

Withdrawn/Redacted Material

The Barack Obama Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Meeting with Healthcare Big Data Organizations - To: John Podesta - From: R. David Edelman	11	04/02/2014	P5;
002	Memorandum	Meeting with Financial Services Organization - To: John Podesta - From: R. David Edelman	11	03/27/2014	P5;
006	Memorandum	Meeting with Data Services Companies - To: John Podesta - From: R. David Edelman	15	04/15/2014	P5;
007	Memorandum	President's Council of Advisors of Science and Technology Meeting - To: POTUS - From: John P. Holdren	10	04/2014	P5;
009	Report	Preliminary Metadata Findings and Recommendations	2	N.D.	P5;

COLLECTION TITLE:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

1150276

FRC ID:

8488

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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010	Memorandum	Materials for Principals Meeting on the Review Group Recommendation 14 - To: John Kerry, et al.	27	04/21/2014	P5;
011	Memorandum	Principals Meeting: Big Data Working Group Report	6	04/22/2014	P5;
012	Email	can you both make a 10am huddle? - To: Nicole Wong, et al. - From: Christopher Kirchhoff	1	04/17/2014	P5;
013	Post-it	[handwritten notes]	1	N.D.	P5;
014	Draft	Predecisional Draft	10	04/16/2014	P5;
015	Draft	For Principals' Discussion: Approaches to Intelligence & Law Enforcement Issues	1	N.D.	P5;

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016	Report	Areas of law where the advent of big data could raise particular legal questions	3	N.D.	P5;
017	Email	Thoughts on Big Data in DoD - To: James A Winnefeld, Jr - From: Christopher Kirchhoff	2	06/06/2013	P5;
018	Memorandum	Proposed New Anti-Human Trafficking Project - From: Todd Park, et al.	3	03/2014	P5;
019	Outline	White House Study on Big Data, Short Outline v 3	2	N.D.	P5;
020	Outline	White House Study on Big Data, Short Outline v 4, As of: 3/25/2014 9:20 AM	1	03/25/2014	P5;
025	List	Big Data RFI Index	2	N.D.	P6/b6;

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028	Memorandum	Update on Big Data & Privacy Working Group - To: POTUS - From: John D. Podesta, et al.	4	03/20/2014	P5;
030	Email	WHBDWG: Civil Rights Groups, Roosevelt Room - To: Christopher Kirchhoff - From: Christopher Kirchhoff	2	03/26/2014	P5; P6/b6;
031	Outline	Big Data Working Group, Principals' Discussion on Report and Future Work	3	N.D.	P5;
032	Draft	Benefits of Free Use Services & Targeted Advertising	8	04/10/2014	P5;
033	Email	RE: DRAFT keynote outline+RD - To: R. David Edelman - From: Christopher Kirchhoff	2	03/27/2014	P5;
036	Outline	Key Passages in Big Data Report for Principal Review	1	04/22/2014	P5;

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037	Email	RE: What parts should go to which parts of the interagency - To: Christopher Kirchhoff, et al. - From: Nicole Wong	2	04/23/2014	P5;
038	Outline	Interl: Questions for PC meeting	1	N.D.	P5;
039	List	WHBDWG: Emerging Policy Arguments	1	N.D.	P5;
040	Outline	Key Passages in Big Data Report for Principal Review	1	04/22/2014	P5;
041	Draft	Proposed Language on the Administration's Call for ECPA Reform	2	N.D.	P5;
043	Report	Big Data and Privacy: A Review	86	04/2014	P5;

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044	Email	RE: Report - To: Theodore A. Chiodo - From: Christopher Kirchhoff	4	04/30/2014	P5;
045	Outline	Rollout Plan: Release of Big Data Report	6	05/01/2014	P5;
046	Report	Big Data and Privacy: A Review	86	04/2014	P5;
047	Note	[notes]	4	N.D.	P5;
048	Schedule	Big Data Report, Production Schedule, V6 4/22/2014 1:31 PM	2	04/22/2014	P5;
049	Outline	White House Study on Big Data, Long Outline v12, As of: 4/22/2014 10:43 AM	6	04/22/2014	P5;

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050	Draft	Chapter 1: Big Data and the Individual	66	N.D.	P5;
051	Draft	Preface	64	N.D.	P5;
052	Schedule	Notional Block	4	04/2014	P6/b6;
053	Draft	White House Study on Big Data Kirchhoff -- Rough Personal Notes by Chapter	56	04/09/2014	P5;
054	Draft	BDP Outline & Early Text-V4.1	40	04/04/2014	P5;

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Chad Millison

1150276

FG006-03

**Executive Office of The President
Barcode Scanning Sheet**



Collection Code: **CTRACK**

Staff Name:

Document Date:

Correspondent: **CHRISTOPHER KIRCHHOFF**

Subject/Description: **CHRISTOPHER KIRCHHOFF FILES; MATERIAL IS FROM BOX OVERSIZE ATTACHMENT # 5250 NARA # 4528; FILE SCANNED AND FILED IN ORIGINAL BOX BY FOLDERS; THE FOLDER FOR THIS CASE IS: FOLDER "WHBDWG" - MISCELLANEOUS WORKING FILES FROM THE WHITE HOUSE BIG DATA WORKING GROUP**

Withdrawal Marker

Obama Presidential Library

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Memorandum	Meeting with Healthcare Big Data Organizations - To: John Podesta - From: R. David Edelman	11	04/02/2014	P5;

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OA Num.:

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FOIA IDs and Segments:

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NARA Num.:

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Kirchhoff, Christopher

From: Edelman, R. David
Sent: Thursday, March 20, 2014 10:48 AM
To: Kirchhoff, Christopher; Wong, Nicole
Subject: BDWG DHS Backgrounder

SUBJECT: MEETING WITH DHS PRIVACY AND INTELLIGENCE OFFICIALS

On **Thursday, March 20 at 3:00 p.m. – 4:30 p.m.** you are scheduled to meet in-person with senior privacy, intelligence, information, and technology officers from the Department of Homeland Security.

REPRESENTED DHS OFFICES

Customs and Border Protection

With more than 60,000 employees, Customs and Border Protection (CBP) is one of the world's largest law enforcement organizations and is charged with keeping terrorists and their weapons out of the U.S. while facilitating lawful international travel and trade. As the world's first full-service border entity, CBP takes a comprehensive approach to border management and control, combining customs, immigration, border security, and agricultural protection into one coordinated and supportive activity. Before CBP, security, compliance and facilitation of international travel and trade were conducted by multiple organizations. The consolidation of these roles and responsibilities allowed CBP to develop seamless security procedures while ensuring compliance with the nation's immigration, health, and international trade laws and regulations.

Information Sharing Environment Office

The Information Sharing Environment Office (ISE) provides analysts, operators, and investigators with integrated and synthesized terrorism, weapons of mass destruction, and homeland security information needed to enhance national security and help keep Americans safe. The ISE cannot be built or succeed without standards-based innovation. Innovation will result in faster delivery of more cost effective solutions; greater agility in the face of evolving threats through reuse and the ability to identify new requirements and form dynamic networks across mission partners; and the ability to reduce redundancy and unnecessary complexity that drives costs, slows progress, and only aids those that would do us harm.

Office of Intelligence and Analysis

Under the direction of the Under Secretary of Homeland Security for Intelligence and Analysis, the Office of Intelligence and Analysis (I&A) is responsible for developing DHS-wide intelligence through managing the collection, analysis and fusion of intelligence throughout the entire Department. I&A disseminates intelligence throughout DHS, to the other members of the United States Intelligence Community, and to first responders at the state, local, and tribal level.

Office of Operations Coordination

The Office of Operations Coordination and Planning (OPS) is a component of the headquarters of the United States Department of Homeland Security. OPS' mission is to provide decision support and enable the Secretary's execution of responsibilities across the homeland security enterprise by promoting situational awareness and information sharing, integrating and synchronizing strategic operations and planning, and

administering the DHS continuity program. Primarily through the National Operations Center, the Office is a key touchpoint for coordinating operational issues with federal, state, tribal, local governments Homeland Security Advisors, law enforcement partners, and private sector critical infrastructure operators, and international partners. In accordance with Homeland Security Presidential Directive 8 (Annex I), OPS is facilitating a Federal interagency planning effort to address various national contingencies. The Office is headed by Richard M. Chávez, the Director for Operations Coordination and Planning. OPS oversees the National Operations Center (NOC), which collects homeland security information, both classified and unclassified, from federal, state, territorial, tribal, local, and private sector partners as well as social media.

Privacy Office

The Department of Homeland Security Privacy Office is the first statutorily-required privacy office in any federal agency, responsible for evaluating Department programs, systems, and initiatives for potential privacy impacts, and providing mitigation strategies to reduce the privacy impact. The mission of the Privacy Office is to protect all individuals by embedding and enforcing privacy protections and transparency in all DHS activities. The Privacy Office works with every component and program to ensure that privacy considerations are addressed when planning or updating any program, system or initiative. It strives to ensure that technologies used at the Department sustain, and do not erode, privacy protections. It uses the DHS Fair Information Practice Principles (FIPPs) as the policy framework to enhance privacy protections by assessing the nature and purpose for all personally identifiable information (PII) collected to fulfill the Department's mission.

ATTENDEE BIOGRAPHIES

KAREN NEUMAN

Chief Privacy Officer, DHS



Ms. Neuman was appointed Chief Privacy Officer and Chief Freedom of Information Act (FOIA) Officer by Department of Homeland Security Acting Secretary Beers in October 2013. Created by Congress in 2002, the Department's Privacy Office is the first statutorily mandated privacy office in any federal agency, whose mission is to protect all individuals by embedding and enforcing privacy protections and transparency in all DHS activities. In her role as Chief Privacy Officer,

Ms. Neuman is responsible for evaluating department-wide programs, systems, technologies and rule-makings for potential privacy impacts, and for providing mitigation strategies to reduce any privacy impact. She and her staff have extensive expertise in privacy laws, both domestic and international, that help inform privacy policy development both within the Department, and in collaboration with the rest of the federal government. Her office also advises senior leadership to ensure that privacy protections are implemented throughout the Department.

Ms. Neuman also serves as the Department's Chief FOIA Officer; her office centralizes both FOIA and Privacy Act operations to provide policy and programmatic oversight and support implementation across the Department. Prior to joining the Department, Ms. Neuman was a founding partner with the law firm of St. Ledger-Roty, Neuman and Olson, LLP, where she specialized in privacy and data protection law, advising a wide range of businesses about U.S and European privacy legal frameworks and industry self-regulating programs. In addition to conducting privacy assessments and system audits, Ms. Neuman helped clients create and implement policies and procedures for employee data handling, incident response, and cross-border transfers. She is an expert in children's online privacy protection and geo-location privacy, as well as federal education privacy. She is a frequent author and speaker on privacy issues. She is a member of the International Association of Privacy Professionals and the Privacy & Data Security Committee of the Federal Communications Bar Association. As Chief Privacy Officer, she co-chairs the Information Sharing Environment Privacy Guidelines Committee. Ms. Neuman obtained her law degree from the Antioch School of Law and her Bachelor of Arts from The University of California, Santa Cruz.

THOMAS BUSH

Director, Analysis and Targeting, Office of Intelligence & Operations Coordination, DHS



Thomas Bush is the Director of Analysis and Targeting for the Customs and Border Protection (CBP) Office of Intelligence and Operations Coordination. Mr. Bush and his staff are responsible for assessing and reporting the threats that U.S. CBP faces through research, evaluation, and dissemination of trend analyses, intelligence alerts, and assessments. Additionally, Mr. Bush's team develops and evaluates intelligence-based targeting rules, Intelligence Driven Special Operations, and advanced analytic technologies.

Mr. Bush began his career as a program analyst for the Department of Defense Strategic Defense Initiative, and entered the U.S. Customs Service in 1994. During his tenure with legacy Customs and CBP, Mr. Bush served as a program analyst for the Office of Field Operations, the Director of Analytical Development for the Office of Strategic Trade, and Director of the Targeting and Analysis Systems Program Office in the Office of Information and Technology. In 2006, Mr. Bush joined the Office of Anti-Terrorism, where he acted as Executive Director prior to the establishment of the Office of Intelligence and Operations Coordination on 1 October 2007. Mr. Bush holds a Bachelor of Arts Degree from Elon University in Elon, North Carolina. His numerous honors include the 1998 Commissioner's Unit Citation Award, the 2003 Commissioner's Annual Award for Innovation, 2008 Commissioner's Annual Award for Hurricane Recovery and the 2008 Secretary's Award for Excellence.

DONNA ROY

Executive Director, Information Sharing Environment Office, OCIO, DHS



Donna Roy is the Executive Director of DHS's Information Sharing Environment Office and the Program Director for DHS's Homeland Security Information Network and the National Information Exchange Model. Ms. Roy is a national leader in information sharing and access, specializing in cultivating innovation across complex organizations and leading communities of action. Ms. Roy joined the DHS in December of 2006 and current serves as the CIO's Executive for Information

Sharing, leading the technical deployment of an Information Sharing Environment (ISE) for the homeland security enterprise. Under her leadership are the award-winning program management offices for the Homeland Security Information Network (HSIN), the National Information Exchange Model (NIEM) and the Identity Credential and Access Management (ICAM). As the CIO's executive for information sharing, she is focused on removing technology barriers associated with the delivery of the information sharing environment by building trusted and interoperable systems at the enterprise, and ensuring alignment other systems to the Homeland Security Enterprise information interoperability architectures.

She drives DHS technical policy development and coordination with the White House National Security Staff and the Program Manager for the Information Sharing Environment. Recognition and Awards: In 2008, Donna received the DHS Secretary's award for Leadership Excellence for exemplary dedication and leadership in advancing the data management practices in order to institutionalize information sharing. She has been selected for 2009's Federal Computer Week's Federal 100 award recipient for advancing data management and information sharing. The NIEM program, under her leadership, has been the recipient of the ACT-IAC Intergovernmental Solutions Award for 2009. Ms. Roy was the recipient of the Federal CIO Councils Leadership Excellence Award for 2010. She was selected again in 2012 for Federal Computer Week's Federal 100 award for leadership in information sharing. The HSIN program was selected in 2013 by Government Computer News for an IT Achievement award.

G. CLARK SMITH

Director, Chief Information Officer, Intelligence and Analysis, DHS

Dr. G. Clark Smith assumed the position Chief Information Officer and Director, Knowledge Management Division within the Office of Intelligence and Analysis, Department of Homeland Security in February 2012. As I&A's CIO, Dr. Smith has four primary goals: 1) to support the collection, analysis and sharing of information to meet DHS's missions; 2) to procure, create and deliver IT solutions for a unified DHS Intel Enterprise; 3) to provide world class security of our information; and 4) to dramatically improve customer satisfaction with information technology. Cutting through all of these is the goal of building and maintaining a professional IT organization in the areas of program management, engineering, information assurance and operations & maintenance. I&A CIO Smith and the DHS CIO jointly bring a One DHS approach to classified IT at DHS. Dr. Smith previously served as the Director of Information Sharing and Intelligence Enterprise Management for the Office of Intelligence and Analysis. Prior to coming to DHS, Dr. Smith served as the Executive for Programs and Technology in the Office of the Program Manager, Information Sharing Environment (PM-ISE) December 2005 from September 2010. At PM-ISE, Dr. Smith led the development of the technology architecture that underpins the national Information Sharing Environment and led the development of common information sharing standards. In January 2011 Dr. Smith was awarded the DNI's National Intelligence Exceptional Achievement Medal for his work on Information Sharing.

Dr. Smith has held a number of positions on public and private organizations. From January 2004 to December 2005, he was a Senior Information Technology Specialist in the Office of the CIO at the US Department of Justice. In this role, Dr. Smith developed and implemented DOJ's Law Enforcement Information Sharing Program (LEISP) Strategy and One DOJ vision for unified sharing policy, operations, services and technology. From January of 2000 through October of 2003, he held a variety of positions of ascending authority and responsibility for the National Association of Child Care Resource and Referral Agencies (NACCRRRA), including Chief Technology Officer, Chief Information Officer and Deputy Director. Dr. Smith was recognized by President Bush as the "Points of Light" for March 8, 2001. Dr. Smith has also held positions with Duke University, NASA's Langley Research Center and Barron Associates. Dr. Smith completed his undergraduate work at Rensselaer Polytechnic Institute, gained his master's degree at Virginia Tech, and earned his doctorate in adaptive systems from Duke University.

KELLIE RILEY

Senior Director, Privacy Policy, Advocacy, and Training, DHS

Kellie Cosgrove Riley joined the Department of Homeland Security in 2011 as an Attorney Advisor in the Legal Counsel Division of the Office of the General Counsel, in which role she was embedded in the Privacy Office and provided legal advice and expertise regarding the Privacy Act, E-Government Act, and other privacy-related legal issues. Ms. Riley assumed the role of Senior Director of Privacy Policy, Advocacy, and Training in September of 2013.

Prior to joining DHS, Ms. Riley worked for several years at the Federal Trade Commission, where she was a Senior Attorney with expertise in such privacy-related issues as the Gramm-Leach-Bliley Financial Privacy Rule, the Fair Credit Reporting Act, and the FTC Act. She also served as the Vice Chair of the FTC's Privacy Steering Committee, the body responsible for the FTC's internal privacy policy development and compliance, and as Acting Chief Privacy Officer. Before beginning her government service, Ms. Riley was an associate with the Washington, D.C. law firm Howrey & Simon and clerked for the Honorable James A. Wynn, Jr. on the North Carolina Court of Appeals. She received her B.A. summa cum laude from Fairfield University and her J.D. with honors from the University of North Carolina at Chapel Hill.

THE WHITE HOUSE

April 23, 2014

MEMORANDUM

FROM: DIPAYAN GHOSH

SUBJECT: MEETING WITH UREVEAL EXECUTIVE TEAM

On **Wednesday, April 23, 2014 from 1:00 p.m. – 1:45 p.m.** we will be briefed by uReveal's executive team on the company's data warehousing technology solution and on their work with the Recovery and Accountability Transparency Board. Background on the organization and the individuals who will attend is included below.

UREVEAL

uReveal's technology and data warehousing solutions allow clients to manage their data without the need for complex manipulation and duplication. Unstructured data often holds valuable information and insight. Users are typically dependent on complex and cost-prohibitive processes in order to analyze this data. uReveal states that it simplifies this cost by eliminating the need to manipulate and process information and instead directly empowering the user to manage and explore the data freely and intuitively. More specifically, uReveal's technology solution streamlines the extract, transform, and load (ETL) process through which data is (1) extracted from outside sources; (2) transformed to fit operational needs; and (3) loaded into the end target, usually a database. ETL systems integrate data from multiple applications, typically developed and supported by different vendors.

uReveal's software has been used by the Recovery Accountability and Transparency Board, a federal agency created by Executive Order in June 2011 that oversees spending under the American Recovery and Reinvestment Act. The board notes that uReveal software proved very useful in helping search structured and unstructured text to identify common data attributes.

ATTENDEE BIOGRAPHIES

Charles Bucky Clarkson

Chairman and CEO, uReveal



Charles Clarkson is responsible for the overall vision and direction of uReveal. He also leads The Clarkson Group (TCG), a firm he founded in 1976. Clarkson is a successful entrepreneur with outstanding business acumen and has started many profitable businesses. He is a Director and past Chairman of North Florida's technology accelerator, Enterprise North Florida Corporation, and an investor in several high-tech companies. Clarkson graduated from Princeton University and George Washington University Law School.

Rengaswamy Mohan

Co-Chairman and CTO, uReveal



Mr. Rem Mohan is the founder and inventor of uReveal and uReka. He has extensive experience in the arena of business intelligence from various positions with Fortune 500 companies, including Bank of America, Johnson Controls, and Deloitte & Touche. He has a track record of creating innovative software solutions. Mohan was ranked 2nd on the entrance examination for the Indian Institute of Science (IISc) in Bangalore, India, where he received a B.S. in Computer Science and Engineering. He holds an MBA from Jacksonville University

Nancy Soderberg

Government Affairs, uReveal



Ms. Soderberg administers government affairs on behalf of uReveal. She is President and CEO of Soderberg Global Solutions, an international consulting firm. In 2011, President Barack Obama appointed Ambassador Soderberg as Chair of the Public Interest Declassification Board, an advisory committee established by Congress to promote public access to U.S. national security decisions. From July 2009 - January 2013, Ms. Soderberg served as President of Connect U.S. Fund, a Washington, D.C. based foundation that promotes responsible global engagement. From 2001-2005, Ms. Soderberg ran the New York office of the International Crisis Group as Vice President. In 1997, President Bill Clinton appointed Ms. Soderberg to serve as Alternate Representative to the United Nations as a Presidential Appointee, with the rank of Ambassador. From 1993-97, Ms. Soderberg served as the third ranking official of the National Security Council at the White House, as Deputy Assistant to the President for National Security Affairs. Prior to serving at the White House, Ms. Soderberg served as the Foreign Policy Director for the Clinton/Gore 1992 Campaign and worked as the Senior Foreign Policy Advisor to Senator Edward M. Kennedy.

Kirchhoff, Christopher

From: Edelman, R. David
Sent: Wednesday, April 09, 2014 9:39 AM
To: 'ShannonTA@state.gov'; 'LStrickling@ntia.doc.gov'; 'Collaso-Talbert, Judith'; 'John Morris'; Maltby, Jeremy; Poneman, Dan; 'kburman@doc.gov'; 'jantonipillai@doc.gov'; 'Andrews, Bruce'; 'Goodman, Jared E'; Wagner-Oveson, Lindsey; 'beroEY@state.gov'; Plooster, Annelise; Blumenthal, Marjory; Daniel, J. Michael; Edelman, R. David; Wong, Nicole; Kirchhoff, Christopher; Costa, Kristina; Sepp, Eryn; Kusnezov, Dimitri (Dimitri.Kusnezov@nnsa.doe.gov)
Cc: FN-WHO-NEC_Policy
Subject: [BDWG] Bonus Briefing Friday, 2pm (Privacy Academics)
Attachments: Blank WAVES form new.xls

Dear Colleagues,

On **Friday, April 11 at 2:00pm the staff of the Big Data Working Group will be hosting a briefing by leading privacy academics** in EEOB 210/212. This group, biographies and photos below, will be coming in to discuss their recent work and participate in an open discussion on the citizen and privacy. We hope that these selected academics will shed light on how current practices in the collection and processing of data affect individual privacy, and that the discussion can contribute to the Big Data Working Group's understanding of privacy.

If you can make it, please RSVP to Dipayan Ghosh, (NEC_Policy@who.eop.gov). He will have WAVES from the usual attendees, but will need any not otherwise regularly attending these meetings.

ALESSANDRO ACQUISTI
Professor, Carnegie Mellon University



Alessandro Acquisti is an Associate Professor of Information Technology and Public Policy at the Heinz College, Carnegie Mellon University, a member of Carnegie Mellon Cylab, and a fellow of the Ponemon Institute. His work investigates the economic and social impact of IT, and in particular the economics and behavioral economics of privacy and information security, as well as privacy in online social networks. His research in these areas has been disseminated through journals; edited books; book chapters; leading international conferences; and international keynotes. His findings have been featured in media outlets such as NPR, NBC, MSNBC.com, the Washington Post, the New York Times, the Wall Street Journal, the New Scientist, CNN, Fox News, and Bloomberg TV.

Prior to joining CMU Faculty, Alessandro Acquisti researched at the Xerox PARC labs in Palo Alto, CA, with Bernardo Huberman and at RIACS, NASA Ames Research Center, in Mountain View, CA, with Maarten Sierhuis and Bill Clancey. At RIACS, he worked on agent-based simulations of human-robot interaction onboard the International Space Station. While studying at Berkeley, he co-founded with other fellow students a privacy technology company, PGuardian Technologies. Alessandro has lived and studied in Rome (Laurea, Economics, University of Rome), Dublin (M.Litt., Economics, Trinity College), London (M.Sc., Econometrics and Mathematical Economics, LSE), and in the San Francisco bay area, where he worked with John Chuang, Doug Tygar, Florian Zettlemeyer, and Hal Varian and received a Master and a Ph.D. in Information Management and Systems from the University of California at Berkeley.

BENJAMIN EDELMAN
Professor, Harvard University



Ben is an associate professor at the Harvard Business School in the Negotiation, Organizations & Markets unit. Ben's current research explores the public and private forces shaping Internet architecture and business opportunities. He has written about the implications of growing market concentration in Internet search and resulting risks for advertisers. Ben's recent online privacy investigations uncovered a series of privacy violations including Google Toolbar continuing to track user browsing even after users "disable" the toolbar, as well as Facebook revealing users' names and details to advertisers. Ben's work includes devising policies and institutions to mitigate the worst effects of scarcity of IPv4 addresses, the numeric identifiers most computers currently use to connect to the Internet. Ben's empirical analyses uncovered the extent of expired domain names subsequently used for pornography and registered with intentionally inaccurate WHOIS data.

As a Student Fellow at the Berkman Center for Internet & Society, Ben analyzed the formative documents and activities of ICANN, ran Berkman Center webcasts, and developed software tools for real-time use in meetings, classes, and special events. He oversaw ICANN Public Meeting webcasts and operated the technology used at ICANN's first twelve quarterly meetings. Ben's consulting practice focuses on preventing and detecting online fraud (especially advertising fraud). Representative clients include the ACLU, AOL, the City of Los Angeles, the National Association of Broadcasters, Microsoft, the National Football League, the New York Times, Universal Music Group, the Washington Post, and Wells Fargo. Ben holds a Ph.D. from the Department of Economics at Harvard University, a J.D. from the Harvard Law School, an A.M. in Statistics from the Harvard Graduate School of Arts and Sciences, and an A.B. in Economics from Harvard College (summa cum laude).

EDWARD FELTEN

Professor, Princeton University



Edward Felten is a professor of computer science and public affairs at Princeton University. Professor Felten's research interests include computer security and privacy, and public policy issues relating to information technology. Specific topics include software security, Internet security, electronic voting, cybersecurity policy, technology for government transparency, network neutrality and Internet policy. On November 4, 2010, he was named the Chief Technologist for the United States Federal Trade Commission, a position he officially assumed January 3, 2011.

Felten has done a variety of computer security research, including groundbreaking work on proof-carrying authentication and work on security related to the Java programming language, but he is perhaps best known for his paper on the Secure Digital Music Initiative (SDMI) challenge. He is Director of Princeton's Center for Information Technology Policy (CITP), a cross-disciplinary effort studying digital technologies in public life. CITP has seventeen affiliated faculty members and maintains a diverse research program and events schedule. He often writes about technology and policy at Freedom to Tinker.

ABHI SHELAT

Professor, University of Virginia



Abhi Shelat completed his A.B. at Harvard, worked for two years, and then earned a Ph.D. at MIT in 2005 under Professor Silvio Micali. He then worked at the IBM Zurich Research Lab as a Research Staff Member until 2007 when he joined the UVA Department of Computer Science as an Assistant Professor. He was awarded the NSF CAREER award in 2009, the FEST award in 2010, and the Microsoft Research Faculty Fellowship in 2010.

Shelat's research focuses on the modern study of cryptography. He investigates techniques for facilitating interactions between distrustful entities (e.g., automated tellers, wireless networks, internet banking, satellite radio/TV, etc). He emphasizes rigorous methods in combination with precise yet practical definitions and assumptions. Recent works considers topics such as exploiting imperfect reference strings, efficient access to untrusted shared memory, adaptive oblivious transfer, obfuscation, non-interactive and fair zero-knowledge proofs, collusion-free protocols, digital fingerprinting, and data compression.

AVI SILBERSCHATZ

Professor, Yale University



Avi Silberschatz is the Sidney J. Weinberg Professor of Computer Science at Yale University. He was the chair of the Computer Science department at Yale from 2005 to 2011. Prior to joining Yale, he was the Vice President of the Information Sciences Research Center at Bell Laboratories, Murray Hill, New Jersey. Prior to that, he held a chaired professorship in the Department of Computer Sciences at the University of Texas at Austin. His research interests include database systems, operating systems, storage systems, and network management. Professor Silberschatz is a Fellow of ACM, a Fellow of IEEE, a Fellow of AAAS, and a member of the Connecticut Academy of Science and Engineering. He received the 2002 IEEE Taylor L. Booth Education Award, the 1998 ACM Karl V. Karlstrom Outstanding Educator Award, and the 1997 ACM SIGMOD Contribution Award. In recognition for his outstanding level of innovation and technical excellence, Silberschatz was awarded the Bell Laboratories President's Award, in 1998 (QTM Project), 1999 (DataBlitz Project), and 2004 (NetInventory Project).

Professor Silberschatz is currently involved in a number of research projects dealing with database systems, networking, and privacy. His writings have appeared in numerous ACM and IEEE publications and in other professional conferences and journals. He obtained over four dozen patents and over two dozen grants. Professor Silberschatz has written editorials dealing technology and policy issues, which have appeared in publications including The New York Times, Boston Globe, Hartford Courant, and Industry Standard.

CATHERINE TUCKER

Professor, Massachusetts Institute of Technology



Catherine Tucker is the Mark Hyman Jr. Career Development Professor and Associate Professor of Marketing at MIT Sloan. Her research interests lie in how technology allows firms to use digital data to improve their operations and marketing and in the challenges this poses for regulations designed to promote innovation. She has particular expertise in online advertising, digital health, social media and electronic privacy. Dr. Tucker's research lies in the interface between Marketing, Economics and Law. She has received an NSF CAREER award for her work on digital privacy and a Garfield Award for her work on electronic medical records.

Dr. Tucker is Associate Editor at Management Science, Co-Editor at Quantitative Marketing and Economics and a Research Associate at the National Bureau of Economic Research. She teaches MIT Sloan's course on Pricing and the EMBA course Marketing Management

for the Senior Executive. She has received the Jamieson Prize for Excellence in Teaching as well as being voted "Teacher of the Year" at MIT Sloan. She holds a PhD in economics from Stanford University, and a BA from Oxford University.

STEPHEN WICKER

Professor, Cornell University



Stephen B. Wicker is a Professor of Electrical and Computer Engineering at Cornell University. He teaches and conducts research in wireless information networks, cellular networks, packet-switched computer networks, and digital telephony. He currently focuses on the interface between information networking technology, law, and sociology, with a particular emphasis on how design choices and regulation can infringe the privacy and speech rights of users. Professor Wicker's most recent book, *Cellular Convergence and the Death of Privacy*, was published by Oxford University Press in September 2013. Professor Wicker is also the author of *Codes, Graphs, and Iterative Decoding* (Kluwer, 2002), *Turbo Coding* (Kluwer, 1999), *Error Control Systems for Digital Communication and Storage* (Prentice Hall, 1995) and *Reed-Solomon Codes and Their Applications* (IEEE Press, 1994). He has served as Associate Editor for Coding Theory and Techniques for the IEEE Transactions on Communications, and as Associate Editor for Transactions on Sensor Networks. He has served two terms as a member of the Board of Governors of the IEEE Information

Professor Wicker was awarded the Cornell College of Engineering Teaching Award in 1998, 2009, and 2012. He was also awarded the 2000 Cornell School of Electrical and Computer Engineering Teaching Award. Professor Wicker is the Cornell Principal Investigator for the TRUST Science and Technology Center - a National Science Foundation center dedicated to the development of technologies for securing the nation's critical infrastructure. In 2011 he was made a Fellow of the IEEE for "contributions to wireless information systems."

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R. David Edelman

Senior Advisor for Internet, Innovation, and Privacy
direct: (202) 456-7821 | topline: (202) 456-6010

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Meeting with Data Services Companies - To: John Podesta - From: R. David Edelman	15	04/15/2014	P5;

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COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

1150276

FRC ID:

8488

OA Num.:

8076

NARA Num.:

7318

FOIA IDs and Segments:

22-16595-F

22-17709-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal Marker

Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	President's Council of Advisors of Science and Technology Meeting - To: POTUS - From: John P. Holdren	10	04/2014	P5;

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Kirchhoff, Christopher

From: Wong, Nicole
Sent: Friday, April 18, 2014 5:48 PM
To: DL-WHO-BIGDATA-CORE
Subject: FW: Street Bump Update

Street Bump, which I believe John mentioned in his Berkeley keynote.

-----Original Message-----

From: Forde, Brian
Sent: Friday, April 18, 2014 5:47 PM
To: DL-OSTP-CTO
Cc: Kalil, Thomas A.; Rand, Doug; Dorgelo, Cristin; DeLoura, Mark
Subject: Street Bump Update

Informative update below as we often cite Street Bump as a great civic app and Crowdsourcing effort!

James Solomon <james.slater.solomon@gmail.com> Apr 17 12:15PM -0700

Hi All,

As the former project manager for Street Bump (I left Boston for Jersey City a few weeks ago), I'm happy to provide you all with an update. Lots of exciting news to report.

Street Bump has been successfully deployed in Boston to develop an overall picture of roadway quality. It revealed--contrary to initial opinions--that castings (e.g. manholes) were the biggest cause of bumpy roads in Boston. There are over 300,000 castings in Boston, which is almost one for every two Bostonians. Based on that finding, the City partnered with utility companies to launch a repair campaign, with over 1,000 additional castings repaired during last year's construction season.
(<http://www.bostonglobe.com/metro/2012/12/16/pothole/2iNCJ05M15vmr4aGHACNgP/story.html>).

Initial analyses of Street Bump's data revealed the app successfully detects an array of roadway defects while keeping false positives under 10%. It did not, however, distinguish between bumps that are road problems needing an urgent fix (e.g. potholes) and bumpy roads or train tracks that require longer-term capital investments to smooth. To be an operational tool for our Public Works Department, the app must be able separate out a pothole or sunk casting from a bumpy stretch of road. To accomplish that goal, New Urban Mechanics established partnerships with machine learning experts at Boston University and Northeastern University. Their initial experiments yielded extraordinarily positive results. They are continuing to refine their algorithms, and the City plans to open source the app this year.

We implemented many of the suggestions above. Specifically, we are extremely concerned with the potential for Smartphone apps to shift services to wealthier, younger, more-tech enabled communities. Therefore, StreetBump has been deployed in City vehicles, such as Waste Reduction and Utility Construction inspectors, who travel every road in the City.

-James

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Preliminary Metadata Findings and Recommendations	2	N.D.	P5;

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Materials for Principals Meeting on the Review Group Recommendation 14 - To: John Kerry, et al.	27	04/21/2014	P5;

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COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

1150276

FRC ID:

8488

OA Num.:

8076

NARA Num.:

7318

FOIA IDs and Segments:

22-16595-F

22-17709-F

RESTRICTION CODES

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Principals Meeting: Big Data Working Group Report	6	04/22/2014	P5;

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SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

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Withdrawal Marker

Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	can you both make a 10am huddle? - To: Nicole Wong, et al. - From: Christopher Kirchhoff	1	04/17/2014	P5;

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Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Post-it	[handwritten notes]	1	N.D.	P5;

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SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

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RESTRICTION CODES

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Predecisional Draft	10	04/16/2014	P5;

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COLLECTION:

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SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

1150276

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RESTRICTION CODES

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	For Principals' Discussion: Approaches to Intelligence & Law Enforcement Issues	1	N.D.	P5;

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Areas of law where the advent of big data could raise particular legal questions	3	N.D.	P5;

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SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Thoughts on Big Data in DoD - To: James A Winnefeld, Jr - From: Christopher Kirchhoff	2	06/06/2013	P5;

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SERIES:

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Proposed New Anti-Human Trafficking Project - From: Todd Park, et al.	3	03/2014	P5;

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Subject Files - FG006-03 (Chief of Staff)

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	White House Study on Big Data, Short Outline v 3	2	N.D.	P5;

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SERIES:

Subject Files - FG006-03 (Chief of Staff)

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	White House Study on Big Data, Short Outline v 4, As of: 3/25/2014 9:20 AM	1	03/25/2014	P5;

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- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Agenda

9:00-9:15	Welcome	Dean Annalee Saxenian, School of Information UC Berkeley Nicole Wong, Deputy Chief Technology Officer, OSTP
9:15-10:45	Panel I Amalia Deloney, Center for Media Justice Nicole Ozer, Northern California ACLU Fred Cate, University of Indiana Kenneth A. Bamberger, UC Berkeley School of Law	Values at stake, Values in tension: privacy and beyond Moderator: Deirdre K. Mulligan, School of Information UC Berkeley

The workshop announcement teed up values:

- (1) A variety of privacy-related values, including control over both personal information and physical being, and autonomy in decision-making;
- (2) Anti-discrimination values, including concerns about preserving fairness in an economic and political environment shaped by the growing technological capabilities to store and analyze data; and
- (3) Concerns about democratic values, accountability, and social cohesion where data-driven “personalization” fosters in an increasingly fragmented society.

A key goal is to move beyond—not skip over, just broaden—discussions focused on consent at collection based on individualized concepts of privacy risk and privacy protection. The MIT workshop noted the need for privacy concepts to be defined.

Reflecting on the MIT Workshop Danny Weitzner noted

“Through the workshop a variety of implicit and explicit definitions of privacy were used.

- *Some defined privacy as synonymous with secrecy and complete confidentiality – that as soon as personal information is available to anyone else, privacy is lost.*
- *Other technical approaches suggested that privacy is properly understood as the ability to control how personal information is disclosed and/or used.*
- *Finally, privacy was understood by some as a question of whether personal data is used in a manner that harms the individual.*

*...there was widespread agreement amongst the presenters that both citizens and those who seek to make large-scale use of personal data are all in need of **more clear definitions of privacy**, whether that is a single right or a more complex bundle of laws, institutional procedures and social norms.”*

Certainly setting up the limitations of consent-heavy models given the ubiquity of sensors and networks generating and collecting data is part of the conversation.

Also hope we can talk about privacy as autonomous decision making:

- are there areas (life stages, sectors, events, particular decisions ?how to slice this?) where we might have special concerns about the powerful ways data—often other peoples—can be used to shape individual experiences/choices? (some relevant areas of law/inquiry might include, Constitutional autonomous decision-making line of cases; AG action from long ago about prescription steering; Sorrell case; Ryan Calo’s article on Undue Influence; Kate Crawford and Jason Schultz’s article on Big Data and Due Process; FCRA)

Also spatial notions of privacy that might be relevant:

- Cars, homes are being wired bringing activities many conceive of as private into third-party hands, sometimes into public view. Mobile devices bleed across spheres of public and private life. Are there

particular risks posed by this blurring and exposure? Particular areas in need of protection? (the smartgrid work seems quite useful here as a case study, 4th a law about homes, cars, emanations, enhancing v. augmenting human sensing capabilities, Jones of course, all in play)

Equality and fairness have been submerged in the privacy debate, and are just beginning to emerge on their own. The Civil Rights Principles for Big Data do a nice job of teeing many of them up.

- What are the risks posed by big data fueling decision making across a variety of govt and private sector activities? Risks posed by skewed pools of data that under or over represent certain groups? decisions skewed by ideas of “normal” behavior predicated on data that was skewed? As data is used in routine low value transactions to personalize options/ads/prices are there areas where consumer protection issues come into play? (areas of law civil rights act, fair lending, fair housing, EPC, FTC, state UDAP)
- Do big-data driven marketing and decision-making pose particular risks to financially vulnerable individuals (elderly, unemployed, enlisted military etc.)?
- What concerns arise if data is collected for use in big-data marketing but then used to support other applications?

Impact of segmentation on democracy: Cass Sunstein’s republic.com and Eli Pariser’s Filter Bubbles set these concerns up. Recent work looking at the use of big data in campaigns (see Colin Bennett’s paper) reveal the extent to which data is used to shape messaging.

- What are the concerns here? Does society have a stake in non-personalized media? Are there contexts in which it might?

Governance

The relationship between big data and governance is complex. Big data can assist in compliance and enforcement, as well as strategic planning, but only if relevant actors have access to data and the tools and skills to use it. What will regulators need to access to effectively judge compliance? How does big data later the skills required for oversight and compliance?

10:45-11:15	Break	
11:15-12:30	Panel II Barbara Koenig, University of California, San Francisco Deven McGraw, Center for Democracy & Technology Scott Young, Kaiser Permanente Zachary Pardos, UC Berkeley School of Information	Deep dive on new opportunities and challenges in health and education Moderator: Paul Ohm, University of Colorado Law School

Deep dive on new challenges; a deeper dive on several of the well-documented challenges that are poorly addressed by the current policy framework (consent, inferences, prediction, duties arising from new insight)

The surprising implications of yours and other peoples’ data

The data disclosed by members of an individual’s social graph can be used to predict attributes about an individual that they have withheld. Genetic information has this same trait but greater predictive power. This poses a conundrum for privacy protection, in that individuals are provided control over their own data, leaving other individuals free to disclose what they like about themselves. WRT genetic information we’ve adopted legal protections that support privacy (individual control) and that limit the use of genetic information (a reflection in part of the risks posed by disclosures by others).

Aggregation, re-identification, and secrets in plain sight

Researchers have shown the ease with which data can be re-identified. Models of privacy protection often carve out aggregate or de-identified data from protection. Increasingly data is protected both through de-identification and rules that prohibit re-identification. How workable are these sorts of approaches? Should we be moving away from fewer disclosures using approaches grounded in differential privacy? The MIT workshop had something to say about this.

Reflecting on the MIT Workshop Danny Weitzner noted:

"Large-scale analytic techniques are unlocking socially important knowledge from personal data, including advances in health care, genomics research, transportation safety and educational effectiveness. We see evidence that in some cases, larger data sets yield otherwise unavailable knowledge. In some circumstances, researchers need unmediated access to raw data, including all personal information. In other cases, it may be possible to control access to data in a manner that sufficiently obscures personal identity while enabling researchers to extract valuable knowledge. In either case, techniques that log access to and use of personal data can help protect individuals from harmful uses of their personal data."

Rethinking obligations in light of Big Data insights

Those with access to big data and the right analytics and knowledge have access to insights that those in the data—and other stakeholders—do not. Do the data and knowledge asymmetries suggest a need for shifting duties of care? Educators and medical professionals are looking closely at this issue. Should others be as well?

12:30-1:30	Lunch	
1:30-3:00	Panel III Ari Geshner, Palantir Lee Tien, Electronic Frontier Foundation Seeta Gangadharan, New America Foundation Thejo Kote, Automatic James B. Rule, UC Berkeley	Algorithms: Transparency, Accountability, Values and Discretion Moderator: Omer Tene, International Association of Privacy Professionals

Concerns about the biases reflected in "automated data processing systems" and with the impact on human dignity of reducing individuals to prescribed data sets go back 40 years. Today, those same questions are being raised about algorithms. The concerns tend to center around the capacity of technical systems to 1) mask intentional abuse or bias; 2) embed the unacknowledged values of "technicians"; 3) skew legal/policy choices through simplification; 4) mask values through complexity.

Of course bias and values embedded in systems are a product of human decision making, and exist whether embedded in technology or not. The issue therefore might more productively be framed as one about:

Who's biases (moves to tech puts one set of actors in charge, rules/policies another)

How explicitly they are stated

How transparent are biases to others (can they be interrogated? Who can comprehend them? Is transparency sufficient?)

How easily can biases be managed ie. What sort of oversight and accountability mechanisms exist? How well do they scale? How can systems be tested? (testers in anti-discrimination law, testing wrt software and hardware)

3:00-3:30		
3:30-5:00	Roundtable Julie Brill, Federal Trade Commission Erika Rottenberg, LinkedIn Cameron Kerry, MIT Media Lab Cynthia Dwork, Microsoft Research Mitchell Stevens, Stanford Rainer Stentzel, German Federal Ministry of the Interior	Moderator: David Vladeck, Georgetown University Law School

The roundtable pulling together key regulators, privacy professionals, technologists and sociologists to reflect on

how existing legal frameworks, professions and professional standards, organizations and sectoral norms can address values and governance challenges.

Given the values and challenges articulated earlier in the day,

Where would it be profitable to use existing legal frameworks? Are there challenges to their extension? Where might we need new laws? Do we have the knowledge, research to craft good ones?

What concepts of privacy should big data oriented laws focus on? Do we have a sufficient grasp of how to protect the concepts?

What professionals are dealing with these issues within firms? Privacy professionals? Engineers? What tools are they using today? What challenges do they face? How do policy/legal/tech work together? What issues might require additional research? Are there other domain experts that might be helpful?

What needs to be done to leverage tech to address concerns with information privacy and fairness issues?

In some areas technology/research seems to be available (such as differential privacy) but adoption isn't as quick as one might hope. In other areas, fairness, perhaps we need more research? What directions should it take? What definition of fairness should guide it? How do privacy and fairness oriented solutions interact?

Where tech is adopted, it needs to be adopted appropriately. What sorts of direction could law provide to ensure sound adoption? Is there a role for technical standards orgs?

Reflecting on the MIT workshop Danny Weitzner noted

"Technology will not replace the need for laws and social norms protecting privacy, but we should expect that systems are built to perform according to privacy rules and make enforcement of those rules easier, especially as the scale of data usage increases beyond the point that manual compliance and audit can be effective. Developing the science base that enables people to be in control of their data and assure it is used accountably is a key challenge. Solutions to this challenge are feasible."

- How can institutions (public and private) evolve best practices for handling personal information and taking maximum advantage of privacy enhancing technologies?
- How can government and the private sector work together to test privacy enhancing technologies in practical contexts at large scale?
- How can government and industry work together to advance the technical state of the art in privacy research, including developments in cryptographic algorithms that allow private computation on data, differential privacy, as well as accountable systems?
- How can we support multidisciplinary research on the application of privacy enhancing computational techniques informed by legal, ethical and social science research perspectives?
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5:00-5:30

Closing Keynote

John Podesta, Counselor to the President

Big Data: Values and Governance

Hosted by the White House Office of Science and Technology Policy (OSTP), the UC Berkeley School of Information, and the Berkeley Center for Law and Technology.

Public Workshop April 1, 2014 9 am – 5:30 pm

Banato Auditorium, Sudartja Dai Hall UC Berkeley

Participant Bios

Kenneth A. Bamberger is Professor of Law at the University of California, Berkeley, and co-director of the Berkeley Center for Law and Technology. His research focuses on the involvement of a variety of institutions--public and private--in governance. In particular, he writes on government decision-making, the role of corporate compliance in public administration, and questions of technology in governance with a focus on the regulation of information privacy. He teaches courses on Administrative and Constitutional Law, the First Amendment's Speech and Religion Clauses, Technology and Governance, and Jewish Law. Bamberger has published articles on administrative law, regulation, and corporate compliance in the *NYU Law Review*, *Duke Law Journal*, *University of Chicago Law Review*, *Virginia Law Review*, and the *Yale Law Journal*. His recent article in the *Texas Law Review*, "Technologies of Compliance," considers implications of the increased use of technology and automation in regulatory compliance and risk management. With Professor Deirdre Mulligan at the UC Berkeley School of Information, Bamberger is principal investigator on a qualitative empirical study of chief privacy officers and corporate privacy practices. Articles reflecting this research have recently appeared in the *Stanford Law Review* ("Privacy on the Books and on the Ground" [2011]) and *Law and Policy* ("New Governance, Chief Privacy Officers, and the Corporate Management of Information Privacy in the United States" [2011]), and a forthcoming book will present a comparative analysis considering corporate privacy practices in the US, France, the UK, Spain and Germany. A graduate of Harvard Law School, Bamberger served as President of the *Harvard Law Review*. He clerked for Judge Amalya L. Kearsse of the U.S. Court of Appeals for the 2nd Circuit and for U.S. Supreme Court Justice David H. Souter. Between clerkships, he was a Bristow Fellow in the Office of the U.S. Solicitor General.

Julie Brill was sworn in as a Commissioner of the Federal Trade Commission April 6, 2010, to a term that expires on September 25, 2016. Since joining the Commission, Ms. Brill has worked actively on issues most affecting today's consumers, including protecting consumers' privacy, encouraging appropriate advertising substantiation, guarding consumers from financial fraud, and maintaining competition in industries involving high tech and health care.

Commissioner Brill has received numerous national awards for her work protecting consumers, including the 2014 Privacy Leadership Award from the International Association of Privacy Professionals. She has testified before Congress and published numerous articles on privacy, credit reporting, data security breaches, pharmaceuticals and tobacco. Before she became a Commissioner, Ms. Brill was the Senior Deputy Attorney General and Chief of Consumer Protection and Antitrust for the North Carolina Department of Justice, a position she held from February 2009 to April 2010. Commissioner Brill has also been a Lecturer-in-Law at Columbia University's School of Law. Prior to her move to the North Carolina Department of Justice, Commissioner Brill was an Assistant Attorney General for Consumer Protection and Antitrust for the State of Vermont for over 20 years, from 1988 to 2009. Prior to her career in law enforcement, Commissioner Brill was an associate at Paul, Weiss, Rifkind, Wharton & Garrison in New York from 1987 to 1988. She clerked for Vermont Federal District Court Judge Franklin S. Billings, Jr., from 1985 to 1986. Commissioner Brill graduated, magna cum laude, from Princeton University, and from New York University School of Law, where she had a Root-Tilden Scholarship for her commitment to public service.

Fred H. Cate is a Distinguished Professor and C. Ben Dutton Professor of Law at the [Indiana University Maurer School of Law](#) and director of the [Indiana University Center for Applied Cybersecurity Research](#) and [Center for Law, Ethics and Applied Research in Health Information](#). He specializes in privacy, security, and other information law issues, and appears regularly before Congress, government agencies, and professional and industry groups on these matters. Professor Cate is a senior policy advisor to the [Center for Information Policy Leadership](#) at Hunton & Williams LLP and a member of Microsoft's Trustworthy Computing Academic Advisory Board, the Department of Homeland Security Data Privacy and Integrity Committee Cybersecurity Subcommittee, the Department of Defense Advanced Research Projects Agency Privacy Oversight Board, the Board of Directors of The Privacy Projects, the Board of Directors of the International Foundation for Online Responsibility, and the Board of Directors of the Kinsey Institute for Research in Sex, Gender and Reproduction.

amalia deloney coordinates the media policy initiatives of the Center for Media Justice and the Media Action Grassroots Network (MAG-Net). She has over 17 years of experience in community and cultural organizing, with a specific interest in human rights, cultural rights and traditional knowledge. At CMJ, amalia uses her extensive experience for field-building, community-building, and policy advocacy. Born in Guatemala, amalia earned her B.A. in Urban Studies and History and her J.D. with a focus on Social Justice.

Cynthia Dwork, Distinguished Scientist at Microsoft Research, is renowned for placing privacy-preserving data analysis on a mathematically rigorous foundation. A cornerstone of this work is differential privacy, a strong privacy guarantee frequently permitting highly accurate data analysis. Dr. Dwork has also made seminal contributions in cryptography and distributed computing, and is a recipient

of the Edsger W. Dijkstra Prize, recognizing some of her earliest work establishing the pillars on which every fault-tolerant system has been built for decades. She is a member of the US National Academy of Engineering and a Fellow of the American Academy of Arts and Sciences.

Seeta Peña Gangadharan is a Senior Research Fellow at the New America Foundation's Open Technology Institute (OTI). Her research lies at the intersection of technology, civil society, and communication policy. She writes about the nature of digital inequalities, data and discrimination, social dynamics of technology adoption, communication rights, and media justice. She also researches the politics of communication policymaking, who's heard, and who has power in debate and decision-making. She is a former postdoctoral fellow of the Information Society Project at Yale Law School, and has a PhD from Stanford University.

Ari Geshner is a senior engineer and Engineering Ambassador at Palantir Technologies. At Palantir Technologies, Ari has split his time between working as a backend engineer on Palantir's analysis platform, thinking and writing about Palantir's vision for human-driven information data systems, and moonlighting on both Palantir's Privacy and Civil Liberties team and Philanthropic engineering team. His current role involves understanding and discussing Palantir's role in the world of analytics, big data, the future of technology, and its impact on the world. An alumnus of the University of Illinois computer science department, Ari has worked in the software industry for the past fifteen years, including a stint as the lead engineer for the SourceForge.net open source software archive. Ari often speaks on the topic of big data and the limits of automated decision-making. Recently, he's spoken at GigaOm Structure, MIT's Technology Review's EmTech Conference, Harvard Business School, the Institute for the Future's Tech Horizons Conference, multiple O'Reilly Strata Big Data Conferences, the Economist Future Technologies Summit, and PayPal's TechXploration series.

Cameron Kerry is a Visiting Scholar at the MIT Media Lab and the Sara E. and Andrew H. Tisch Distinguished Visiting Fellow at the Brookings Institution. His work there focuses on technology and innovation, especially the use of data, protection of data privacy, and flow of information across borders. He previously served as General Counsel and Acting Secretary of the U.S. Department of Commerce, where led the task force that developed the Obama Administration's privacy blueprint, Consumer Data Privacy in a Networked World and was a leader on a wide range of other issues laying a new foundation for U.S. economic growth in a global marketplace, intellectual property, trade, and global rule of law development. Prior to joining the government, he was in private law practice in Boston and Washington and taught telecommunications law as an adjunct professor at Suffolk University Law School. He lives in Boston Massachusetts.

Barbara A. Koenig, Ph.D., is Professor, Institute for Health & Aging, University of California, San Francisco. She is an anthropologist who works in the interdisciplinary field of bioethics. She helped found the Center for Biomedical Ethics at

Stanford University (and was on the faculty from 1993 through 2005); from 2005 to 2011 she created and led the Biomedical Ethics Research Program at Mayo Clinic. Koenig pioneered the use of empirical methods in the study of ethical questions in science, medicine, and health. Her current focus is emerging genomic technologies, including: biobanking, return of research results to participants, the use of whole genome sequencing in newborn screening, and using deliberative democracy to engage communities about research governance. Dr. Koenig has been continuously funded by NIH since 1991. Currently, she co-directs a "Center of Excellence in ELSI Research" at UCSF, leads an NCI ROI on return of results in genomic biobanks, and directs the ELSI component of a U19 award focused on newborn screening in an era of whole genome analysis. She has been an active participant in federal policy, including the "Secretary's Advisory Committee on Genetic Testing." Her most recent book is *Revisiting Race in a Genomic Age*. She is an elected fellow of the Hastings Center.

Thejo Kote is a founder and the Chief Executive Officer of Automatic, a technology startup working to redefine and improve people's relationship with their cars and driving. Automatic was inspired by research conducted by Thejo and his co-founder at UC Berkeley in the area of transportation and behavior change. Thejo is also a co-founder of NextDrop, a Knight News Challenge winning social enterprise which provides residents in urban India with access to accurate, timely information on the availability of intermittent piped water. He holds a Master's degree from the School of Information at the University of California, Berkeley and a bachelor's degree in Electrical Engineering from Visvesvaraya Technological University, India.

Deven McGraw is Director of the Health Privacy Project at the Center for Democracy & Technology (CDT), where she promotes policies that protect individual privacy as personal health information is shared electronically. Appointed by HHS Secretary Kathleen Sebelius to serve on the federal Health Information Technology (HIT) Policy Committee, she chairs its Privacy and Security Workgroup (called the "Tiger Team"). She serves on the Executive Committee of the Clinical Trials Transformation Initiative, the Steering Committee of the Electronic Data Methods (EDM) Forum, and is member of the Markle Foundation's Connecting for Health Steering Group, the eHealth Initiative's Leadership Council, and the IOM's Clinical Effectiveness Research Innovation Collaborative. She received her JD magna cum laude from the Georgetown University Law Center and received her Master of Public Health from Johns Hopkins University. Publications include: "Legal and Policy Challenges to Secondary Uses of Information from Electronic Clinical Health Records,"; "Paving the Regulatory Road to the Learning Health Care System,"; "A Policy and Technology Framework for Using Clinical Data to Improve Quality," (with Alice Leiter); "Making the Case for Continuous Learning from Routinely Collected Data," (with Okun et al.); "Building Public Trust in Uses of HIPAA De-Identified Data."

Deirdre K. Mulligan is an Assistant Professor in the School of Information at UC Berkeley and a co-Director of the Berkeley Center for Law & Technology. Prior to joining the School of Information in 2008, she was a Clinical Professor of Law, founding Director of the Samuelson Law, Technology & Public Policy Clinic, and Director of Clinical Programs at the UC Berkeley School of Law (Boalt Hall). Mulligan is the Policy lead for the NSF-funded TRUST Science and Technology Center, which brings together researchers at U.C. Berkeley, Carnegie-Mellon University, Cornell University, Stanford University, and Vanderbilt University. MIT Press will publish her groundbreaking study of corporate privacy practices in the U.S. and Europe, conducted with UC Berkeley Law Prof. Kenneth Bamberger, in 2014. She is Chair of the Board of Directors of the Center for Democracy and Technology, a Fellow at the Electronic Frontier Foundation, and co-chair of Microsoft's Trustworthy Computing Academic Advisory Board.

Paul Ohm is an Associate Professor at the University of Colorado Law School. He specializes in information privacy, computer crime law, intellectual property, and criminal procedure. He teaches courses in all of these topics and more, and in 2010 he was awarded the prize for Excellence in Teaching by the students of Colorado Law. In his work, Professor Ohm tries to build new interdisciplinary bridges between law and computer science. Much of his scholarship focuses on how evolving technology disrupts individual privacy. His article *Broken Promises of Privacy: Responding to the Surprising Failure of Anonymization*, 57 UCLA Law Review 1701, has sparked an international debate about the need to reshape dramatically the way we regulate privacy. He is commonly cited and quoted by news organizations including the New York Times, Wall Street Journal, and NPR. From 2012 to 2013, Professor Ohm served as Senior Policy Advisor to the Federal Trade Commission. Prior to joining the academy, he served as an Honors Program trial attorney in the U.S. Department of Justice's Computer Crime and Intellectual Property Section. Before that, he clerked for Judge Betty Fletcher of the United States Court of Appeals for the Ninth Circuit and Judge Mariana Pfaelzer of the United States District Court for the Central District of California. He is a graduate of the UCLA School of Law. Before attending law school, Professor Ohm worked for several years as a computer programmer and network systems administrator after earning undergraduate degrees in computer science and electrical engineering from Yale University. Today he continues to write thousands of lines of python and perl code each year. Professor Ohm blogs at [Freedom to Tinker](#).

Nicole A. Ozer is the Technology and Civil Liberties Policy Director for the ACLU of California. Nicole is a nationally recognized expert on issues at the intersection of consumer privacy and government surveillance and free speech and the Internet. Nicole is the author of numerous legal and policy publications, including [Losing the Spotlight: A Study of California's Shine the Light Law](#), [Privacy & Free Speech: It's Good for Business](#), a primer of dozens of case studies and tips for baking safeguards into the business development process, and [Putting Online Privacy Above the Fold: Building a Social Movement and Creating Corporate Change](#) (NYU Review Law &

Social Change, 2012). Nicole graduated *magna cum laude* from Amherst College, studied comparative civil rights history at the University of Cape Town, South Africa, and earned her J.D. with a Certificate in Law and Technology from Boalt Hall School of Law, University of California Berkeley.

Zach Pardos is an Assistant Professor in a joint position between the School of Information and Graduate School of Education. His focal areas of study are formative assessment in virtual learning environments and educational data mining. He earned his PhD in Computer Science at Worcester Polytechnic Institute in the Tutor Research Group in 2012. Funded by a National Science Foundation Fellowship (GK-12) he spent extensive time on the front lines of K-12 education working with teachers and students to integrate educational technology into the curriculum as an assessment tool to be used formatively. He is program co-chair of the 2014 conference on Educational Data Mining and on the organizing committee for the 2014 Learning Analytics and Knowledge conference. He has received numerous academic awards and honors for extensions of his thesis work on “Predictive Models of Learning” including a top prize applying his educational analytics in the 2010 KDD Cup, an international big data competition on predicting student performance within an intelligent tutoring system.

John Podesta is currently serving as Counselor to the President. His duties include overseeing climate change and energy policy. In 2008, he served as co-chair of President Obama’s transition team, where he coordinated the priorities of the incoming administration’s agenda, oversaw the development of its policies, and spearheaded its appointments of major cabinet secretaries and political appointees. He is the former Chair of the Washington, D.C.-based think tank Center for American Progress and the Center for American Progress Action Fund. Prior to founding the Center in 2003, Podesta served as White House chief of staff to President William J. Clinton. He also recently served on the President’s Global Development Council and the UN Secretary General’s High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. Additionally, Podesta has held numerous positions on Capitol Hill, including counselor to Democratic Leader Sen. Thomas A. Daschle (1995-1996). A Chicago native, Podesta is a graduate of Knox College and the Georgetown University Law Center, where he is currently a visiting professor of law. He is the author of *The Power of Progress: How America’s Progressives Can (Once Again) Save Our Economy, Our Climate and Our Country*.

Erika Rottenberg is responsible for worldwide legal affairs at LinkedIn, including corporate, commercial, IP, litigation, compliance and privacy matters. Before joining LinkedIn in July 2008, Erika served as Senior Vice President, General Counsel and Secretary, for SumTotal Systems, a talent development enterprise software company. Prior to that, she was Vice President, Strategic Development and General Counsel, at Creative Labs, the company that brought multimedia to the PC. She helped both companies navigate the regulatory policies and challenges specific to technology-centric public companies. Erika started her legal career at the Silicon Valley-based law firm of Cooley Godward. She received her JD from University of

California Berkeley's Boalt Hall School of Law, and her BS in Special and Elementary Education from State University of New York at Geneseo. Erika also serves on the Board of Directors of the Silicon Valley Law Foundation.

James B. Rule is a long-time researcher and writer on privacy and personal information. His books include *Private Lives and Public Surveillance* (1973), *The Politics of Privacy* (with McAdam, Stearns and Uglow, 1980), and *Privacy in Peril* (2007). Besides his scholarly publications, his shorter writings have appeared in *The Washington Monthly*, *The Washington Post*, *The International Herald Tribune*, *The New York Times*, and elsewhere. He is currently affiliated with the Center for the Study of Law and Society at U.C. Berkeley.

AnnaLee Saxenian is Dean and Professor in the [School of Information](#) and professor in the [Department of City and Regional Planning](#) at the University of California, Berkeley. Her most recent book, [*The New Argonauts: Regional Advantage in the Global Economy*](#) (Harvard University Press, 2006), explores how the "brain circulation" by immigrant engineers from Silicon Valley has transferred technology entrepreneurship to emerging regions in China, India, Taiwan, and Israel.

Her prior publications include [*Regional Advantage: Culture and Competition in Silicon Valley and Route 128*](#) (Harvard University Press, 1994), [*Silicon Valley's New Immigrant Entrepreneurs*](#) (PPIC, 1999), and [*Local and Global Networks of Immigrant Professionals in Silicon Valley*](#) (PPIC, 2002). Saxenian holds a Doctorate in Political Science from MIT, a Master's in Regional Planning from the University of California, Berkeley, and a BA in Economics from Williams College.

Rainer Stentzel Head of Project Group, Data Protection Reform, German Federal Ministry of the Interior. Since March 2012 Rainer Stentzel leads the Task Force Data Protection within the German Ministry of Interior. He is head of the German delegation in the DAPIX working party dealing with the EU data protection package. Before he worked on Internet policy issues (2010-2012), as German Liaison Officer at the U.S. Department of Homeland Security (2009) and information sharing and data protection in the police sector (2003-2008). From 2002 to 2003 he was judge in administrative law. Rainer Stentzel studied in Göttingen, Berlin and Paris and holds a Ph.D. in law. He published among others scientific articles about policymaking and democracy in the European Union and information sharing and data protection.

Mitchell L. Stevens is Associate Professor of Education and (by courtesy) Business and Sociology at Stanford, where he also serves as Director of Digital Research and Planning for the Graduate School of Education and the Vice Provost for Online Learning. He has longstanding interests in the measurement of educational accomplishment and alternative instructional forms.

Omer Tene is Vice President of Research and Education at the International Association of Privacy Professionals. He is a Senior Fellow at the Future of Privacy Forum and an Affiliate Scholar at the Stanford Center for Internet and Society. He is

a professor at the College of Management School of Law, Rishon Le Zion, Israel (on leave of absence).

Lee Tien is a Senior Staff Attorney with the Electronic Frontier Foundation, specializing in free speech law, including intersections with intellectual property law and privacy law. Before joining EFF, Lee was a sole practitioner specializing in [Freedom of Information Act](#) (FOIA) litigation. Mr. Tien has published articles on children's sexuality and information technology, anonymity, surveillance, and the First Amendment status of publishing computer software. Lee received his undergraduate degree in psychology from [Stanford University](#), where he was very active in journalism at the [Stanford Daily](#). After working as a news reporter at the [Tacoma News Tribune](#) for a year, Lee went to law school at [Boalt Hall](#), University of California at Berkeley. Lee also did graduate work in the Program in Jurisprudence and Social Policy at [UC-Berkeley](#).

David C. Vladeck is a Professor of Law at Georgetown Law School, where he teaches federal courts, civil procedure, administrative law, and a seminar in First Amendment litigation. Professor Vladeck recently returned to the law school after serving for nearly four years as the [Director of the Federal Trade Commission's Bureau of Consumer Protection](#). At the FTC, he supervised the Bureau's more than 430 lawyers, investigators, paralegals and support staff in carrying out the Bureau's work to protect consumers from unfair, deceptive or fraudulent practices. Before joining the law school faculty full-time in 2002, Professor Vladeck spent over 25 years with Public Citizen Litigation Group, a public interest law firm, handling and supervising complex litigation. He has briefed and argued a number of cases before the U.S. Supreme Court and more than sixty cases before federal courts of appeal and state courts of last resort. He is a Senior Fellow of the Administrative Conference of the United States, an elected member of the American Law Institute, an Adviser to the Institute's Restatement of the Law Third: Information Privacy Principles and a Trustee of the Natural Resources Defense Council. Professor Vladeck frequently testifies before Congress and writes on administrative law, preemption, First Amendment, privacy and access to justice issues.

Nicole Wong Deputy Chief Technology Officer, White House Office of Science and Technology Policy. Previously Wong served as Legal Director of products at Twitter and Vice President and Associate General Counsel for Products and Intellectual Property at Google. Prior to joining Google, Wong was a partner at the law firm of Perkins Coie, LLP, where she led a team of attorneys specializing in Internet law, including online content regulation, intellectual property, privacy, security and eCommerce. In addition to her practice, Wong is a frequent speaker and author on issues related to law and technology. Wong previously served as co-chair of the Practising Law Institute's Internet Law Institute and as an adjunct professor at the University of San Francisco School of Law where she taught media law. Wong speaks at national and international conferences regarding Internet issues and, in April 2000, testified before the House of Representatives regarding the Fourth Amendment and the Internet. She received her law degree and a Master's degree in

Journalism from the UC Berkeley.

Read more at http://fora.tv/speaker/7049/Nicole_Wong#wsEB2BtwKCX7f5Ci.99

Scott Young, MD, serves as executive director and senior medical director of Kaiser Permanente's Care Management Institute, and associate executive director for clinical care and innovation at The Permanente Federation. He leads a nationwide team that is integral to Kaiser Permanente's commitment to improve the care and wellness of its nine million members. His work includes commissioning the discovery, development, and spread of programs and best practices focused on care delivery, education, and member experience. Dr. Young is the former director for health IT at the Agency for Healthcare Research and Quality. Prior to joining AHRQ, he served as a senior clinical advisor in the Centers for Medicare and Medicaid Services. Dr. Young's policy experience also includes service as a Robert Wood Johnson health policy fellow in the office of U.S. Senator Jeff Bingaman of New Mexico. He is the former executive vice president of the Utah HealthCare Institute, a not-for-profit organization providing clinical care, outreach programs, medical education, research, informatics, and health policy services. Dr. Young is a founding member of Intermountain Health Care's Utah Valley Family Practice Residency. Dr. Young received his medical degree from the University of Oklahoma in 1987 and completed his training at the Fairfax Family Practice Residency. He is board certified in family medicine and a fellow of the American Academy of Family Physicians.

On 3/31 current plan: similar format to danah's. Building off the descriptions below and the case studies used in danah's workshop, highlighting questions of values, as reflected in current normative commitments, and governance. (law, professional codes of conduct, etc.) Approximately 50-60 people, breakouts of 8-12 for discussions after short opening plenary. Within discussion groups, use of "soap box" style (aka firestarters) to fuel conversation. Participants and a few others will be invited to dinner in downtown Berkeley after the workshop (Comal). Plan to ask Geoff Nunberg if he would join us for dinner and give a short talk.

On 4/1 current plan is for two morning panels, lunch, one afternoon panel, a roundtable discussion, and a closing keynote. I've structured the panels to start with a broad conversation on the values at issue and some of the tension among them as well as current frameworks of protection and gaps (panel I); a deeper dive on several of the well-documented challenges that are poorly addressed by the current policy framework (consent, inferences, prediction, duties arising from new insight)(panel II); followed by a conversation about algorithms (transparency and accountability, fairness and privacy)(panel III); the roundtable pulling together key regulators, privacy professionals, technologists and sociologists to reflect on how existing legal frameworks, professions and professional standards, organizations and sectoral norms can address values and governance challenges (roundtable); and finally, John Podesta's keynote.

By the close of the day we should have a solid map of the terrain, have identified gaps, and some research/action opportunities for legal, technical, professional, organizational strategies to fill them.

Pre-event workshop

Some thoughts on closed session on 3/31.

Goal is to provide an opportunity to work through case studies in a workshop setting to prime deepen conversation, familiarize folks with perspectives of other participants, provide some insight into benefits and challenges in other substantive areas, create greater capacity to talk across contexts and identify common challenges as well as solutions that might be borrowed from other contexts.

Collection, Consent & Context...big data is fueled in part by the growing quantity of networked devices and environments that generate data about the actions and interactions among people, their machines, and their environments. From cars, to homes, to public streets and transportation, to private clubs, to moocs, **data about individuals—where they are, who they are with, how fast they are moving—is on the rise and on the move—coursing through networks, analyzed in clouds, and hidden in black boxes.** This information rich networked environment presents opportunities for collective good—data about individual energy consumption can assist in efforts to conserve and wisely use resources—or harm; it can place the individual's interests at odds with those of society.

The surprising implications of other peoples' data...You know someone by the company they keep. Never has this sentiment been truer. Big data and powerful analytics, in both small and large hands, are capable of inferring information and relationships that individuals have chosen

not to reveal. From inferring sexual orientation or political affiliation through social network graph analysis, to relationships from genetic material, to affiliations through location information, **other peoples' data can be mined to reveal your secrets.** What responsibilities do entities who collect data that reveals connections and information have to those who are implicated, particularly those who haven't chosen to disclose? What responsibilities do individuals have to others for the consequences of disclosures? What rules of the road might we need to address the complex implications of one persons' data on another persons or groups life? For example, as DNA and other biological materials are collected outside of medicine (e.g., at point of arrest, by informatics services like 23andme, for scientific inquiry), what rights do relatives (living, dead, and not-yet-born) have? What protections ought we to afford them? In the case of genetic information the legal system reflects the reality that privacy protections afforded to each individual do not address concerns about the use of knowledge derived from one persons' genetic material to make decisions about the lives of others. Given the growing reliance on big data to classify individuals, do we need new rules and practices that reflect the power of other peoples' data on individuals' lives? What would such rules and practices look like? How would they interact with technical and legal approaches to privacy protection?

We know what you did last night, and what you'll do tomorrow... Countless highly accurate predictions can be made from trace data, with varying degrees of personal or societal consequence (e.g., biometric data used to predict fatigue and risk of accident, search engine queries used to predict hospital admission, gaming companies and casinos can predict compulsive gambling problems, government agencies can predict criminal activity). **Big data allows us to see patterns that predict behavior, and use them, without understanding why. It can allow us to prevent harms without understanding how the pattern connected with them matters. But, it can also find patterns that segment and cluster in ways to re-encode socially and at times legally taboo line drawing along lines of race, gender, class, etc.** Predicting human behavior can be beneficial, problematic, and sometimes both. What kinds of predictive harms are emerging? Where big data is used to predict it sorts individuals, ostensibly associating them with outcomes that are more or less desirable. Certainly this implicates privacy. But, again, privacy is not the only frame of engagement. Here too, concerns with the impact of prediction on individuals opportunities runs strong. The ease with which big data allows us to slice and dice the population for different treatment—from pricing, to border crossing, to advertisements—suggests that concerns are far broader than privacy. **The use of such classification to alter the information landscape—search returns, advertisements, political mailers, etc.—raises specific questions about shared experiences and their potential constitutive role in community and democracy.** And what are the implications for systems of oversight and due process protections? For example, what are the implications for employment, health care and policing when predictive models are involved? How should varied organizations address what they can predict? Given that our understanding of what harms should be avoided, and what sorts of patterns are problematic, will evolve, what sorts of governance systems will best surface problems and aid in there resolution?

Our tilting playing field... While law is used to address information asymmetries that interfere with a sound functioning marketplace, big data insights in the hands of every merchant works a quantitative and qualitative change on how we think of symmetry. Concepts of undue influence, manipulation, preying on vulnerabilities exist in law, but they are viewed, generally, as the exception, the marginal case where *information really matters*. Big data promises to make profiling and prediction ubiquitous, changing the background assumption (as false as it may be) of equal bargaining power. Even among institutions the availability of data—technology, data

scientists, etc.—is unevenly distributed. Some organizations, agencies, and sectors are better equipped to gather, use, and analyze data than others. If big data is as powerful as promised, what sorts of risks does its use in by businesses in business to consumer transactions pose? In government to citizen interactions? What benefits in each context? The availability of data can curb reliance on stereotypes, yet algorithms can also mask the intentional or unintentional inscription of stereotypes into code. What sorts of techniques can be used to promote the former and reduce the possibility of the later? If big data is transformative, what are the consequences of certain sectors of the economy having greater capacity to leverage it? Financial wherewithal, technical capacity, and political determinants all affect where data is employed. As data and analytics emerge, who benefits and who doesn't, both at the individual level and the institutional level? What about the asymmetries between those who provide the data and those who collect it? How does uneven data access affect broader issues of inequality? In what ways does data magnify or combat asymmetries in power?

Private life—Traditional lines between public and private spaces, the government and the private sector, personal and work life no long provide practical and meaningful protection for private information and lives. The data generated by the Internet of things, social networking technology, and other private and commercial uses of technology are generating massive amounts of data that can, and is, analyzed to reveal detailed portraits of individual's relationships, lifestyles, behavior, and beliefs. The movement of technologies between public and private places, work and home, and various social circles challenges individual's ability to successfully manage their interactions with others. These troves of data are in heavy demand by intelligence agencies, law enforcement, and even private litigants. Ready access by government presents the possibility of a massive government surveillance operation provided on the cheap, at least for the government, by coopting data gathered in the private sector. Several members of the Supreme Court signaled concern with the state of 4th Amendment law given the ability of private sector location aware services to function as a tracking device. Similarly, many members of Congress, backed by civil liberties organizations and ICT companies, are pushing for reforms to the statutory protections for electronic communications and stored records. The Summer of Snowden revealed aggressive intelligence agency efforts to access corporate data—both through secret court approvals and through illicit hacking.

Inscrutable Algorithms—Accountability is fundamentally about checks and balances to power. In theory, both government and corporations are kept accountable through social, economic, and political mechanisms. Journalism and public advocates serve as an additional tool to hold powerful institutions and individuals accountable. But in a world of data and algorithms, accountability is often murky. Beyond questions about whether the market is sufficient or governmental regulation is necessary, how should algorithms be held accountable? How do we square, or prioritize, competing claims to intellectual property and demands for accountability where proprietary algorithms are part and parcel of government operations? Transparency is clearly useful, but it is not a panacea, as algorithms are complex, there interactions with data sets even more so, and even those who can understand them are rarely aware of their full impact in practice. What sorts of harms should algorithms be trained to avoid? How would one proof the desired behavior was avoided?

New Knowledge, new duties? The mining of large data sets in the health care, and other sectors, can identify individuals whose health and safety is at risk. In some instances predictive models may identify an increased likelihood of disease, in others information-seeking activities may reveal heightened risks to safety. The ability to derive new knowledge—insights data

subjects are not privy to—invites questions about whether and in what instances this knowledge gives rise to new obligations with respect to duties to warn third-parties of risks, duties to re-contact research subjects, as well as potential changes in the scope of duties to notify patients or other former clients given reduced transaction costs. And what if the data subjects are not “research subjects” but rather customers or users? Consider, a few examples:

Researchers working with genetic data may incidentally discover that an individual carries a genetic variant creating increased susceptibility to a disease. Such incidental revelations about individual research subject’s health status raise questions about the interaction between confidentiality guarantees and ethical or professional duties to limit suffering. Similarly, during a research study data may acquire new clinical significance due to work of those researchers or insights provided by others research. While the health profession and health researchers continue to develop guidelines and best practices to navigate these sometimes competing duties, these sort of incidental findings raise novel challenges—even in the context of a long tradition working with these competing values, big data is raising broad and at times novel challenges.

But outside traditional health research, incidental insights from big data present more novel conundrums. For example, consider research by Seth Stephenson-Davidowitz identifying evidence that victims of child abuse, and those that suspect it, use Google search to seek information and assistance. Knowing that many cases of child abuse are unreported, what sort of action would we like Google or other search engines to take? Do they have an obligation to act? Should we create one? What would it look like? Information provision? Alert to an authority? How does this interact with protections and desires for privacy and confidentiality? Might it chill the information seeking activities of those at risk—decreasing their chances at securing help—or is it a singular opportunity for effective intervention?

Public event participants (most will be there on 3/31 as well)

1. Ari Gesher, Palantir
2. Amalia Deloney, Center for Media Justice
3. Nicole Ozer, Northern California ACLU
4. Fred Cate, University of Indiana
5. Kenneth A. Bamberger, UC Berkeley School of Law
6. Deirdre K. Mulligan UCB
7. Lee Tien, Electronic Frontier Foundation
8. Seeta Gangadharan, New America Foundation
9. Thejo Kote, Automatic
10. James B. Rule, UC Berkeley
11. Paul Ohm, Boulder
12. Barbara Koenig, University of California, San Francisco
13. Deven McGraw, Center for Democracy & Technology
14. Scott Young, Kaiser Permanente
15. Zachary Pardos, UC Berkeley School of Information
16. Omer Tene International Association of Privacy Professionals
17. Julie Brill, Federal Trade Commission
18. Erika Rottenberg, LinkedIn
19. Cameron Kerry, MIT Media Lab
20. Cynthia Dwork, Microsoft Research
21. Mitchell Stevens, Stanford
22. David Vladeck, Georgetown Law School
23. John Podesta, WH
24. Nicole Wong, OSTP
25. AnnaLee Saxenian, UCB
26. Rainer Stentzel, German Federal Ministry of the Interior

Private Event Invites (not on public panels, not all have responded)

1. Josh Blumenstock, UW
2. Susan Friewald, USF
3. Dorothy Glancy, SCU
4. Dan Boneh, Stanford University
5. Danny Weitzner MIT
6. Jenna Burrell UCB Ischool
7. Sonia Rab Alam (UCSF phd)
8. Elaine Sedenberg UCB
9. Nick Doty UCB
10. Xavier Malina UCB
11. Corrine Yu, LCCR
12. Kim Lemkuhl, ColorofChange
13. Harlan Yu
14. Jeramie Scott, Epic
15. Chris Wolf FPF

16. Jim Halpert DLA
17. David Heiner, Vice President and Deputy General Counsel, Microsoft
18. Jane Horvath Apple
19. Nick Amman Apple
20. Rao Armilli Sensity
21. Paula Bruening Intel
22. Scott Renfro, Facebook
23. Lawrence You, Google
24. Will DeVries, Google
25. Erin Eagan, Facebook
26. Ren Esse, CFPB
27. Aaron Burstein, FTC
28. John Morris, NTIA
29. Becky Richards, NSA
30. John Morris, NTIA
31. Kendall Burman, Commerce
32. Justin Antonipillai
33. Dave Honey, ODNI
34. Pat Falcone, NSIA/OSTP
35. David Edelman, NEC/OSTP
36. Chris Kirchhoff, DOD
37. Dimitri Kusnezov, DoE
38. Sophie Raseman, Treasury
39. Colleen Chien, OSTP

Big Data RFI Index

#	Entity	Date	From
1	Self	3/21	Annie Shebanow [REDACTED]
2	Self	3/21	Jackamo [REDACTED]
3	Self, NSF employee	3/24	Muhlberger, Peter <pmuhlber@nsf.gov>
4	Consumer Action	3/25	Michelle De Mooy <michelle.demooy@consumer-ac>
5	ARM and AMD	3/26	Stephen Pattison <Stephen.Pattison@arm.com>
6	USPIRG and Center for Digital Democracy	3/27	Jeffrey Chester <jeff@democraticmedia.org>
7	Information Technology Industry Council	3/27	Yael Weinman <yweinman@itic.org>
8	Consumer Federation of America	3/28	Susan Grant <sgrant@consumerfed.org>
9	Leadership Conferences on Civil and Human Rights & Ed.	3/28	Corrine Yu <Yu@civilrights.org>
10	mediajustice.org	3/28	amalia deloney <amalia@mediajustice.org>
11	Self, Columbia Law & School of International & Public Affairs	3/28	Dr. A. R. Wagner <arw@it.org>
12	Mary Culnan, Bentley University & Future of Privacy Forum	3/29	Culnan, Mary <MCULNAN@bentley.edu>
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21	CDT	3/31	Gautam Hans <ghans@cdt.org>
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23	Center for Digital Democracy	3/31	Jeffrey Chester <jeff@democraticmedia.org>
24	Center for National Security Studies	3/31	Kate A Martin <kamartin@cnss.org>
25	Cloud Security Alliance	3/31	Sreeranga P. Rajan <sree@us.fujitsu.com>
26	Common Sense Media	3/31	Joni Lupovitz <JLupovitz@commonsense.org>
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28	Computing Community Consortium	3/31	regulations.gov_helpdesk <regulations.gov_helpdes>
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34	Fed. of American Societies for Experimental Biology	3/31	Drehman, Bethany <bdrehman@fasf.org>
35	Financial Services Roundtable	3/31	Lee, Min J. <mjlee@debevoise.com>
36	Food Marketing Groups	3/31	Joy Spencer <joyspencer@democraticmedia.org>
37	Future of Privacy Forum	3/31	Joseph Jerome <jjerome@futureofprivacy.org>
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39	Interactive Advertising Bureau	3/31	Sarah Hudgins <sarah@iab.net>
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51	Privacy Coalition	3/31 Jeramie Scott <jscott@epic.org>
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60	U.S. Chamber of Commerce	3/31 Goldman, Jason <JGoldman@USChamber.com>
61	US Leadership for the Revision of the 1967 Space Treaty	3/31 Amalie Sinclair [REDACTED]
62	VIPR Systems, technology company	3/31 Chris Sontag <chris.sontag@viprsystems.com>
63	World Privacy Forum	3/31 Pam Dixon <pdixon@worldprivacyforum.org>
64	Constellation Research	4/2 Steve Wilson <Steve@constellationr.com>
65	Self, Microsoft, Oxford Internet Institute	4/4 Fred H. Cate <fred@fredhcate.org>
66	Healthcare Leadership Council	4/4 Christopher Adamec <cadamec@hlc.org>
67	Brennan Center for Justice	4/4 Levinson-Waldman, Rachel <Rachel.levinson.waldm>
68	Making Change at Walmart	4/4 Grace Sheedy <gsheedy@ufcw.org>
69	Online Trust Alliance	4/4 Heather Federman <heatherf@otalliance.org>
70	MIT	4/4 Daniel Weitzner <djweitzner@csail.mit.edu>

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TEXT AS DELIVERED – 3/3/14

White House-MIT Big Data & Privacy Workshop
Keynote Address – John D. Podesta
March 3, 2014

Introduction

Good morning. I'm sorry to be talking to you remotely. In my world, big data squared off against big snow, and big snow won. Secretary Pritzker is travelling from NYC and I hope she'll have better luck and be with you at lunch. And the Administration is well represented by our Deputy CTO Nicole Wong and the head of NTIA Larry Strickling.

I want to start by thanking President Reif, for joining the White House in this important exploration of the technologies driving the big data revolution. And I want to thank Danny Weitzner and Elizabeth Bruce in particular, not only for putting together this outstanding event, but for their ongoing contributions to the research in this area.

This workshop is the first in a series of events which the White House will be co-hosting with academic institutions across the country. So, it is a fitting time for me to provide some background about the 90-day White House study of big data and privacy, the process that we're currently undertaking, and what we hope to accomplish in the next several weeks.

Background

As many of you will recall, on January 17, the President spoke to the American people about how to keep us safe from terrorism in a changing world, and at the same time continue to uphold America's commitment to liberty and privacy that our values and our Constitution require. In that speech, he asked me to lead a comprehensive review of big data and privacy, recognizing that national security is not the only space where changes in technology are altering the landscape of how data is collected and used, and challenging traditional conceptions of privacy. So, one purpose of this study is to get a more holistic view of the state of the technology and the benefits and challenges that it brings. This Administration remains committed to an open, interoperable, secure and reliable internet – the fundamentals that have enabled innovation to flourish, drive markets and improve lives. We also recognize that ensuring the continued strength of internet requires applying our timeless privacy values to these new technologies, as we have throughout our history with each new mode of communication from the mail to the telephone to the social network.

We are undergoing a revolution in the way that information about our purchases, our conversations, our social networks, our movements, and even our physical identities are collected, stored, analyzed and used. The immense volume, diversity, velocity, and potential value of data will have profound implications for privacy, the economy, and public policy. The White House working group will consider all those issues, and specifically how the present and future state of these technologies might motivate us to re-visit our policies across a range of sectors.

There is a lot of buzz these days about “Big Data” – a lot of marketing-speak and pitch materials for VC funding. For purposes of the White House study, when we talk about “big data” we’re referring to data sets that are so large, so diverse, or so complex that the conventional tools that would ordinarily be used to manage data simply don’t work. Instead, deriving value from these data sets require a series of more sophisticated techniques, such as Hadoop , NoSQL, MapReduce and machine learning. These techniques enable the discovery of insights from big data sets that were not previously possible.

There is no question that there is more data than ever before, and no sign that the trajectory is slowing its upward pace. In 2012, there were an estimated 2.4 billion global internet users. The amount of global digital information created and shared – from documents to photos to videos to tweets – grew 9x in five years to nearly 2 zettabytes in 2011 (a zettabyte is one trillion gigabytes). On Facebook, there are some 350 million photos uploaded and shared every day. On YouTube, 100 hours of video is uploaded every minute. And we are only in the very nascent stage of the “Internet of Things,” where our appliances will communicate with each other and sensors may be nearly ubiquitous.

The value that can be generated by the use of big data is not hypothetical. The availability of large data sets, and the computing power to derive value from them, is creating new business models, enabling innovations to improve efficiency and performance in a variety of public and private sector settings, and making possible valuable data-driven insights that are measurably improving outcomes in areas from education to healthcare. For example, The Cancer Genome Atlas, an NIH-funded program, is using large genomic data sets to map the genetic changes in more than 20 cancer types. Their researchers have discovered that breast and ovarian cancers have genomic similarities that may have implications for treating these diseases.

With the exponential advance of these capabilities, we must make sure that our modes of protecting privacy – whether technological, regulatory or social – also keep pace. Now, it’s certainly true that data analytics is an old science, dating to the late 1800s. In this study, we want to explore whether there is something truly new in the vast collection of data and lightening-speed analytics that are made possible by new technologies, computational strategies and cratering storage costs. My hope is that this inquiry will anticipate future technological trends to help us frame the key questions arising from the collection, availability, and use of big data — both for our government, and the nation as a whole – and develop a workplan to address them.

Today’s conference – appropriately set at MIT which has been the cradle for so many game-changing technologies – is part of this 90-day endeavor, and is designed to provide a firm grounding in the current state of technologies and their likely trajectories.

The Administration’s Big Data initiatives

It is important to note that the Administration is not starting from scratch when it comes to big data or privacy.

Since the earliest days of this Administration, the Federal Government has taken unprecedented steps to make government data more available to citizens, companies and innovators. Through the Data.gov platform which launched in 2009, users have been able to access thousands of government datasets about a wide range of topics. The Open Data Initiative and Executive Order that the President signed last year commits federal agencies to unlocking even more valuable data from the vaults of government in health, energy, education, public safety, finance and global development.

The natural outgrowth of this commitment to making large data sets available for public innovation is a broad commitment to the technologies that can harness these assets. In 2012, the Administration announced a \$200 million commitment by 6 agencies to invest in big data projects. And just last fall, we showcased 28 public-private partnerships harnessing big data to enhance national priorities, including economic growth and job creation, education and health, energy and sustainability, public safety and national security, and global development. Indeed, one of those projects was launched from here as part of MIT's Big Data Initiative. We are pleased to be collaborating with CSAIL's Big Data Privacy Working Group, and we look forward to hearing from some of the researchers engaged in that project later today.

The United States can also be proud of its long history as a leader in information privacy, starting with the pioneering of the Fair Information Practice Principles in the 1970s. Those principles -- known as the "FIPPs" -- are the underpinnings of the Privacy Act of 1974 which articulates the rights of citizens and the obligations of government to protect personal information. The same principles have also become the globally-recognized foundation for privacy protection, adopted by the OECD and providing the framework for privacy regimes around the world. And President Obama, from early in his first term, has been working to advance protections for individual privacy in this new age of information technology.

Indeed, the Administration announced a groundbreaking privacy document in 2012, with the release of its consumer privacy blueprint, including the Consumer Privacy Bill of Rights. The blueprint refined the FIPPs to be more focused on consumers in terms they could understand in their own lives. It also re-framed the FIPPs to better accommodate the incredibly innovative online environment in which we all now live. While the document does not specifically use the term "big data," the blueprint recognized that significant data was being collected about individuals online, and that some data would be sensitive. It also assumed that this data could deliver significant value, if properly used, to individual consumers.

What we will be exploring in this study is whether the Consumer Privacy Bill of Rights fully addresses the changes that today we refer to as the "big data revolution" -- recognizing that we may only be at the beginning of that revolution. What the President wants to explore, in part, is whether our existing privacy framework can accommodate these changes, or if there are new avenues for policy that we need to consider.

Have we fully considered the myriad ways in which this data revolution might create social value, and have we fully contemplated the risks that it might pose to our conceptions of individual privacy, personal freedom and government responsibility of data?

As we move from predicated analysis of data – that is, using data to find something we already know that we're looking for -- to non-predicated, or pattern-based, searches – using data to find patterns that reveal new insights -- I think we need to be conscious of the implications for individuals.

How should we think about individuals' sense of their identity when data reveals things they didn't even know about themselves? In this study, we want to explore the capabilities of big data analytics, but also the social and policy implications of that capability.

Our work is still in its early stages, but already we're learning important things about the current state of technology and its potential. For example, we recently met with some leaders in higher education to discuss the use of academic performance data to improve learning outcomes. There is some terrific research happening in this area, and it worth talking about in a bit more detail.

The Pittsburgh Science of Learning Center – an NSF-funded center that joins the disciplines of cognitive learning and computer science -- hosts the "DataShop", the world's preeminent central repository for data on the interactions between students and educational software and a suite of tools to analyze that data. In collaboration with private sector partners, they have made large-scale data sets available to develop learning models aimed at improving math, science and language curriculums for K-12 students. In one study, the researchers tested a new algebra curriculum for middle school to high school students that utilized education technologies for instruction and to measure performance.

As some of you may know, mathematics proficiency rates of students in the United States – while on the rise – are still far below what they should be and lag behind students in the top-scoring countries. While there is still more work to be done, the early results of these large-scale studies show significant gains – 8 percentile points more than usual -- an amount that is nearly double how much students learn from a typical algebra course.

Importantly, what this type of research underscores is that the use of educational technologies is improving the scope, scale and granularity of data we have about how kids learn. With that data, and applying cognitive and data science to the problem, we are better able to understand how to help our children move up the performance curve. We are gaining insights that were not previously possible, or maybe were dismissed for lack of concrete data, because of the new capability to capture student performance in detail and at scale in diverse, real-world school contexts.

Of course, there are also privacy implications to be considered when gathering and using this data. While the educators working with the students obviously knew how individual kids were doing on their tests, the researchers who developed those data-driven education tools only had de-identified data and deliberately decided not to collect the demographic data of their students. Now, given what we already know about effective education policy, demographic data might have been useful both in developing effective curriculum and addressing the needs of the individual student. But the researchers decided that collection of such information raised privacy and ethical concerns, and that they could make progress without that data.

We can see similar real-world benefits and similar privacy questions raised in a range of areas: from tracking electricity usage in a home to significantly bring down energy costs, to collecting individual location data in order to reduce traffic congestion. I believe we'll be hearing about some of these innovative uses today, including uses in education, genomics, and transportation.

This is the power of big data analytics that could unleash real human potential, and so a goal of this study is to look at where the federal government can play a role in supporting this type of work while continuing to protect personal privacy and other values.

So that is the context of this inquiry.

The Study

Now, let me just take a few moments to explain a bit more about the review, its scope, and what you can expect over the next 90 days.

In his speech, the President asked me to lead a comprehensive review of the way that "big data" will affect the way we live and work; the relationship between government and citizens; and how public and private sectors can spur innovation and maximize the opportunities and free flow of this information while minimizing the risks to privacy. I will be joined in this effort by Secretary of Commerce Penny Pritzker (who will be your lunchtime keynote later today), Secretary of Energy Ernie Moniz, the President's Science Advisor John Holdren, the President's Economic Advisor Jeff Zients and other senior government officials.

This is going to be a collaborative effort with four channels of engagement.

First, the President's Council of Advisors on Science and Technology (PCAST) is conducting a parallel study to explore in-depth the technological dimensions of the intersection of big data and privacy. Their report will feed into this broader effort and ensure a substantive grounding in the technologies at issue.

Second, our working group is consulting with a wide range of stakeholders. We have already met with privacy and civil liberties advocates, business leaders, policymakers, international partners, academics and several government agencies on the significance of and future for these technologies. In the next several weeks, we look forward to hearing from a broad range

of private sector companies, particularly those who collect and use data to develop products and deliver services, whether by targeted advertising; improved medical treatment; financial services, and more.

We also will engage international audiences, including international regulators and officials, to help answer the President's charge that we consider "whether we can forge international norms on how to manage this data; and how we can continue to promote the free flow of information in ways that are consistent with both privacy and security."

Third, this workshop kicks off a series of events that we are co-hosting around the country to convene stakeholders to discuss these very issues and questions. The next event will be on March 17, co-hosted with the Data & Society Research Institute and NYU, and will focus on the social, cultural and ethical implications of big data. Then, on April 1, we will co-host an event with the School of Information and Berkeley Center for Law & Technology at UC Berkeley, which will focus on the legal and policy issues raised by big data.

Finally, and perhaps most importantly, we want to engage the public. This is not a discussion that should be confined to Washington or academia. This is an issue of such importance, an array of technologies already so pervasive, that it requires public participation in the conversation about how we realize the great benefits of big data while protecting individual privacy and other values. To this end, this week I will be posting a video to the White House website that describes this inquiry and asks the public "what technologies are most transformative in your life?" and "which technologies give you pause?" We have also just initiated a process to receive written comments addressing these questions in even more depth. You can find both channels for providing your input on the White House website, and we welcome your comments and ideas. All of these discussions will help to inform our study.

This study is fundamentally a scoping exercise. We are trying to get a full view of the landscape – the technologies at play, the uses by the government, industry and academia. Whether we want to examine the Administration's consumer privacy blueprint—including the Consumer Privacy Bill of Rights—and how its principles can be applied in this new landscape. That may prompt us to look harder at some of our existing policies, at our research agenda, or at specific sectors where great gains could be made by the use of big data.

When we complete our work, we expect to deliver to the President a report that anticipates future technological trends and frames the key questions that the collection, availability, and use of "big data" raise – both for our government, and the nation as a whole. It will help identify technological changes to watch, whether those technological changes are addressed by the U.S.'s current policy framework and highlight where further government action, funding, research and consideration may be required.

While we don't expect to answer all these questions, or produce a comprehensive new policy in 90 days, we expect this work to serve as the foundation for a robust and forward-looking plan of action.

This is a fascinating and complex area, so let me close by throwing out a few questions that we have been thinking about:

What is genuinely “new” about big data and what, if any, policies should be revisited because of those changes?

What business models do you think are most dependent, today, on big data? How will that change in, say, 5 years? 15?

What types of uses of big data could measurably improve social or economic outcomes or productivity with further government action, funding or research?

Can we “build in” additional privacy protection into the architecture of big data analytics and should the government and the private sector be investing more in research toward that end.

For individuals, what do you think will be the most significant effects of these emerging pattern-based data mining techniques?

Thank you for your time this morning and your engagement in this national conversation. I am sorry I am not with you in person, but I’ll be watching the feed. If we can manage the technology, I think I have a few more minutes to take some questions.

Notes – MIT Big Data Summit.

Podesta

Holistic view of what the technology brings – present and future state

Technology, regulatory, social ways of ensuring privacy

Data analytics dates back to 1800s

Is there something truly new?

Bring key challenges into focus, develop a work plan to address them.

Fair information principals, 1970s, underpin privacy act, adopted by OCED

Does consumer privacy bill of rights recognize big data revolution?

Does existing privacy framework cover, or new avenues for policy need to be considered

Social value, conceptions of individuals privacy and government responsibility

Predicated to non-predicated data use – be conscious of the implications for identity

When data reveals things about people that they didn't even know themselves

PCAST

International norms

Public events convening stakeholders

What is genuinely new, what business models are depending and how will they change in the future, what uses of big data could preclude social and economic outcomes with additional government action, privacy technologies, most significant effects on individuals

NSA – six month POTUS review – ordered a set of initiatives,

“Computer science got us into this mess, can computer science get us out?”

Empirically rigorous quantification of privacy loss

Differential privacy – would the person have done the action even had they not been identified by it in the study. Your participation doesn't affect the outcome significantly.

There are times that privacy and big data conflict but where ever we can we will work to ensure they do not.

Aggregated, or remixed data base

MIT – focus on use not data collection (Craig Mundie, Foreign Affairs)

Distinction between meta data and content is going away—in fact big data often reveals things people would never put into content. Last update to law in 1986.

Need to give same privacy rights to metadata as content data.

Can we make data sharing transparent?

Innovating our way out of the problem??

Who we are is where we are

Privacy means control

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Update on Big Data & Privacy Working Group - To: POTUS - From: John D. Podesta, et al.	4	03/20/2014	P5;

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FRC ID:

8488

OA Num.:

8076

NARA Num.:

7318

FOIA IDs and Segments:

22-16595-F

22-17709-F

RESTRICTION CODES

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- P1 National Security Classified Information [(a)(1) of the PRA]
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Privacy Workshop to Explore "Big Data" Opportunities, Challenges

Posted by Nicole Wong on February 24, 2014 at 09:29 AM EST

Last month, the President asked Counselor John Podesta to [lead a comprehensive review](#) of how "big data" – data sets so massive, diverse, or complex, that conventional technologies cannot adequately capture, store, or analyze them – will affect how Americans live and work. Senior administration officials have since begun to look at the implications of collecting, analyzing, and using such data for privacy, the economy, and public policy.

Because we all have an important stake in the future of privacy, hearing from a broad range of experts and engaging the public is critical to this effort. To advance this inquiry, OSTP will be co-hosting a series of public events to hear from technologists, business leaders, civil society, and the academic community. The first event is a public workshop organized by the Massachusetts Institute of Technology (MIT), entitled "Big Data Privacy: Advancing the State of the Art in Technology and Practice." The workshop will be held on March 3, 2014. For information on how to register, or how to watch the event by webcast, please go to MIT's website [here](#).

As part of this effort, OSTP will be co-hosting at least two additional events—one with the Data & Society Research Institute and New York University, and one with the School of Information and the Berkeley Center for Law and Technology at the University of California, Berkeley. In the coming weeks, we will be announcing additional opportunities for the public to inform this important work. Check back here for more information and updates on our progress.

Nicole Wong is U.S. Deputy Chief Technology Officer at the White House Office of Science & Technology Policy

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	WHBDWG: Civil Rights Groups, Roosevelt Room - To: Christopher Kirchhoff - From: Christopher Kirchhoff	2	03/26/2014	P5; P6/b6;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	Big Data Working Group, Principals' Discussion on Report and Future Work	3	N.D.	P5;

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Draft	Benefits of Free Use Services & Targeted Advertising	8	04/10/2014	P5;

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Email	RE: DRAFT keynote outline+RD - To: R. David Edelman - From: Christopher Kirchhoff	2	03/27/2014	P5;

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Kirchhoff, Christopher

From: Kirchhoff, Christopher
Sent: Thursday, March 27, 2014 1:02 PM
To: DL-WHO-BIGDATA-CORE
Subject: The Critical Theory of Algorithms

Personal notes, with heavy paraphrasing cut and pasted from the clearest article I have yet found on how to think critically about algorithms.

Chris

“Governing Algorithms: A Provocation Piece,” Solon Barocas, Sophie Hood, Malte Ziewitz, New York University, March 29, 2013

We live in an age in which, in the words of Historian of Science Lorraine Daston, “Algorithmic rules of rationality replaced the self-critical judgment of reason.” Where some narrowly conceive of algorithms as technology, others understand algorithms as a particular form of decision-making or an epistemology unto itself. Still others take a more expansive view, conceiving of algorithms as a particular form of rationality, symptomatic of a general mode of social ordering. And then there are those who see algorithms as a sociotechnical process.

This leads to a confusing epistemology: the misleading impression that algorithms involve express criteria and explicit weighing, when oftentimes they only involve a preference for certain kinds of patterns or structure in the data. Algorithms are invoked as powerful entities that govern, judge, sort, regulate, classify, influence, or otherwise discipline the world. Algorithms do this, algorithms do that. In conceiving of algorithms in this way, we concede that the algorithms’ logic may not be available to us—not because it’s concealed, but because it’s entirely beyond our view. Contrast this with the traditional metaphor of a black box, whose inner workings are hidden from view even though the box itself may be visible.

Who is qualified to evaluate algorithms? Often, these questions are framed in terms of disciplines and expertise. How do you study algorithms if you don’t know math? Shouldn’t you take a class in computer science first? Understanding algorithms as highly technical concepts suggests the existence of a certain kind of expert – or rather, algorithmic experts. Who counts as an expert and who doesn’t?

Questions abound about the *distinction between “algorithms” and “data.”* Access to an algorithm does not reveal what discoveries that algorithm might facilitate because those discoveries depend as much on the dataset’s features as on the pattern-discovery mechanisms. A better sense of how discoveries can be made would be of little help in assessing what discoveries can be made. **This upends the common notion that access to the source code of software grants full access to the software’s functionality.**

Are we studying the transposition of certain questions into problems that can be solved by formalized rules? **And should algorithms be subject to more or less scrutiny in different contexts, such as high frequency trading, predictive policing, retail marketing, political campaigns, and medical diagnosis?**

A focus on success often obscures the difficulties with which those successes were earned. Instances of failure challenge what this literature often describes as the inherent potential of algorithms to act on big data, but they also reveal the challenges of getting algorithms to work in practice. In many cases, the basic algorithms that power even contemporary data mining applications date to as early as the post-war period. What do we gain by rejecting tidy accounts that suggest that the data motivate the mining?

Algorithms seem to involve two related, but very different forms of automation. In the first instance, they automate the process of subjecting data to analysis, undertaking tasks that would be impossible to perform manually. But the results of these analyses help to automate a second and very different set of operations: decision-making. For example, in sussing out what seem like the signs of creditworthiness through rote computation, algorithms also make the decision to issue credit amenable to automation. What can we learn by paying closer attention to the differences between these kinds of automation and the relationship between the two?

There are a lot of questions of agency, control, and “accountability relations.”

Algorithms, the argument goes, are closely guarded trade secrets. “Revealing” the secret sauce would either open doors for manipulation or competition. The path by which algorithm-wielding actors arrive at conclusions can be circuitous in the extreme: it involves inducing a rule from an entire population’s behavior that can then be applied to specific individuals. Further, in detecting subtle patterns within a dataset, algorithms can reveal the many different variables—and the particular weighing of those variables—that correlate with characteristics that cannot be learned directly. What can be known about the individual now depends as much on what others say and do as what the individual might be willing to reveal. How does this alter our understandings of privacy?

Many cling to the utopian promise of algorithms as achieving natural objectivity via ‘artificial intelligence’ (AI). “The claim I wish to advance is that these programs constitute a ‘pure’ or socially uncontaminated instance of inductive inference, and are capable of autonomously deriving classical scientific laws from the raw observational data,” says one futurist. **Is there such a thing as algorithmic neutrality or impartiality? Or is such neutrality necessarily illusory? Why might the public desire “neutral” or “impartial” algorithms? Good for whom? Fair to what end?** Additionally, how do technical understandings of good and bad interface with philosophical understandings of good and bad?

Some have argued that algorithms will know us better than we know ourselves and that they will allow us to be more true to ourselves: “If we have given up autonomy, it was only the autonomy to make poor choices, go to bad restaurants with people we turn out not to like much, buy boring novels, listen to ear splitting music, engage in activities where costs outweigh benefits. I am actually more free now than ever before because my true self—the self that labored under misconceptions, limited information and emotional noise—is now facilitated by powerful and benevolent technology” (Ford 2005, 1578-1579)

This also raises important questions about the relationship between algorithms and rules. In the words of one scholar, “Data mining is not the problem; the problem is bad uses of mined data, and that is where our focus should lie.” (Goldman 2006, 229) Another point of view, from Dworkin: “May decision-making ever be reduced to the rote application of particular rules? Or is legal interpretation necessarily more complex (Dworkin, 1986)? **If algorithms were to render decisions, would the locus of legal reasoning shift to the coding of those algorithms? Should we regulate, or further regulate, algorithms in certain contexts? What would such regulation look like?**

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Big Data Improves Education Around the World

April 18, 2014 By [Mark MacCarthy](#)

A recent [article](#) by the head of the International Finance Corporation, an affiliate of the World Bank Group, urged the responsible use of big data analytics to improve student learning around the world. IFC works in more than 100 developing countries supporting companies and financial institutions to create jobs and contribute to economic growth. Supporting improved education is one of their strategic priority programs.

The IFC article highlighted several initiatives that they are supporting:

- [Bridge International Academies](#) in Kenya uses adaptive learning on a large scale in its 259 nursery and primary schools, with monthly tuition averaging \$6. By deploying two versions of a lesson at the same time in a large number of classrooms, Bridge can determine which lesson is most effective and then distributes that lesson throughout the rest of its network.
- [SABIS](#) provides K-12 education in 15 countries including in Asia, the Middle East, and North Africa. It mines large data sets for more than 63,000 students, collecting more than 14 million data points on annual student academic performance that are used to shape instruction and achieve learning objectives.
- [Knewton](#) is an adaptive learning platform that partners with companies like Pearson, Cengage, Houghton Mifflin Harcourt, and Wiley to personalize digital courses using predictive analytics.

These uses of big data analytics will improve learning in developing countries and the IFC should take pride in its leadership role in spreading these techniques around the globe.

Some are concerned that the new use of data for improved learning threatens student privacy. As a recent Wall Street [article](#) says:

“Perhaps the biggest stumbling block to using data in schools isn’t technological, though. Rather, it’s the fear that doing so will invade the privacy of students.”

The IFC recognizes the concern and urges policymakers to get out in front of the issue and to design privacy protections into big data projects from the ground up to make sure that the information is used appropriately to support learning:

“To realize those benefits – and to do so responsibly – we must ensure that data collection is neither excessive nor inappropriate, and that it supports learning. The private sector, governments, and institutions such as the World Bank Group need to formulate rules for how critical information on student performance is gathered, shared, and used. Parents and students deserve no less.”

SIIA agrees. As part of our effort to encourage privacy by design in the educational context, we recently published our [recommended best practices](#) for providers of educational services to schools, focusing on the need for an educational purpose, transparency, proper authorization and security in the use of student information.

The Administration’s review of privacy and big data is examining this issue in general and as it applies to student privacy. We look forward to working with them to make sure that the promise of better learning for the world’s students is fulfilled through the responsible use of big data analytics.



Mark MacCarthy, Vice President, Public Policy at SIIA, directs SIIA’s public policy initiatives in the areas of intellectual property enforcement, information privacy, cybersecurity, cloud computing and the promotion of educational technology. Follow Mark on Twitter at [@Mark_MacCarthy](#)

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About SIIA

The Software & Information Industry Association is the principal trade association for the software and digital content industry. SIIA provides global services in government relations, business development, corporate education and intellectual property protection to the leading companies that are setting the pace for the digital age.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	Key Passages in Big Data Report for Principal Review	1	04/22/2014	P5;

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COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

1150276

FRC ID:

8488

OA Num.:

8076

NARA Num.:

7318

FOIA IDs and Segments:

22-16595-F

22-17709-F

RESTRICTION CODES

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	RE: What parts should go to which parts of the interagency - To: Christopher Kirchhoff, et al. - From: Nicole Wong	2	04/23/2014	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	Interlal: Questions for PC meeting	1	N.D.	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
List	WHBDWG: Emerging Policy Arguments	1	N.D.	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	Key Passages in Big Data Report for Principal Review	1	04/22/2014	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Proposed Language on the Administration's Call for ECPA Reform	2	N.D.	P5;

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Request for Posting:	Laura K. Furgione Deputy Director, National Weather Service
Subject Line	Hold on Development of Weather Applications for Wireless Devices
Distribution	NWS All Hands



National Weather Service

Building a Weather-Ready Nation

Message from the Deputy Director

There are thousands of weather applications available for iPhone, Android, iPad, and similar wireless devices. Many of them are provided at little or no cost. Many of them use National Weather Service (NWS) warnings and other weather products and some explicitly identify NWS as the source of their information. Given this well-established and growing market for device-specific weather applications for wireless devices, NWS is declaring a hold on use of any NWS resources, including on-duty time of NWS employees, to develop such applications.

This will avoid using NWS resources to duplicate products readily available in the marketplace and give NWS time to carefully evaluate our appropriate role. For clarity, this hold does not apply to development of applications intended solely to support NWS employees in the performance of our mission. Request for exceptions should be sent to Ron Jones, NWS Office of the Chief Information Officer (Ronald.C.Jones@noaa.gov).

Finally, NWS employees who wish to develop weather “apps” on their own time are advised to contact the Department of Commerce Ethics Officer (ethicsdivision@doc.gov, [202-482-5384](tel:202-482-5384)).

Laura K Furgione

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Big Data and Privacy: A Review	86	04/2014	P5;

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	RE: Report - To: Theodore A. Chiodo - From: Christopher Kirchhoff	4	04/30/2014	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	Rollout Plan: Release of Big Data Report	6	05/01/2014	P5;

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Note	[notes]	4	N.D.	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Schedule	Big Data Report, Production Schedule, V6 4/22/2014 1:31 PM	2	04/22/2014	P5;

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COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

1150276

FRC ID:

8488

OA Num.:

8076

NARA Num.:

7318

FOIA IDs and Segments:

22-16595-F

22-17709-F

RESTRICTION CODES

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	White House Study on Big Data, Long Outline v12, As of: 4/22/2014 10:43 AM	6	04/22/2014	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Chapter 1: Big Data and the Individual	66	N.D.	P5;

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COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-03 (Chief of Staff)

FOLDER TITLE:

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RESTRICTION CODES

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Preface	64	N.D.	P5;

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April 2014

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
20 EASTER Scheduler: Donovan [Redacted] P6/b(6)	21 Scheduler: Donovan FYI: Patriots' Day 10:00-10:40 am- Easter Egg Roll Photo Line 10:40-11:30 am- Easter Egg Roll with FLOTUS 12:00-12:30 am- PDB 12:30-1:00 pm- Lunch 1:00-2:00 pm- Desk Time [Redacted] 2:30-2:40 pm- Oval Office Drop By 2:50-3:20 pm- Immigration Call Time 3:30-4:00 pm- NSC Trip Review	22 OSO, WA Scheduler: McSwain HOLD FOR FOREIGN TRAVEL FYI: Earth Day 10:00-10:05 am- Load Marine One 10:05-10:15 am- Lift from the South Lawn to JBA 10:20-12:30 pm- Wheels Up JBA to Paine Field Airport 12:35-1:10 pm- Lift from Paine Field to Arlington LZ/Aerial Survey 1:15-1:40 pm- En Route Oso Community Chapel 1:40-3:10 pm- Greet with Families 3:10-3:15 pm- En Route Oso Community Center 3:15-3:45 pm- Greet with Community Leaders & First Responders 3:50-4:05 pm- Statement to the Press 4:10-4:40 pm- En Route LZ 4:45-4:55 pm- Lift from Arlington LZ to Paine Field Airport 5:00 pm- Wheels Up Paine Field Airport to Haneda Airport RON AF1	23 Scheduler: McSwain HOLD FOR FOREIGN TRAVEL	24 Scheduler: McSwain HOLD FOR FOREIGN TRAVEL FYI: National Science Bowl (Washington, DC) → 4/28	25 Scheduler: McSwain HOLD FOR FOREIGN TRAVEL	26 Scheduler: McSwain HOLD FOR FOREIGN TRAVEL FYI: Spring Garden Tours

May 2014

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
27 Scheduler: McSwain HOLD FOR FOREIGN TRAVEL FYI: Spring Garden Tours	28 Scheduler: McSwain HOLD FOR FOREIGN TRAVEL	29 Scheduler: McSwain HOLD FOR FOREIGN TRAVEL	30 Scheduler: Slabey Note: Hold time for Message Event RON WH	1 Scheduler: Slabey 10:45-11:30 am- Hold Schedule 12:15-12:25 pm- Meeting with 2014 March of Dimes National Ambassador and Family 12:30-1:00 pm- Lunch 1:00-1:30 pm- Desk Time 1:30-2:00 pm- Weekly Address & Video Tapings 2:00-2:50 pm- Teacher of the Year Event (Photo Line in Oval Office/Remarks in Rose Garden) 3:05-3:20 pm- Prep 3:20-4:05 pm- Hold for OLA Meeting 4:20-5:20 pm- Hold for NSC Time 5:30-7:00 pm- ACA Photo Line & Reception Remarks	2 Scheduler: Slabey 9:45-9:55 am- Bilateral Meeting Prep 9:55-10:15 am- Pool Spray with Informal Remarks 10:15-11:15 am- Bilateral Meeting with Chancellor Angela Merkel of Germany 11:20-11:35 am- Prep Conference Prep 11:35-11:40 am- Move to Rose Garden with Chancellor Angela Merkel 11:40-12:40 pm- Press Conference with Chancellor Merkel 12:45-1:45 pm- Lunch with Chancellor Angela Merkel 1:45-2:45 pm- Desk Time 2:45-3:15 pm- Call Time 3:30-4:00 pm- Internal PDB 4:10-5:10 pm- Speech Prep 5:20-5:45 pm- White House Departure Photos 5:55-6:10 pm- Wrap	3 Scheduler: Slabey Note: Hold time for WH Correspondent's Dinner

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	White House Study on Big Data Kirchhoff -- Rough Personal Notes by Chapter	56	04/09/2014	P5;

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Subject Files - FG006-03 (Chief of Staff)

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	BDP Outline & Early Text-V4.1	40	04/04/2014	P5;

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