by the FCC that all wireless phones are to be equipped with GPS or similar tracking capabilities, many people feel that this is just another way for the government to invade the privacy of Americans. In addition, many people have concerns with the security of this information and how it will be protected. Will the information reside on the individual's cell phone unit, or will it reside in a centralized database under the control of the wireless provider? In addition, if the wireless provider is in charge of this information, what kind of guarantees exist that location information will not be sold to advertisers?

The other big issue lies with the ability of government agencies to use this technology to further surveillance of Americans. With the passage of the Communications Assistance for Law Enforcement Act of 1994 (CALEA) which allows law enforcement agencies to lawfully engage in electronic surveillance, the E-911 system may open the door to another level of "Big Brother" surveillance. "We're turning cell phones into digital dog tags," is the opinion of Ari Schwartz of the Center for Democracy and Technology. This may not be too far from the truth.

Sources: *Duke Law and Technology Review*. (26 October 2001). *Enhanced 911 Technology and Privacy Concerns: How Has the Balance Changed Since September 11?* [Online]. Available: <http://www.law.duke.edu/journals/dltr/articles/2001dltr0038.html>.

Perine, K. (22 December 2001). *The Industry Standard*. "Talking About Wireless Privacy". [Online]. Available: <http://www.pcworld.com/resources/printable/article/0,aid,37062,00.asp>.

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Internet Policy Prediction

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According to US Internet Industry Association (USIIA), 2002 will be an important year for the industry. A retrospective revision would help us reflect and identify signs of new challenges. The year 2001 saw little to any action in initiatives on broadband deployment, privacy, spam, intellectual property, gambling, telecommuting, and education. Also, 71 Internet-related bills were introduced in 2001, but none won approval or even serious consideration outside of the two-year Internet tax moratorium. In addition, four factors contributed in a negative manner to Internet policy making including a new White House Administration, a weak implementation of the 1996 Telecom Act, a switch in the Senate majority, and the tragedy of September 11, 2001.



The president of USIIA, Dave MacClure, makes the following predictions: (a) The White House would not directly address Internet-related initiatives in 2002. These initiatives will come from Congress and executive agencies as the DOJ, the FCC, and the FTC; (b) there will be Federal action on privacy and spam; (c) federal regulators and lawmakers will focus on broadband deployment and infrastructure security; (d) there will be legislative efforts, with little consequences, in social issue bills to ban gambling online and thwart pornography on the Net; (e) few policy-making efforts will be focused on more combative issues, such as intellectual property or privacy; (f) there will be additional pushing for tax credits, grants and other incentives for broadband deployment in rural and depressed urban areas; and (g) incentives for research and development will increase.

portions of Palmer's Web site constitute "The rendition of legal advice, and therefore the unauthorized practice of law." The Board did acknowledge that Palmer's Web site offers a type of general advice on legal matters but according to the Board, "The publication of legal advice on Palmer's web-site, good or bad, is not of itself the unauthorized practice of the law." Still, it was troubling to the Board that Palmer offered to respond to any questions about your rights and to provide you with guidance and/or advice. The Board concluded that "If Palmer actually gave legal advice in specific response to a question from one of his readers, he would have engaged in the unauthorized practice of the law." If Palmer, or any non-lawyer like him, uses the Internet so that specific legal advice can be provided, serious problems could arise.

Source: Simrod, J. (1 February 2002). *Unauthorized Practice of Law on the Net*. [Online]. Available: <http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZ4H7IV0XC&live=true&cst=1&pc=0&pa=0>.

High Speed Internet Access for Everybody

Gina Harris

In March of 2000 the Federal Communication Commission began a program to deploy high speed Internet access to as many citizens as possible. It was created to further the Telecommunications Act of 1996 in order to create competition and deregulate the industry. This program requires members to collect data twice a year to display improvements in the expansion of the Internet. The most recent statistics includes data up until December 2000. The following findings were taken directly from a news release of the FCC:

- During the second half of 2000, high-speed connections to the Internet increased 63%, for a total of 7.1 million lines in service.
- The grow of the year was 158%
- Every state has the presence of high-speed service subscribers.
- High-speed DSL lines increased by 108% during the second half of the year 2000, to 2 million lines.
- High-speed Internet connections over coaxial cable systems during the year 2000, total 3.6 million. The rate of growth for the full year was 153%.
- High-speed lines by satellite and fixed wireless technology grew from 50,000 in December 1999 to 112,000 in December 2000.
- High-speed subscribers are reported present in 97% of the most densely populated zip codes. The comparable figure is 45%

among zip codes with the lowest population densities, compared to 24% a year earlier.

Source: FCC News. (8 August 2001) *Federal Communication Commission Releases Data on High-Speed Services for Internet Access*. [Online]. Available: http://ftp.fcc.gov/Bureaus/Common_Carrier/News_Releases/2001/nrcc0133.html

Last Issue Errata

- The issue date should have read 2002, not 2001.
- Editor Carlos Campos should read Carlos Campos.

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Newsletter Staff

Chief Editor

Rion Hollenbeck

Editors

James Lance

Gina Harris

Carlos Campos

Kelly Wheelan

Send comments to JurisGroup@yahoo.com

We would expect that in 2002 public policy initiatives will support growth and stability of the Internet industry, which have important strategic contributions in the field of information and communication.

Source: ISP-Planet. (18 January 2002) *USIIA 2002 Internet Policy Forecast* [Online]. Available: http://www.isp-planet.com/news/2002/usiiia_020118.html

Unauthorized Practice of Law on the Net

James Lance

A decision issued in late December 2001 by the Ohio Board of Commissioners on the Unauthorized Practice of the Law helps to define whether certain online conduct by non-lawyers is equivalent to legal practice that is not allowed. The following case of Office of Disciplinary Counsel v. Palmer examines a decision made towards the legality of on line legal advice.

David Palmer is the executive director, chairman, and only active member of the Committee to Expose Dishonest and Incompetent Attorneys and Judges. His Web site, amoraethics.com, operates as a vehicle for Palmer to express his views. Palmer is accused of offering free legal advice on this site as well as engaging unlawfully in the practice of law. One prominent area of the site advertises "Free Legal Advice." Palmer states "Although I am not an attorney, I can assure you that it is not necessary to be a lawyer in order to provide some guidance and/or advice on how to deal with your legal problems." The Web site then provides a brief history of Palmer's experience in the legal field as well as his background as a court reporter and a legal clerk in the Army.

The Web site goes on to state that, "If you have any questions or concerns regarding any legal matter, I would be more than happy to review it and provide you with guidance and/or advice within a reasonable amount of time."

Disciplinary Counsel argued that the previously mentioned