



Hacking the Law for Researchers

Chris Hoofnagle
UC Berkeley Law
For WISE 2010

Carnegie Mellon

Cornell University

MILLS
COLLEGE

San José State
UNIVERSITY



STANFORD
UNIVERSITY

Berkeley
UNIVERSITY OF CALIFORNIA



Law as a research tool

- General advice
- Freedom of Information Laws
 - Identity theft reporting
 - Consumer complaints about privacy
- Privacy Laws
 - FACTA Access
 - SB 27 Report
 - Flash Cookies
 - KnowPrivacy

- The policy debate is...not that sophisticated
 - Merely descriptive studies are very useful b/c the industry often controls the debate
 - RFID
- Extremely important: attention to detail
 - You have to be correct
 - If any of your findings are remotely inaccurate, critics will dismiss your entire study
 - Your actions send signals to your students
 - Document everything!
 - Stay narrowly focused on your topic
 - Papers should have no “throw away” sentences, tangents, assertions of fact...!

- Watch for most strenuous assertions...and test them
 - “People want tailored advertising”
 - “Young people don’t care about privacy”
 - “Guard your personal information to prevent identity theft”
 - “Blocking 3rd party cookies will ‘break’ the internets”
- Give the resulting reports simple titles that staffers are likely to find and understand
 - E.g. Americans Reject Tailored Advertising..., Flash Cookies and Privacy, etc.

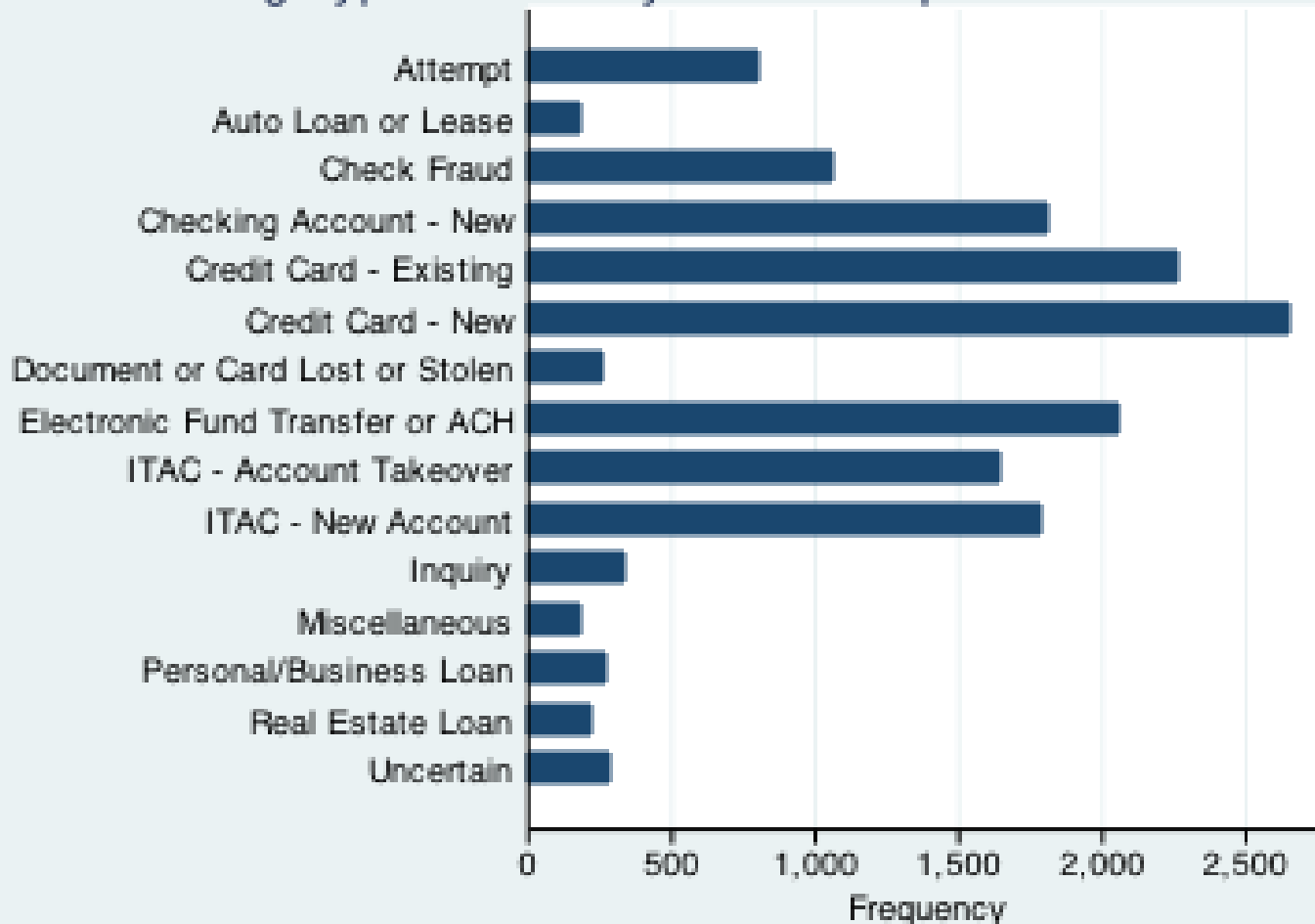
- They take time...
 - Narrow, targeted requests can be quicker
 - Keep in touch with the FOI officer
- You can opt for electronic data!
 - Talk w/ the FOI officer to get a usable format!
- You can get fees waived if you are acting on behalf of an “educational or noncommercial scientific institution” requester, under 5 U.S.C. §552 (4)(A)(ii)(II).



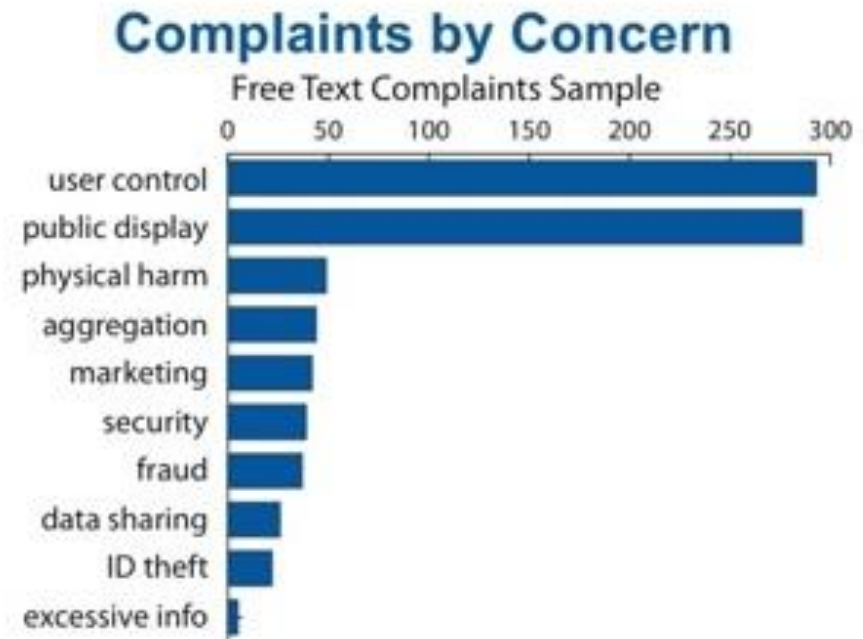
- These are all free, high quality resources--
- Federal Open Government Guide
 - <http://www.rcfp.org/fogg/index.php>
- State Open Government Guide
 - <http://www.rcfp.org/ogg/>
- FOI Letter Generator
 - <http://www.rcfp.org/foialetter/index.php>

FTC Identity Theft Data

Leading Types of Identity Theft at Top 5 Banks



- Narrative: “consumers care about harm”
- Technique: FOI request to the FTC for consumer complaints concerning top 100 websites...



- Often require reporting
- Often require that governments or companies give individuals access to data

- 2003 Amendments to the Fair Credit Reporting Act give victims of identity theft access to all business records associated with the crime
- This means that the institution that granted credit in the victim's name to an impostor must provide the credit application, account statements and other information about the crime

X6's application

Evidence of picture ID & credit card not provided to victim

Basic accountability metadata missing

KOHL'S
expect great things™

| | | |
|---------|-------------|------|
| Store # | Associate # | Date |
| | 1724779 | - - |

You MUST have a state issued picture ID and a current charge card to apply.

I/we have read and agree to the terms stated under the authorization on the back of this form. The creditor may verify my information, check my/our credit history and secure follow-up credit reports on me/us. I/we agree that use of the account constitutes my/our agreement with the terms and conditions of the Cardmember Agreement which I/we will receive when my/our Credit Application is processed.

| | | |
|---------------------------|------|-----------|
| First Name (please print) | M.I. | Last Name |
| GRIMMIA | | James |

Signature _____

| | | |
|--|------|------------------------|
| Co-Applicant First Name (please print) | M.I. | Co-Applicant Last Name |
| | | |

Co-Applicant's Signature _____

Provide your e-mail address and receiver:

E-Mail Address (optional) _____

Provide your e-mail address and receiver: This information is used to contact you if we need to verify your information or if we need to contact you regarding your account. We will not share your information with any third party without your consent. If you do not provide an e-mail address, we will not be able to contact you. We will not share your information with any third party without your consent. If you do not provide an e-mail address, we will not be able to contact you. We will not share your information with any third party without your consent.

Last name misspelled; in first name field

Signature not consistent with victim's

Summary of errors we found

| Victim Number | Wrong Address | Wrong Phone | Wrong DOB | Wrong <u>SSN</u> | Wrong <u>DLN</u> | Misspelled Name | Red Flags |
|---------------------|---------------|-------------|-----------|------------------|------------------|-----------------|-----------|
| X1 (6 applications) | 4 | 2 | 1 | | | | |
| X2 (1 application) | 2 | 1 | | | | | |
| X3 (1 application) | 1 | | | | | | |
| X4 (3 applications) | 2 | | | 1 | | | |
| X5 (4 applications) | 3 | | 3 | | 1 | | 3 |
| X6 (1 application) | | | | | | 1 | |

- SB 27, the “Shine the Light Law”
 - Direct marketing transparency law
 - Must disclose third party information sharing partners or
 - Opt the consumer out
- We sent 112 SB 27 letters and tracked them carefully
 - 53 companies never responded
 - Only 6 disclosed their information sharing practices
 - 39 did not share data with third parties
 - 5 provided an opt out right
 - 9 were classified as “other”

Walt Disney: 29 partners



Shannon Canty
396 Simon Hall
Berkeley, CA 94720

June 24, 2009

Dear Ms. Canty,

Thank you for contacting us.

At our company we take great pride in the relationship of trust we have built with our guests over many years and are dedicated to protecting guest privacy and to proper handling of any personal information we obtain. Should you wish to learn more about our privacy policy, you can access it by clicking on the privacy policy links on our sites' homepages.

Thank you.

Walt Disney Internet Group
California Civil Code § 1798.83 Statement

In accordance with California Civil Code § 1798.83, Walt Disney Internet Group is providing the following information set forth in this statement for the 2008 calendar year.

Categories (disclosed in accordance with California Civil Code § 1798.83 (a)(1)):

- Name and address
- Electronic mail address
- Age or date of birth
- Number of children
- The age or gender of children
- Occupation
- Telephone number
- The kind of product the customer purchased, leased, or rented.
- Time date and time of customer purchase.

Third Parties (disclosed in accordance with California Civil Code § 1798.83 (a)(2)):

ABC Television Network
77 West 66th Street
New York, NY 10023
212-456-8068
Broadcasting services

BBDO Detroit
248-293-4828
880 W Long Lake Rd
Troy, MI 48098
Advertising Agency

The Walt Disney Internet Group - 500 South Buena Vista Street, Burbank, California 91521-7716

LeadDog Marketing Group, Inc.,
159 West 25th Street, 2nd Floor
New York, NY 10001
Marketing Sales

Colgate-Palmolive
300 Park Ave.
New York, NY 10022
Phone: 212-310-2000
Fax: 212-310-2475
Toll Free: 800-468-6502
Soaps & Detergents-Manufacturers

Tmobile
Customer Relations
PO Box 37380
Albuquerque, NM 87176-7380
Wireless Services

Walt Disney World Resort
ATTR MARKET AND ADVERTISE - FL
220 Celebration Pl
Celebration, FL 34747
Resort and theme park services

Harrah's Properties, Inc.
Las Vegas, Nevada
702-880-4700
Entertainment

Brogan & Partners Convergence Marketing
325 S. Old Woodward
Birmingham, MI 48009
248.341.8218 office
Marketing services

Hawaii Visitors & Convention Bureau
2270 Kalakaua Avenue, #901, Honolulu, HI
808-924-0214
mkogure@hvcvb.org
Marketing Sales

Pleasant Holidays
2404 Townsgate Road
Westlake Village, CA 91361
Restaurants

MSG Entertainment
2 Pennsylvania Plaza
16TH Floor
New York, NY 10021
Entertainment services

The Roomplace
Harlem Furniture
1000-46 Rowling Rd.
Lombard, IL 60148
(630) 261-1600
Furniture Stores

Choice Hotels International
10750 Columbia Pike
Silver Spring, MD 20901
Hotel Services

Denny's Marketing
864.597.7535
Denny's Call Center
203 East Main Street P-8-6
Spartanburg, SC 29319
Restaurant Services

Marketing Manager, ABCNews.com
ABC Digital Media
7 West 66th Street, 6th Floor
New York, N.Y. 10023
Broadcasting services

BASS Sweeps Selection Request for MBRSH
BASS/ESPN Outdoors
P.O. Box 10,000
Lake Buena Vista, FL 32830
Fishing Organization

Integrated Marketing Technology, Inc
50 Osgood Place, Suite 330
San Francisco, CA 94133
Marketing Services

Prodigious Worldwide
400 Renaissance Center / Suite 1500
Detroit, MI 48243 USA
Marketing services

CoCo Key Water Resort at the Mt. Laurel Mall
915 Route 73
Mt. Laurel, NJ 08054
Direct: (856) 802-3902
Fax: (856) 802-3987
Hotel

Feld Entertainment, Inc.
8607 Westwood Center Drive
Vienna, VA 22182
Marketing Services for Disney on Ice

Georgia-Pacific Headquarters
Georgia-Pacific LLC
133 Peachtree Street, N.E.
Atlanta, GA 30303
Paper Dealers & Distributors

ABC News
New York
214 W. 39th Street
Penhouse
New York, NY 10018
Phone: 1.917.510.8300
Fax: 1.917.510.8382

Broadcast Services

Airways Communication
1637 Wazee Street
Denver, CO 80202
Marketing Services for Jack Links

Chrysler Llc
4400 Chrysler Drive
Toledo, OH 43608
Automobile services

Travelocity
303 Second Street, Suite 650N,
San Francisco, CA 94107
800-989-9200
Travel services

Interactive Solutions Group
1612 W Olive Ave Ste 202
Burbank, CA, 91506-2462
Phone: 818-528-0600
Marketing services for Live! With Regis and Kelly

Odyssey Marine Exploration
2223 South West Shore Boulevard
Tampa, FL 33629
Marine Contractors & Designers

Hawaii Visitors & Convention Bureau
2270 Kalakaua Avenue, #801
Honolulu, HI 96815
808-924-0214
Travel services

Orbitz
500 W. Madison, 10th Floor
Chicago, IL 60661
312-260-2210
Travel services

CALIFORNIA THIRD PARTY DIRECT MARKETING OPT-OUT FORM

If you would like to request that personal information Victoria's Secret collects about you online and offline not be shared with third parties that do not share the same brand name for their direct marketing purposes, please fill in this form completely with all of the postal addresses that you have provided to Victoria's Secret.

FULL NAME: _____
STREET/PO BOX: _____

CITY: _____
STATE: _____ ZIP CODE: _____

FULL NAME: _____
STREET/PO BOX: _____

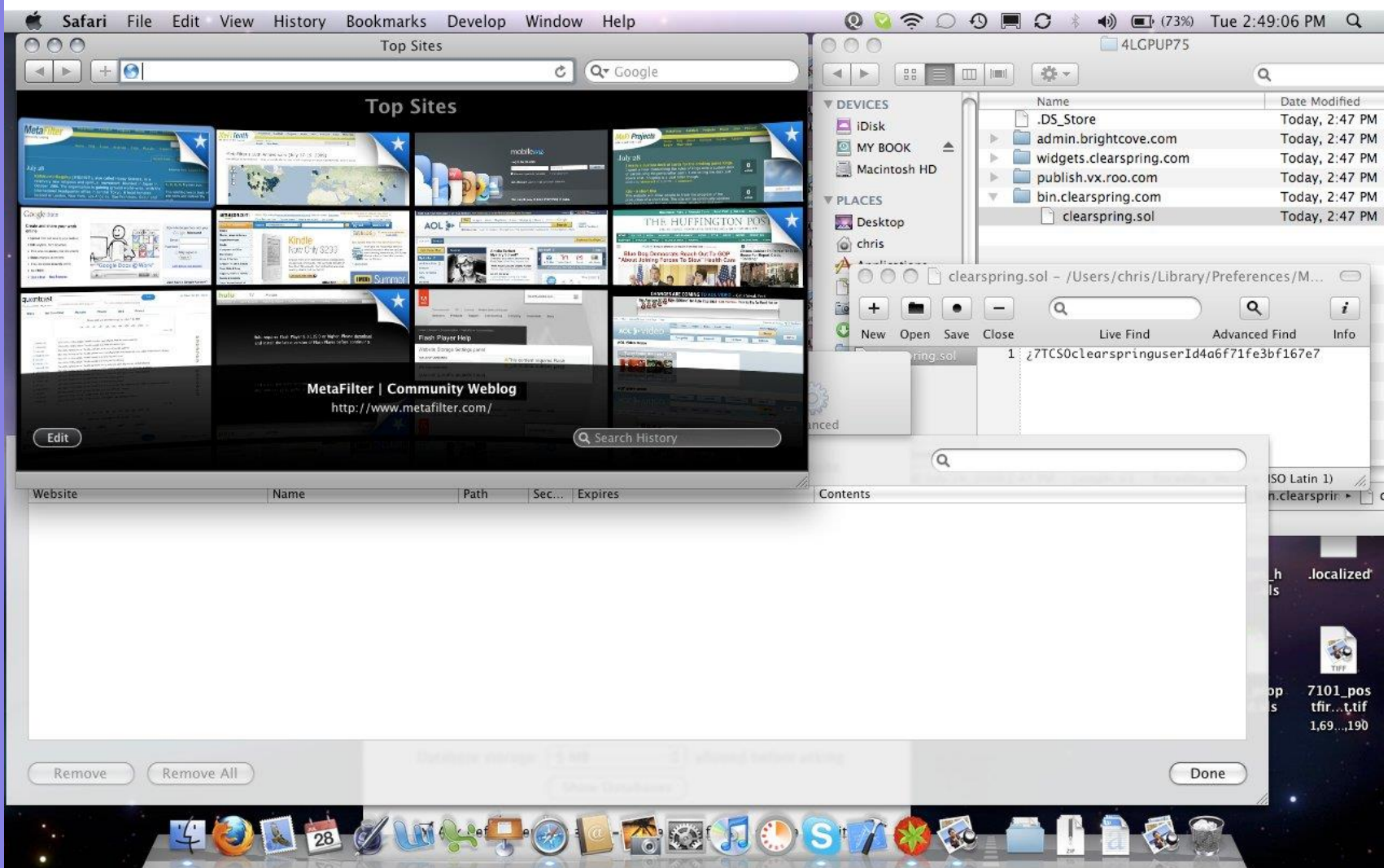
CITY: _____
STATE: _____ ZIP CODE: _____

Flash cookies and privacy

The screenshot shows a Mac OS X desktop environment. In the background, a Safari browser window displays the AOL News website. A file browser window is open, showing a folder named 'clearspring.sol' with a file named 'clearspring.sol' inside. A Security window is in the foreground, displaying a list of cookies. The table below is a transcription of the data shown in the Security window.

| Website | Name | Path | Sec... | Expires | Contents |
|-------------------------|---------------|------|--------|--|---|
| .aol.com | UNAUTHID | / | | Wednesday, July 29, 2009 2:47:41 AM PT | 1.46855b587bc011de9434df39781d6630.a0d9 |
| .aol.com | s_vi | / | | Thursday, July 28, 2011 2:47:24 PM PT | [CS]v1 253788f6051D22A1-6000013240000105[CE] |
| .aol.com | s_sq | / | | | aolcommem%3D%2526pid%253Dac...253Dnavbar_News%2526ot%253DA |
| .aol.com | POP_COOKIE | / | | Thursday, July 28, 2011 2:47:23 PM PT | name=aGtKMDixMjQ4ODE3NjQzeA%3d%3d |
| .aol.com | s_cc | / | | | true |
| .b.aol.com | MUNAUTHID | / | | Wednesday, Januar...10 4:42:04 AM PT | 1.46855b587bc011de9434df39781d6630.ef6f |
| news.aol.com | userNum | / | | Tuesday, August 11, 2009 2:47:40 PM PT | 3 |
| news.aol.com | _csuid | / | | Tuesday, October 3, 2028 8:19:53 PM PT | <u>4a6f71fe3bf167e7</u> |
| news.aol.com | PoliticsDaily | / | | Friday, August 14, 2009 2:47:42 PM PT | SEEN |
| news.aol.com | ab_MV | / | | Tuesday, August 11, 2009 2:47:41 PM PT | Version=1 |
| webcenter.polls.aol.com | JSESSIONID | / | | | A64B235BCED2752A39C2228F94CDB094 |
| webcenter.polls.aol.com | RSP_DAEMON | / | | | b09c2172d07fca6029afec64b187822 |
| .my.screenname.aol.com | SNS_SC | / | | | diAxLjAga2IKIDeGUWtnaFzheXBieU...wxgiNuEXsL62c8YI2ZxtszwMu%2F |
| eatns.web.aol.com | POP_COOKIE | / | | Thursday, July 28, 2011 2:47:25 PM PT | name=aGtKMDixMiO4ODE3NiOzeA%3d%3d |

HTTP Cookies erased; Flash kept

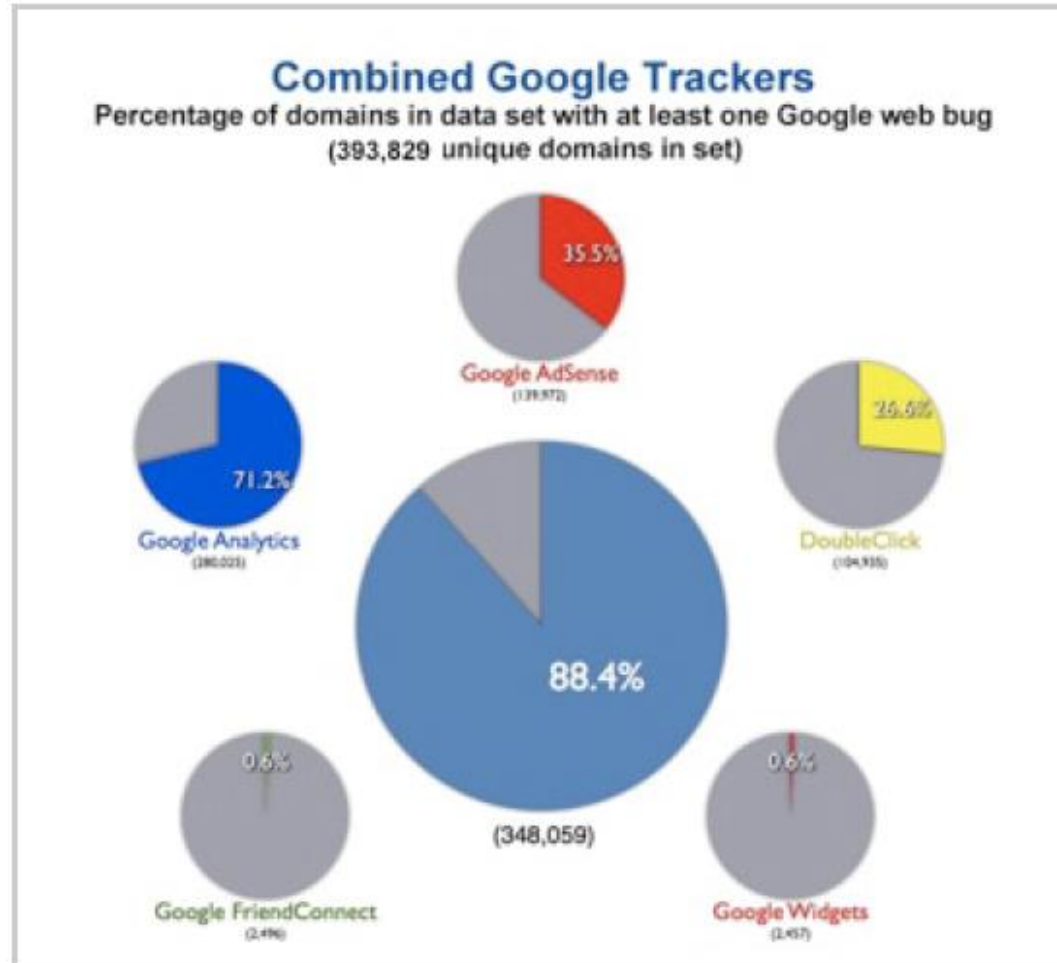


Flash respawns erased cookies

The screenshot shows a Mac OS X desktop with several windows open. The primary window is Safari, displaying the AOL News website. A secondary window shows a file browser with a list of folders and files, including 'clearspring.sol'. A third window is a cookie editor showing a list of cookies with columns for Website, Name, Path, Expires, and Contents. The 'Expires' column for the 'clearspring.sol' cookie is highlighted in red, showing a date of Tuesday, October 3, 2028. The 'Contents' column for this cookie contains a long alphanumeric string.

| Website | Name | Path | Sec... | Expires | Contents |
|-------------------------|---------------|------|--------|--|---|
| .advertising.com | GUID | / | | Thursday, July 28, 2011 2:49:39 PM PT | MTI0ODgxNzc3OTs0X0E1NnVyZGswMmNlcGZoOjM2NQ |
| .advertising.com | C2 | / | | Monday, July 28, 2014 2:49:39 PM PT | zj3bKxJFAQxCGUAVSgB4jw1LYAcSKMCitdBwhQ3WXAc |
| .aol.com | UNAUTHID | / | | Wednesday, July 29, 2009 2:49:38 AM PT | 1.8c0c524e7bc011deb8fd3d93160ecb3e.4abf |
| .aol.com | s_vi | / | | Thursday, July 28, 2011 2:49:16 PM PT | [CS]v1]2537892E051D21F8-60000133600001A[CE] |
| .aol.com | s_sq | / | | | aolcommem%3D%2526pid%253Dac...253Dnavbar_News%2526ot%253DA |
| .aol.com | POP_COOKIE | / | | Thursday, July 28, 2011 2:49:16 PM PT | name=YjFkMDIxMjQ0DE3NzU2eA%3d%3d |
| .aol.com | s_cc | / | | | true |
| .b.aol.com | MUNAUTHID | / | | Wednesday, Januar...10 4:44:01 AM PT | 1.8c0c524e7bc011deb8fd3d93160ecb3e.dba0 |
| news.aol.com | csuid | / | | Tuesday, October 3, 2028 8:19:53 PM PT | 4a6f71fe3bf167e7 |
| news.aol.com | userNum | / | | Tuesday, August 11, 2009 2:49:37 PM PT | 67 |
| news.aol.com | PoliticsDaily | / | | Friday, August 14, 2009 2:49:38 PM PT | SEEN |
| webcenter.polls.aol.com | JSESSIONID | / | | | 4856C2C81CCFAAEF86F2E380C7FB030 |
| webcenter.polls.aol.com | RSP_DAEMON | / | | | b40152a506eae8b22dc822b90df7760e |
| mv.screenname.aol.com | SNS_SC | / | | | diAxliAaa2IkiDFalWtnaF7heXRieIj...vwxaiNuFXsl62c8YI27XtszwMu%2F |

- What is the state of internet tracking?
 - Web beacons
 - Content of privacy policies
 - Affiliates



- Many unclear on enhancement, data retention
- Only partial control offered
- Lots of affiliate sharing



- “We don’t share with third parties...” but we have 1,000 affiliates!

