

Security Management in the Internet Era

8th : Personal Information and Security (2)
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Schedule

- 01st (09/22) Course Description
- 02nd (09/29) Cloud Security (1)
- 03rd (10/06) Cloud Security (2)
- 04th (10/13) Military use of the cyber security technology and its issues
- 05th (10/20) IPv6 Security
- 06th (10/27) Guest Lecture (Joichi Ito)
- 07th (10/27) Personal Information and Security (1)
- 08th (11/10) Personal Information and Security (2)**
- 09th (11/17) Disaster Recovery Internet (1)
- 10th (12/01) Disaster Recovery Internet (2)
- 11th (12/08) Midterm Presentation (1)
- 12th (12/15) Midterm Presentation (2)
- 13th (12/22) Evaluation of Security Risk
- 14th (1/12) Final Presentation (1)
- 15th (1/19) Final Presentation (2)

Today's Topics

- What is privacy?
 - OECD guidelines
 - Privacy law in Japan
- International personal data transfer problems
 - Think about the international personal data transfers from a point of view of national side and enterprise side.

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What is Privacy?

- Privacy may be defined as the claim of individuals or groups to determine when, how, and to what extent information about them is communicated to others.
- Privacy is your right to control what happens with personal information about you.
- First argument that was an invasion of privacy in Japan
 - "After the banquet" [宴のあと] (Yukio Mishima, 1964)
 - Local court ordered him to pay ¥800,00 for the damages

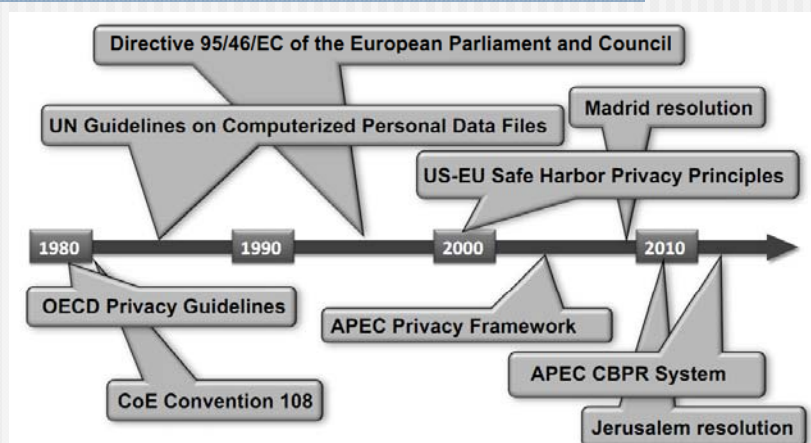
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Privacy & Internet

- The use of the Internet can affect the privacy rights a person has in his or her personal data.
- Privacy issues relating to personal data arise from
 - insecure electronic transmissions,
 - data trails and logs of email messages,
 - online transactions, and the
 - tracking of web pages visited.

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Chronology of International Privacy Frameworks



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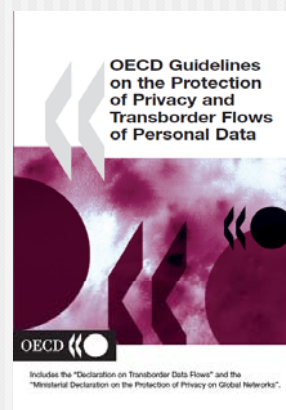
International Standard of Personal Data

- **OECD Guidelines on the Protection of Privacy and Transborder Flow of Personal Data**
 - They are adopted by OECD (Organization for Economic Co-operation and Development) in September 23, 1980.
 - They provide general guidance on the handling of personal data in the public and private sectors.
 - They represent an international consensus on how best to balance effective privacy protection with the free flow of personal data.
 - They are technology-neutral, flexible, allow for various means of compliance, and apply in all environments, including on global networks.

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8 Core Principles of OECD Guidelines

- Collection Limitation
- Data Quality
- Purpose Specification
- Use Limitation
- Security Safeguards
- Openness
- Individual Participation
- Accountability



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Privacy Law in Japan

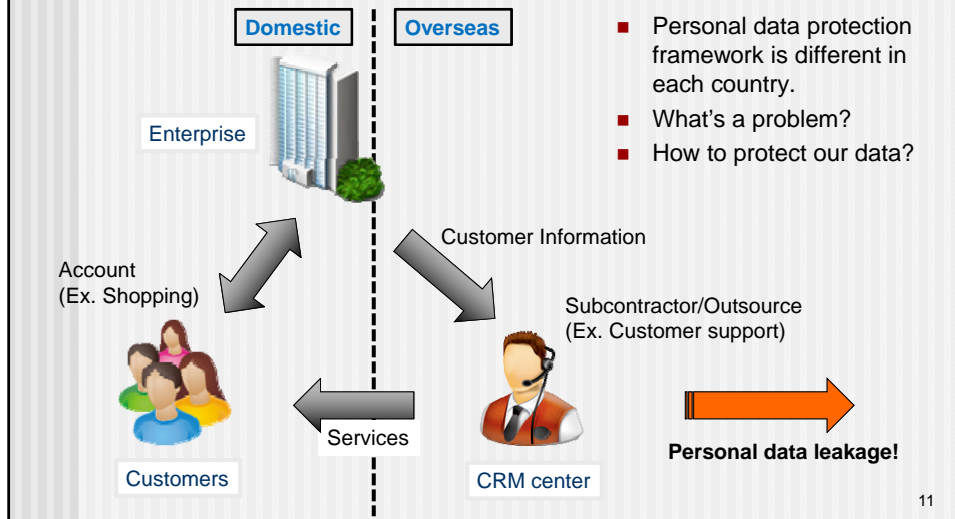
- Personal Information Protection Act
 - Effective: April 1, 2005
 - Goal: to protect individuals' rights and interests given the increase in the use of personal information in the information and communication society.
 - It is mainly directed to the private sector.
 - A telecommunications company in Japan must follow this guideline.
 - It establishes the duties of the operator who handles personal information such as
 - specify the purpose of use,
 - restrictions on the purpose of use,
 - proper acquisition,
 - security control measure, etc.

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International personal data transfer problems

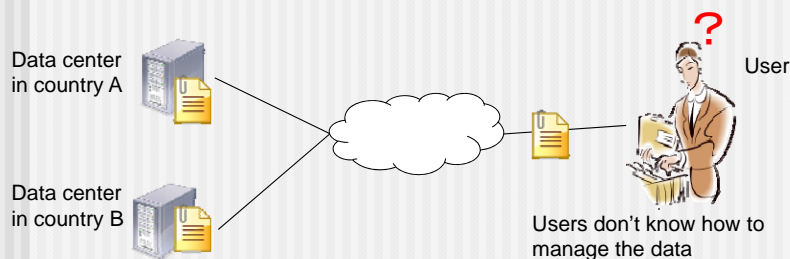
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Globalization of Enterprise



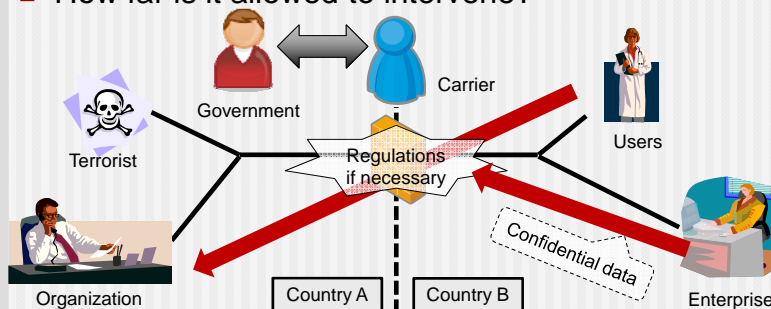
International Data Transfer

- The rise of large scale services.
 - Place the data centers in many countries
- Trend of data center distribution
 - Merit: processing & distribution of data, redundancy
 - Demerit: (because of the different laws in each country)
 - Information leakage
 - Difficulty of data protection



The Relation between Nation and International Data Transfer

- What is the role of country?
 - Crime prevention
 - Domestic technology & political information protection
 - National data protection
- How far is it allowed to intervene?



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Laws That Allow Bugging

- Japan: Laws for criminal investigation (1999 August)
犯罪捜査のための通信傍受に関する法律(平成11年8月18日法律第137号)
 - It provides the legal basis for using COMINT to investigate a crime
 - Laws limit the investigation
 - Only for drug-related infraction, gun-related crime, mass smuggling & murder that was done systematically
- United States: USA PATRIOT Act (2001 October)
 - Gathering personal information in the name of homeland security due to the 9-11 terrorist attacks in 2001
 - It remains less well-defined that whose & what kind of information will be gathered
 - Information provider has to keep a secret that who provide the information

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Development of Laws about Personal Data Transfer

- Safe Harbor Agreement
 - International agreement of data transfers
 - Agreement between United States & EU
 - Enterprise which fulfill personal protection technology will get the green light
 - Personal data transfer limitation (to a third country) from authorities
- There are no laws in Japan which define the international personal data transfer.
- We have to think what agreement needs to be complied.

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Position of Nation & Enterprise

- | | |
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| <ul style="list-style-type: none">■ Issue: Nation<ul style="list-style-type: none">■ Crime prevention<ul style="list-style-type: none">• Counter-terrorism• Policing■ Data Protection<ul style="list-style-type: none">• National Secret• National Data• Citizens Data | <ul style="list-style-type: none">■ Issue: Enterprise<ul style="list-style-type: none">■ Convenience<ul style="list-style-type: none">• Redundancy• Process Distribution■ Trade secret protection■ Cost reduction<ul style="list-style-type: none">• Operation• Management |
|--|--|

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Discussion

- Nation and Enterprise have different purpose
 - Crime prevention vs. Secret data protection
 - National data protection vs. Convenience
 - Which comes first?
 - Benefit for Nation or Enterprise?
 - How to solve this data transfer problems?
- How far nations intervene international data transfer of enterprises?

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2nd Assignment

- TBA

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