

Concerns Mount Over Unresolved Privacy Issues in CISPA

by [Greg Nojeim](#) [1]
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This morning, CBS News [reported](#) [2] that "[o]pposition from the Obama administration - which stopped short of a veto threat - could imperil the Cyber Intelligence Sharing and Protection Act," otherwise known as CISPA.

In a [statement](#) [3] to The Hill last night, National Security Council spokeswoman Caitlin Hayden said:

This is what CDT has been arguing from the start. We see a need for cybersecurity legislation that makes information sharing easier - however, we want to see this legislation enacted in a way that doesn't imperil Internet users' privacy rights.

Last Friday, Facebook made the same case. Joel Kaplan, Vice President for U.S. Public Policy for Facebook, [wrote](#) [4]:

On Monday, Robert Holleyman, President of the Business Software Alliance (BSA), which represents Apple, Microsoft, and many other companies, made a similar [statement](#) [5]:

On Tuesday, The Hill [also reported](#) [6] that Google has been working with CISPA sponsor Rep. Mike Rogers (R-MI) "to find the right language in the bill" to protect consumers' privacy and prevent Internet regulation.

In the same article, Chairman Rogers said that there has been "huge progress" made in addressing the concerns of the privacy community. We see it differently. Our discussions have been in good faith, and some progress has been made, but it is not "huge." While the Committee has issued a number of [draft amendments](#) [7] to CISPA, none of the major concerns of the privacy community has been fully addressed. Some of our concerns have been rejected outright so far.

Specifically, there are four areas that should be fixed before CISPA goes to a floor vote:

1. CISPA has an almost unlimited definition of what user information can be shared with the government. This definition should be narrowed.
2. CISPA would allow companies to share Internet users' information directly with the National Security Agency. Instead, information should go to the Department of Homeland Security, a civilian agency that will provide more accountability to the public for failure or abuse.
3. CISPA would allow information shared with the government to be used for purposes unrelated to cybersecurity.

4. The bill includes vague language authorizing ISPs and others, “notwithstanding any other provision of law,” to use “cybersecurity systems” to identify and obtain cyberthreat information. We are concerned that this is an authorization for use deep within private networks of the EINSTEIN system developed by DHS with NSA help. We think it is better to state clearly and simply that ISPs and other systems operators are authorized to monitor their own systems to protect their rights and property and those of their customers.

We are still hopeful that these problems will be addressed before CISPA is voted on, but if they aren't, we will urge Internet users and Congress to oppose the bill.

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[2] http://www.cbsnews.com/8301-501465_162-57415670-501465/white-house-questions-cispa-cybersecurity-bill/

[3] http://thehill.com/blogs/hillicon-valley/technology/222143-white-house-criticizes-cybersecurity-bill-cispa?utm_campaign=HilliconValley&utm_source=twitterfeed&utm_medium=twitter

[4] <https://www.facebook.com/notes/facebook-washington-dc/a-message-about-cispa/10150723305109455>

[5] http://www.bsa.org/country/News%20and%20Events/News%20Archives/en/2012/en-04162012-cdt-iti.aspx?sc_lang=en

[6] <http://thehill.com/blogs/hillicon-valley/technology/221977-gop-chairman-google-supportive-of-controversial-cybersecurity-bill-cispa>

[7] <http://intelligence.house.gov/sites/intelligence.house.gov/files/documents/04162012HR3523.pdf>