

ELECTRONIC PRIVACY INFORMATION CENTER

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epic.org

epic annual report 2002–2003

in defense of freedom
observing surveillance



~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 10/26/2001

To: All Divisions

Attn: ADIC, SAC
CDC

From: Office of the General Counsel
NSLU/NSLB, Room 7975

Contact: National Security Law Unit, [redacted] b7c

Approved By: Mueller Robert S III
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Drafted By: [redacted] mjw b7c

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HERE IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE~~

Case ID #: 66F-HQ-A1247863 (None)

Title: NEW LEGISLATION
REVISIONS TO FCI/IT LEGAL AUTHORITIES
NATIONAL SECURITY LETTERS

Synopsis: Summarizes recent changes to FCI/IT legal authorities relating to NSLs, and describes implementation procedures.

Details:

Background

On October 26, 2001, the President signed the "Uniting and Strengthening America Act" which significantly revises many national security legal authorities. In particular, the Act changes key features of existing National Security Letter (NSL) authority. This communication summarizes the changes to NSL authorities; related serials describe other changes effected by the Act. A separate EC of this same date addresses various other FISA-related provisions of the Act.

NSL are issued in FCI/IT investigations to obtain telephone and electronic communications records from telephone companies and Internet Service Providers (pursuant to the Electronic Communications Privacy Act, or ECPA), records from financial institutions (pursuant to the Right to Financial Privacy Act), and information from credit bureaus (pursuant to the Fair Credit Reporting Act). Delay in obtaining NSLs has long been identified as a significant problem in FCI/IT investigations. Two factors have contributed most prominently to

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Civil Action # 02-cv-2077

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missions & programs

THE ELECTRONIC PRIVACY INFORMATION CENTER is a public interest research center in Washington, DC. It was established in 1994 to focus public attention on emerging civil liberties issues and to protect privacy, freedom of expression and constitutional values in the information age. EPIC pursues a wide range of activities, including policy research, public education, conferences, litigation, publications, and advocacy.

EPIC is incorporated in Washington, DC and tax-exempt under IRC section 501(c)(3). EPIC receives support from individual contributors, private foundations and companies. Contributions are fully tax-deductible.

EPIC maintains one of the web's most popular Internet policy sites—**epic.org**—and publishes the online EPIC Alert every two weeks with key information about issues affecting the rights of Internet users. EPIC also publishes *Privacy and Human Rights*, *Litigation Under the Federal Open Government Laws*, *Filters and Freedom*, *the Privacy Law Sourcebook*, and *the Consumer Law Sourcebook*. EPIC litigates high-profile privacy, First Amendment, and Freedom of Information Act cases. EPIC advocates for strong privacy safeguards. EPIC works in support of several NGO coalitions, including Privacy International (**privacyinternational.org**), the Internet Free Expression Alliance (**ifea.net**), the Global Internet Liberty Campaign (**gilc.org**), the Internet Democracy Project (**internetdemocracy.org**), and the Trans Atlantic Consumer Dialogue (**tacd.org**). EPIC also maintains the Privacy Site (**privacy.org**) and coordinates the Public Voice coalition (**thepublicvoice.org**), the Privacy Coalition (**privacycoalition.org**) and the In Defense of Freedom coalition (**indefenseoffreedom.org**).

observing surveillance



OUR REPORT AT THE BEGINNING OF 2003 considers EPIC's efforts during the past year to respond to new challenges to civil liberties and to promote public participation in decisions concerning the future of the Internet. Through public education, litigation, advocacy, and the creative use of new technology EPIC has worked to promote public debate and encourage greater accountability by the government.

For example, the Freedom of Information Act has long stood as the central guarantee of the public's right to know. Through a series of FOIA cases, EPIC obtained key documents about the government's new surveillance powers. These materials were considered at Congressional hearings and widely reported in the media. EPIC made critical government documents available on our web site for researchers and policy makers to examine. Even those who favor new monitoring and tracking systems should fully understand the operation of these programs.

EPIC also answered the question we asked last year—"but who will watch the watchers"—with an innovative documentary project in Washington, DC where surveillance cameras now appear against a backdrop of American symbols of liberty: the Lincoln Memorial, the Jefferson Memorial, the American flag hanging above the entry to the Department of Justice.

The Observing Surveillance Project used cameras to record cameras. EPIC documented the presence of these cameras, displaying powerful images on postcards, posters, and the web. You will see examples of these images in this annual report. More images can be found at www.observingsurveillance.org.

EPIC also participated in several major legal matters during the past year, writing amicus briefs for the Supreme Court, filing petitions at the Federal Trade Commission and the Federal Communications Commission, and aggressively pursuing FOIA

lawsuits. EPIC's complaint to the FTC concerning Microsoft Passport may be the most important decision for the future of Internet privacy brought before the Commission so far. EPIC testified before Congressional committees and organized public conferences. EPIC also worked with government officials, academic experts, and NGO leaders around the world on emerging issues concerning civil liberties and human rights.

We expanded the EPIC Bookstore with the publication of *Litigation Under the Federal Open Government Laws*, a comprehensive manual for those interested in pursuing Freedom of Information Act requests. EPIC continued to train young lawyers about public interest advocacy in the twenty-first century through the Internet Public Interest Opportunities Program (IPIOP), established by the Glushko-Samuelson Foundation.

Looking ahead to next year, EPIC will pursue several new projects. First, we are working with the American Bar Association on emerging privacy and civil liberties issues. We have already prepared a resolution on the need for better accountability for the Foreign Intelligence Surveillance Act that was adopted by the ABA House of Delegates.

EPIC is also assisting the Public Interest Registry in support of the development of the .ORG domain and the non-commercial use of the Internet. We have helped develop new systems for public participation for the .ORG domain, crafted recommendations for privacy protection for .ORG domain holders, and worked to promote collaboration with NGOs around the world.

Finally, EPIC is joining with technical and legal experts around the world to promote the development of Privacy Enhancing Technologies. Central to this endeavor is a clear statement of the characteristics of genuine Privacy Enhancing Technologies. This effort could be critical for the protection of privacy in the years ahead.

MARC ROTENBERG

President

Electronic Privacy Information Center

program }



FREE SPEECH

“A great resource on civil liberties and First Amendment issues.”

—WIRED MAGAZINE

“The most participatory form of mass speech yet developed.” That’s how Judge Stewart Dalzell described the Internet in the landmark court decision striking down on-line censorship. As a leading publisher of policy materials on the Internet, EPIC joined with other civil liberties and computer industry organizations and served as both co-counsel and co-plaintiff in that historic litigation. EPIC has continued to play a leading role in defense of free expression, including the right to receive and distribute information anonymously.

And because there are no borders in cyberspace, EPIC co-founded the Global Internet Liberty Campaign (www.gilc.org), the first international coalition dedicated to preserving on-line freedoms throughout the world.

OPEN GOVERNMENT

“EPIC’s Freedom of Information Act work attracts widespread praise.”

—LEGAL TIMES

EPIC is a recognized leader in the use of the FOIA to obtain information about government policy on emerging technology issues. Public disclosure of this information improves government oversight and accountability—in the words of one federal official, EPIC’s work contributes to an “honorable and civilized debate” on critical policy questions.

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor or reputation. Everyone has the right to the protection of law against such interference or attack.” —ARTICLE 12, UNIVERSAL DECLARATION OF HUMAN RIGHTS

EPIC’s research underscores the words of James Madison, who said “a people who mean to be their own governors, must arm themselves with the power knowledge gives.” Information obtained by EPIC has been featured in national publications and cited in government reports. EPIC also makes scanned images of formerly classified documents, obtained through the FOIA, available to Internet users around the globe at the EPIC web site—epic.org.

PRIVACY

“Anyone concerned about the civil rights implications of the Clipper chip, the Digital Telephony proposal, national ID cards, medical record privacy, credit records and the sale of consumer data will find this Washington public interest research center invaluable.”

—THE ATLANTA JOURNAL AND CONSTITUTION

Automated health care records. Electronic mail. On-line commerce. Surfing the World Wide Web. These and many other technological innovations bring with them emerging challenges to personal privacy. EPIC is a leader in examining the issues and offering solutions to protect personal information from misuse, and is frequently called upon by Congressional committees and government agencies to assess new approaches for privacy protection.

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart ideas through any media and regardless of frontiers.” –ARTICLE 19, UNIVERSAL DECLARATION OF HUMAN RIGHTS

With the world’s most comprehensive archive of privacy resources, EPIC’s award-winning Web site demonstrates the educational potential of the Internet. Accessed by thousands of people every day, the EPIC site is a significant source of information critical to today’s consumers.

THE PUBLIC VOICE

“There is an increasing recognition that we must involve all stakeholders including the voice of civil society. The Public Voice meeting and its contribution to the Forum have been constructive and positive.”

–OECD UNDER-SECRETARY GENERAL

The rise of the Internet and the creation of global markets have created new challenges for democratic governance. International institutions now make many decisions once made by national and local governments. The concerns of citizens are too often not represented when government officials and business representatives gather.

EPIC has worked to promote the participation of NGO leaders in decisions affecting the future of the Internet on issues ranging from encryption policy and privacy to consumer protection, Internet governance, and the role of emerging market economies. Through international conferences, reports and funding for travel, EPIC seeks to strengthen the Public Voice and to increase the presence of NGOs at meetings across the globe.

In cooperation with the OECD, UNESCO, and other international organizations, the Public Voice project brings civil society leaders face to face with government officials for constructive engagement about current policy issues. Public Voice events have been held in Dubai, Hong Kong, Ottawa, Paris, Washington and Honolulu.

EPIC’s FOIA Manual — “Deserves a place in the library of everyone who is involved in, or thinking about, litigation under the Freedom of Information Act.” –Steve Aftergood, Federation of American Scientists

EPIC’s Privacy Sourcebook— “The ‘Physicians Desk Reference’ of the privacy world.” –Evan Hendricks, *Privacy Times*

“A survey released on the eve of important government hearings on Web privacy suggests users are extremely vulnerable to cyberspace spying and other personal intrusions by Internet businesses. The results could help frame one of the most fundamental debates in the evolution of the Internet as a commercial marketplace: Whether the industry can police itself or the government must step in to protect millions of personal computer users.”

–ASSOCIATED PRESS

EPIC PRODUCES SEVERAL PUBLICATIONS EACH YEAR that are popular among policymakers, scholars, and advocates both in the United States and around the world. EPIC publications are available for sale at the EPIC Online Bookstore (**bookstore.epic.org**) and also from the EPIC Bookshelf at Powell’s Books. Discounts are available for multiple copies to educational institutions.

publications (continued)

The Privacy Law Sourcebook:

United States Law, International Law, and Recent Developments

Updated annually, the Privacy Law Sourcebook is an invaluable resource for students, attorneys, researchers and journalists who need a comprehensive collection of U.S. and international privacy law, as well as a full listing of privacy resources.

Litigation Under the Federal Open Government Laws

The fully updated edition of the manual that lawyers, journalists and researchers have relied on for more than 25 years. This standard reference work covers all aspects of the Freedom of Information Act, the Privacy Act, the Government in the Sunshine Act, and the Federal Advisory Committee Act.

Privacy & Human Rights: An International Survey of Privacy Laws

This annual survey, by EPIC and Privacy International, reviews the state of privacy in over fifty countries around the world. The survey examines a wide range of privacy issues including data protection, telephone tapping, genetic databases, ID systems and freedom of information laws.

Filters and Freedom 2.0:

Free Speech Perspectives on Internet Content Controls

Often characterized by their proponents as mere features or tools, filtering and rating systems can also be viewed as fundamental architectural changes that may, in fact, facilitate the suppression of speech far more effectively than national laws alone ever could. This collection of essays, studies, and critiques of Internet content filtering should be carefully considered if we are to preserve freedom of expression in the online world.

Other Reports from EPIC

Surfer Beware: Personal Privacy and the Internet

Surfer Beware II: Notice is Not Enough

Surfer Beware III: Privacy Policies Without Privacy Protection

Critical Infrastructure Protection and the Endangerment of Civil Liberties: An Assessment of the Report of the President's Commission on Critical Infrastructure Protection

The Public Voice and the Digital Divide: A Report to the DOT Force

Network Advertising Initiative: Principles not Privacy

Pretty Poor Privacy: An Assessment of P3P and Internet Privacy

Paying for Big Brother: A Review of the Proposed FY2003 Budget for the Department of Justice

Your Papers, Please: From the State Driver's License to a National Identification System

EPIC Staff Articles, 2002

Hoofnagle, "Electronic Case Files and Social Forgiveness," E-Filing Report, Volume 3, Number 1 (December/January 2003)

Hoofnagle, "AGs Apply General Consumer Protection Laws to Student Profiling," 6 Consumer Financial Services Law Reporter 9 (Oct. 9, 2002)

Hoofnagle, "Consumer Privacy in the E-Commerce Marketplace," 3 Internet Law & Business 812 (August 2002)

Hoofnagle, "Being Poor and Being Monitored," 28 Privacy Journal 9 (July 2002) (reviewing John Gilliom, Overseers of the Poor,

"I want to tell you that I very much appreciate the information offered by your site" –D.C.

Hoofnagle, "Colloquium on Privacy & Security," 50 Buffalo Law Review 703 (Spring/Summer 2002)

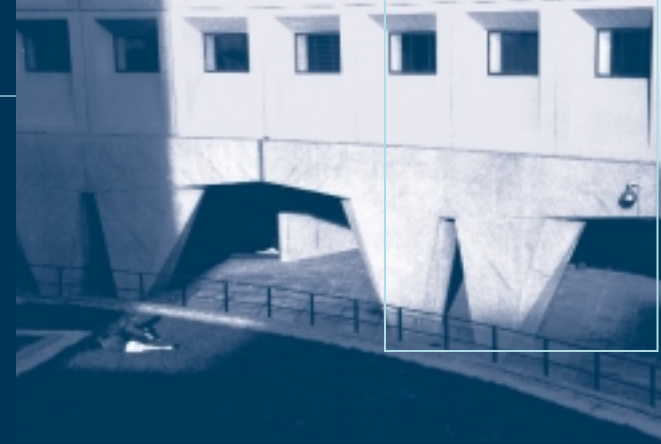
Hoofnagle, "Should the federal privacy rule be repealed?" Physician's Weekly (May 13, 2002)

Hoofnagle, "Notice Is Not Enough!," 5 Consumer Financial Services Law Reporter 15 (Feb. 13, 2002)

Madsen, "The Business of the Watchers: Privacy Protections Recede as the Purveyors of Digital Security Technologies Capitalize on September 11," Multinational Monitor, Volume 23, Number 3 (March 2002)

Rotenberg (with Daniel J. Solove), "Information Privacy Law" (Aspen Publishing 2003)

Rotenberg, "Privacy and Secrecy After September 11," 6 Minnesota Law Review 1115-36 (June 2002)



“When Big Brother keeps tabs on the people, it is nice to know there are some people keeping tabs on Big Brother.”

– NEW YORK LAW JOURNAL

“EPIC’s Bill Track is a good current resource for federal legislation concerning privacy, speech and cyber-liberties.”

– INTERNET LAW RESEARCHER (2002)

FREEDOM OF INFORMATION

In July 2002, EPIC testified before the House Energy and Commerce Committee on proposed exemptions in the Homeland Security legislation to open government laws. EPIC urged the Committee to reject a proposal to exempt from public disclosure large amounts of material relating to “infrastructure protection” and counter-terrorism measures. EPIC testified that such exemptions would “cast a shroud of secrecy over one of the Department’s critical functions, removing any semblance of meaningful public accountability.”

In May 2002, EPIC testified before the Senate Governmental Affairs Committee on a critical information exemption to the Freedom of Information Act. EPIC testified that “rather than seeking ways to hide information, Congress should consider approaches that would make as much information as possible available to the public” concerning security flaws in critical systems.

CONSUMER PRIVACY

In September 2002, EPIC testified before the House Commerce Subcommittee on Commerce, Trade, and Consumer Protection on privacy in the commercial sector. EPIC argued that stronger protections were necessary, and that proposed legislation favored “industry over the consumer, the invasion of privacy over the protection of privacy.”

SOCIAL SECURITY AND PRIVACY

In September 2002, EPIC testified before the House Judiciary Subcommittee on Immigration, Border Security, and Claims on the need to limit the use of Social Security Numbers. EPIC urged Congress to adopt a legislative strategy that discouraged the collection and dissemination of the SSN and encouraged organizations to develop alternative systems of record identification and verification.

INTERNET PRIVACY

In April 2002, EPIC testified before the Senate Commerce Committee on the Online Personal Privacy Act. EPIC called the privacy bill “an important step forward for privacy law in the United States.” The bill passed 15–8 out of the committee, but was not scheduled for a vote by the Senate.

DIGITAL RIGHTS MANAGEMENT

In a June 2002 letter to the House Judiciary Subcommittee on the Courts, the Internet, and Intellectual Property, EPIC urged Members to consider the harms to consumer and societal rights posed by digital rights management (DRM) technologies. The Committee held a hearing on the consumer benefits of DRM, with a panel consisting only of content protection representatives, and no witnesses to discuss the risks to privacy, fair use, free expression, or innovation.

BIOMETRICS

In a July 2002 response to a request from the Senate Select Committee on Aging, EPIC submitted a report on identity theft and biometrics. The report summarized the problem of identity theft for the elderly community and then surveyed various biometric techniques, concluding that such techniques would be impractical on a national level and are likely to create new risks to privacy.

"[EPIC] has used the Freedom of Information Act to monitor the Government's actions, and has been the first to disclose, among other things, the Federal Bureau of Investigation's desire to redesign the telephone system to ease wiretapping."

—THE NEW YORK TIMES

CONSUMER PROFILING—EPIC V. DOJ & TREASURY

In 2001, the Wall Street Journal reported that federal law enforcement agencies were purchasing personal information from private-sector profiling corporations. To focus debate on these activities, EPIC submitted FOIA requests to the federal agencies. Documents obtained from the IRS show that the agency contracts with private data vendors for desktop access to citizen's personal information. EPIC filed suit to compel other agencies to disclose their use of such databases. During 2002, all defendant agencies except for DOJ and FBI released responsive documents, and were dismissed from the case. EPIC received responsive, but heavily redacted documents from the Department of Justice in December 2002, and intends to challenge the use of exemptions to withhold information.

INTERNET ARCHITECTURE—IN RE MICROSOFT (FTC)

EPIC is bringing public attention to fundamental changes in the architecture of the Internet that could limit the privacy and freedom of Internet users. In July and August 2001, EPIC and fourteen other public interest groups urged the FTC to investigate Microsoft for unfair and deceptive trade practices relating to the Passport ID service. The online identification system requires individuals to disclose personal information before accessing the Internet. In August 2002, the FTC announced that it had settled a case based on EPIC's complaint, and found that Microsoft made a series of false representations about Passport.

"Thank you for your efforts to get Congress to review the recent loosening of surveillance and investigation rules for the FBI..."

Thank you and EPIC for the vigilance!" —J.D.

INTERNET FREE SPEECH

Online content control legislation threatens to stifle the growth of the Internet as an open and democratic medium. EPIC participated as plaintiff and co-counsel in the landmark lawsuit that invalidated Congress' first attempt to censor the Net, and is now back in court challenging new censorship laws.

ANONYMITY—WATCHTOWER BIBLE V. CITY OF STRATTON (AMICUS)

EPIC continues to focus on important cases before the Supreme Court. In 2000 EPIC filed an amicus brief in *Condon v. Reno*, a case in which the Court ultimately upheld the Drivers Privacy Protection Act. In 2001, EPIC filed an amicus brief, supported by 15 law professors, in defense of the right of anonymity. In June 2002, the Supreme Court ruled that an ordinance requiring door-to-door petitioners to obtain a permit and identify themselves upon demand violates the right of anonymity inherent in the First Amendment freedom of speech—the position put forth in EPIC's amicus.

TELEPHONE PRIVACY—IN RE CPNI RULES (FCC)

Telephone companies, seeking to use call-billing information for marketing purposes, attacked the privacy provisions of the 1996 Telecommunications Act. In response, EPIC coordinated a "friend of the court" brief endorsed by consumer groups, privacy organizations, law professors and privacy scholars that emphasized the paramount interest in protecting communications privacy. EPIC subsequently filed comments in the regulatory proceeding with the support of 18 privacy and consumer organizations. In July 2002 the FCC adopted rules, based in part on EPIC's comments, providing for customer approval of carriers' release of customer information to third parties, but permitting opt-out consent for release of information to affiliated parties. The Order specifically states that the Commission will not block or preempt state efforts to further protect customer data.

litigation (continued)

GOVERNMENT SURVEILLANCE—EPIC V. DOJ & FBI

When the existence of the FBI's Carnivore Internet monitoring system was first reported, EPIC immediately filed suit seeking the expedited release of relevant documents. Under pressure from the court, the FBI began releasing material that brought critical facts to the public. In an order issued in March 2002, the court directed the Bureau to initiate a new search for responsive documents. The new search uncovered more documents, including those indicating that an FBI anti-terrorism investigation involving Osama bin Laden was hampered by technical flaws in the Bureau's controversial Carnivore Internet surveillance system. The documents described the incident as part of a "pattern" indicating "an inability on the part of the FBI to manage" its foreign intelligence surveillance activities. EPIC voluntarily dismissed the case and the Justice Department agreed to settle EPIC's claim for attorneys fees.

FOURTH AMENDMENT—US V. BACH (AMICUS)

EPIC filed an amicus brief in the Eighth Circuit arguing that police officer presence is required during the service of a warrant on an ISP. EPIC argued that the service of a search warrant by fax machine doesn't adequately safeguard the Fourth Amendment's guarantee of a "reasonable" search. EPIC's brief detailed the history of U.S. search and seizure law, which has mandated officer presence at the service of a warrant since the 1700s. The court ruled in November 2002 that service of a warrant on an ISP by fax complies with the "reasonableness" requirements of the Fourth Amendment.

CIVIL LIBERTIES AND HUMAN RIGHTS—CNSS V. DOJ

In January 2002, EPIC and a broad coalition of civil liberties and human rights groups brought suit seeking disclosure of information concerning more than one thousand individuals "detained" in the wake of the September 11th terrorist attacks.

The government continually refused to disclose the data in response to Freedom of Information Act requests submitted by the coalition, resulting in unprecedented secrecy surrounding the status of the individuals. In a decision issued in August 2002, U.S. District Judge Gladys Kessler directed the Justice Department to disclose the identities of the detained individuals. Detainees desiring confidentiality of their identities can file statements requesting non-disclosure. The government appealed the ruling, and a decision is pending.

OPEN GOVERNMENT—EPIC V. OFFICE OF HOMELAND SECURITY

September 11 transformed the national debate over government secrecy and public accountability, as government officials have removed public records from the Internet, restricted access to public documents, and attempted to hide the federal government behind a wall of secrecy. In December 2002, U.S. District Judge Colleen Kollar-Kotelly issued a decision permitting EPIC to pursue discovery concerning the "nature of the authority" delegated to the Office of Homeland Security (OHS) and its Director, Tom Ridge. The ruling was in response to a Freedom of Information Act lawsuit filed by EPIC after OHS took the position that it is not subject to the open government law.

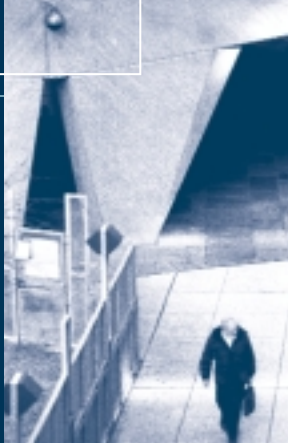
GOVERNMENT OVERSIGHT

In a series of high-profile FOIA cases, EPIC has sought public release of government documents on the key issues of the digital age, including data mining, electronic surveillance and computer crime investigations. The resulting disclosures have been widely reported in the national press and led to Congressional hearings and reforms in agency practices.

ADMINISTRATIVE PROCEEDINGS

EPIC participates in the agency rule-making process as an advocate of the public interest. Such proceedings address issues such as location privacy, public access to electronic court records and communications security. EPIC typically works in close association with privacy and consumer organizations, technical experts, and legal scholars.

internet public interest opportunities program



“Meeting various leaders in the privacy field... working on the briefs... fantastic learning opportunity... getting to people who are young, committed, and excited about their work... learning about how Washington works... really enjoyed the speakers... memorable.”

–2002 IPIOP FELLOWS

“EPIC is a public interest research center based in Washington. It offers a great collection of online resources about privacy and also provides information on how you can act politically to motivate your government representatives to protect your privacy.”

–CHRISTIAN SCIENCE MONITOR (2002)

A GRANT FROM THE GLUSHKO-SAMUELSON FOUNDATION established the Internet Public Interest Opportunities Program (IPIOP). IPIOP is an intensive, paid legal internship with EPIC that is held during the summer, fall, and spring terms. There are summer and school semester internships available for outstanding law students with a strong interest in civil liberties issues relating to the Internet, particularly free speech, privacy, open government, and democratic governance. The EPIC IPIOP Program promotes opportunities for law school students to work on public interest issues concerning the future of the Internet. IPIOP clerks attend agency proceedings, policy meetings, Congressional hearings, and visit landmarks in the Nation’s Capital. IPIOP clerks also attend weekly seminars led by eminent scholars and practitioners in the field of Internet policy.

“Thank you for all your hard work on behalf of civil liberties and the U.S. Constitution.” –P.S.

Legislation

The legislative process is the critical opportunity for public interest organizations to make a case directly to lawmakers, to engage in discussion about the details of proposed legislation, and to establish connections with critical committees and decision makers. IPIOP clerks learn about this crucial process by researching and drafting memoranda on critical issues before Congress, and by attending hearings.

Government Oversight

The Freedom of Information Act (FOIA) is a powerful tool for public interest organizations to learn about otherwise inscrutable governmental activities and to promote public oversight. Each IPIOP clerk researches, drafts, and submits a FOIA request on a current Internet issue to one of many governmental agencies. Clerks also assist in litigating pending FOIA matters.

Litigation

Clerks assist EPIC staff in developing litigation strategy in key cases with significant impact on critical Internet issues. Clerk activities include drafting memoranda, meeting with attorneys, and attending court hearings.

Collaboration

IPIOP works in association with public interest litigators and law school clinics across the country. A distinguished Advisory Committee oversees the work of IPIOP. Graduating law school students interested in the work of EPIC are also encouraged to seek fellowships through Equal Justice Works (equaljusticeworks.org).

Applications

Submit a letter of interest, a writing sample, a résumé, and a recommendation letter to: IPIOP Coordinator, EPIC, 1718 Connecticut Ave. N.W., Suite 200, Washington, DC 20009 or email ipiop@epic.org. The process is competitive. More than 400 applications were received for last year’s program.

epic affiliated sites }



"This consumer group provides a wealth of information at its Web site."

—GOVERNING MAGAZINE (2002)

EPIC Bookstore

bookstore.epic.org

The EPIC Bookstore offers EPIC publications and a wide range of titles on privacy, free speech, computer security, and civil liberties. The Bookstore also showcases a growing list of featured titles from each issue of the EPIC Alert newsletter.

Global Internet Liberty

Campaign (GILC)

gilc.org

There are no borders in cyberspace. Actions by individual governments and multi-national organizations can have a profound effect on the rights of citizens around the world. The member organizations of GILC joined together to protect and promote fundamental human rights such as freedom of speech and the right of privacy on the Net for users everywhere.

In Defense of Freedom (IDOF)

indefenseoffreedom.org

The IDOF coalition was established after September 11 to demonstrate public support for the protection of constitutional values and to provide an organizing forum for individuals and associations pursuing issues arising from the government's response. The ten-point statement In Defense of Freedom, endorsed by more than 150 organizations, 300 law professors, and 40 experts in computer science, is available on the site.

Internet Free Expression

Alliance (IFEA)

fea.net

IFEA was established to ensure the continuation of the Internet as a forum for open, diverse and unimpeded expression and to maintain the vital role the Internet plays in

"Thank you for the resources you've provided which I've accessed via the web.

Please maintain your efforts, and continue your pursuit in ending Total Information Awareness." —S.J.

providing an efficient and democratic means of distributing information around the world.

Privacy International (PI)

privacyinternational.org

PI is a human rights group formed in 1990 as a watchdog on surveillance by governments and corporations worldwide. PI has conducted campaigns in Europe, Asia and North America to counter abuses of privacy by way of information technology such as ID card systems, video surveillance, data matching, police information systems, telephone tapping, and medical records.

The Privacy Site

privacy.org

The Privacy Site, founded in 2000 as a joint project of EPIC and Privacy International, contains the latest news, links, and resources on privacy issues, as well as action items to engage members of the public in personal privacy advocacy.

The Public Voice

thepublicvoice.org

The Public Voice was launched to promote the participation of Non-Governmental Organizations (NGOs) in the deliberations of international organizations, such as the Organization for Economic Cooperation and Development (OECD), in matters concerning Internet policy. Public Voice conferences have been held in Ottawa, Paris, Hong Kong, Dubai, Washington and Honolulu.

epic board & staff



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“I saw you on CNN. You kicked Big Brother’s ass.
Great show. Thanks.” –J.B.

public voice grants

AS PART OF ITS COMMITMENT TO THE PUBLIC VOICE, EPIC supports the development of innovative projects through small, targeted, grants. Recent grantees are listed below

Privaterra (privaterra.org)

Privaterra helps ensure that human rights workers have the ability to work in greater safety against the dangers of spying eyes and ears that may limit their effectiveness, infringe their rights, and endanger their lives.

Computers, Freedom and Privacy

Sponsored by the Association for Computing Machinery, this annual conference provides the opportunity to explore emerging policy issues affecting the future of the Internet.

**National Coalition Against
Censorship (ncac.org)**

NCAC is an alliance of 50 national non-profit organizations, including literary, artistic, religious, educational, professional, labor, and civil liberties groups, that defends freedom of thought, inquiry, and expression.

**Privacy International
(privacyinternational.org)**

Based in London, England, Privacy International has conducted campaigns

throughout the world on issues ranging from wiretapping and national security, to ID cards, video surveillance, data matching, police information systems, medical privacy, and freedom of information and expression.

Privacy Journal (privacyjournal.net)

The Privacy Journal, a leading publication on privacy issues, has organized important conferences that bring together activists and experts to collaborate and develop new initiatives.

PRC (privacyrights.org) (factsquad.org)

The Privacy Rights Clearinghouse provides extensive information about consumer privacy issues, and the Fact Squad Radio has developed an innovative project to provide radio commentary over the Internet.

**TransAtlantic Consumer Dialogue
(tacd.org)**

TACD is an alliance of consumer organizations in the United States and the European Union that develop joint recommendations to promote the consumer interest in trans-Atlantic policy making.



EPIC

**Statement of Activities
2001 and 2002**

	2001	2002
Support and Revenue		
Contributions	\$ 340,073	\$ 251,250
Grants	1,104,921	862,167
Publications	22,349	16,956
Interest Income	22,324	36,134
Other	0	(53,398)
Total Support and Revenue	<u>\$ 1,489,667</u>	<u>\$ 1,110,454</u>
Expenses		
Program	\$ 567,884	\$ 772,578
Administration	56,308	47,141
Fundraising	27,843	46,903
Total Expenses	<u>\$ 652,035</u>	<u>866,622</u>
Change in Net Assets	<u>\$ 837,632</u>	<u>\$ 243,832</u>
Net Assets, Jan 1	\$ 294,963	\$ 1,132,595
Net Assets, Dec 31	<u>\$ 1,132,595</u>	<u>\$ 1,376,427</u>

Based on report compiled by Friedman & Associates, CPA, Rockville, MD. The current EPIC form 990 is available at the EPIC website and at www.guidestar.org

EPIC

**Statement of Financial Position
December 31, 2002**

Assets		
Current Assets	\$ 908,988	
Fixed Assets	34,890	
EPIC Trust	<u>447,954</u>	
Total Assets		<u>\$1,391,832</u>
Liabilities		
Accounts payable	\$ 15,405	
Total		<u>\$ 15,405</u>
Net Assets		
General	\$ 420,410	
Projects	508,063	
EPIC Trust	<u>447,954</u>	
Total		<u>\$1,376,427</u>
Total Liabilities and Net Assets		<u>\$1,391,832</u>

The EPIC Trust was established in memory of Paul Simons.

supporters }



“As a former member of Congress and one who has spent much of his public life working to protect Constitutional values, I am very pleased to offer my strongest endorsement to the Electronic Privacy Information Center. EPIC is a powerful voice in Washington. I am constantly amazed by how much this dedicated group accomplishes. I urge you to join me and make a generous contribution to EPIC. Together we will help ensure that civil liberties and privacy are preserved in the Information Society.”

– HON. JOHN ANDERSON, FORMER PRESIDENTIAL CANDIDATE

If you'd like to support the work of the Electronic Privacy Information Center, contributions are welcome and fully tax-deductible. Checks should be made out to "EPIC" and sent to 1718 Connecticut Ave., NW, Suite 200, Washington, DC 20009. Or you can contribute online at epic.org/donate/. Additional information about the work of EPIC is provided by the GuideStar Database at guidestar.org. A complete Form 990 for the current year is also available online.

Major grants to support the work of EPIC have been received from:

- Counterpane Systems
- Earthlink
- Ford Foundation
- Fund for Constitutional Government
- HKH Foundation
- W.K. Kellogg Foundation
- Irving Kohn Foundation
- Albert List Foundation
- Lutz Foundation Trust
- Markle Foundation
- Metromail Cy Pres Fund
- Norman Foundation
- Open Society Institute
- Red Hat Center
- Rockefeller Family Fund
- Rose Foundation
- Samuelson-Glushko Foundation
- Scherman Foundation
- Simons Foundation
- Sun Hill Foundation
- Sun Microsystems
- Working Assets
- Zero Knowledge Systems

Additional support is provided by contributions from individual donors, attorneys fees, and the sale of publications.

02 22

Mission Report



Date	Tuesday, January 22, 2002	<i>Check if YES</i>	
Case Number	02-01915	<input type="checkbox"/> Narcotics	<input type="checkbox"/> Mission Cancelled
Nature of Mission	201	<input type="checkbox"/> FLIR Located	Arrests <input type="text" value="0"/>
Shift	3rd	<input checked="" type="checkbox"/> 0.0 Terrorism Flt. Tim	
Jurisdiction/ Agency	FBI	<input type="checkbox"/> USPP/NPS Jurisdiction	
Location	14th & Constitution	Aircraft	2 412SP
County	NW	Cost	\$567.70
Agency	Police	Last Audit	Audit # 3749

- Next Mission
- Print Daily
- Close

Pro-Life Demo downlink to FBI

Start Time	14:05	Pilot	Galey, Ronald	Pilot OAS2 time:	
End Time	14:50	Co-pilot	Burchell, Kenneth	Copilot OAS2 time:	0.7
Mission Time	0.7	Lead Medic	Marsh, John	Lead Medic OAS2 time:	
Reimbursable mission time:		Medic		Passengers	

PURSUANT TO A FOIA REQUEST FROM EPIC, THE PARK POLICE DISCLOSED LOGS OF "MISSION REPORTS" SHOWING WHEN AND WHERE A SURVEILLANCE CAMERA INSTALLED ON ITS HELICOPTER WAS USED FROM APRIL 2000 TO MAY 2002. THESE LOGS SHOW THAT THE CAMERA WAS MAINLY USED TO CONDUCT SURVEILLANCE OF PUBLIC PROTESTS. RECORDINGS (OR "DOWNLINKS") WERE MADE OF PUBLIC EVENTS RANGING FROM THE MILLION FAMILY MARCH TO THE ANTI-WORLD BANK/IMF PROTESTS. THE RECORDS WERE ALSO TRANSMITTED TO LAW ENFORCEMENT AGENCIES, INCLUDING ONE INSTANCE WHERE THEY WERE SHARED WITH THE FBI. THE REMOTE SURVEILLANCE OF PUBLIC DEMONSTRATORS RAISES IMPORTANT FIRST AMENDMENT ISSUES AND UNDERSCORES THE NEED FOR CLOSE PUBLIC SCRUTINY. EPIC LAUNCHED A NEW WEB SITE, OBSERVING SURVEILLANCE, TO VISUALLY DOCUMENT THE PRESENCE OF SURVEILLANCE CAMERAS IN THE NATION'S CAPITAL.