

2017 ANNUAL REPORT

DEFENDING
DEMOCRACY
IN THE
DIGITAL AGE



CENTER FOR
DEMOCRACY
& TECHNOLOGY

"Policymakers must be deliberate and forward-looking, the populace must be informed and involved, and the private sector must be civically engaged. The Center for Democracy & Technology works tirelessly to make all of this happen."

#DEFENDDEMOCRACY

LETTER FROM OUR CEO

The events of 2017 illuminated a hard truth: the internet, and the platforms and technologies that sprang from its success, do not always have democracy's best interest at heart. But if we engage in inclusive conversations about how to make tech work better for people, we can harness the power of the internet and advance democratic values globally. Policymakers must be deliberate and forward-looking, the populace must be informed and involved, and the private sector must be civically engaged. The Center for Democracy & Technology works tirelessly to make all of this happen, and as democracy faces new challenges in the digital age, our work has never been more important.

CDT has long been a convener of diverse groups and institutions to collaboratively form the best public policies around tech and the internet. This central role has never been more challenging, yet through thoughtful and respectful advocacy, we have found solutions to many complex policy issues and ignited new conversations around the technologies that impact our daily lives.

We're working to make elections more secure. Without confidence in the electoral process, democracy cannot thrive; citizens must trust that their vote counts. By working closely with state and local officials in the United States, we are developing cybersecurity guidance for election officials that will benefit democracies worldwide.

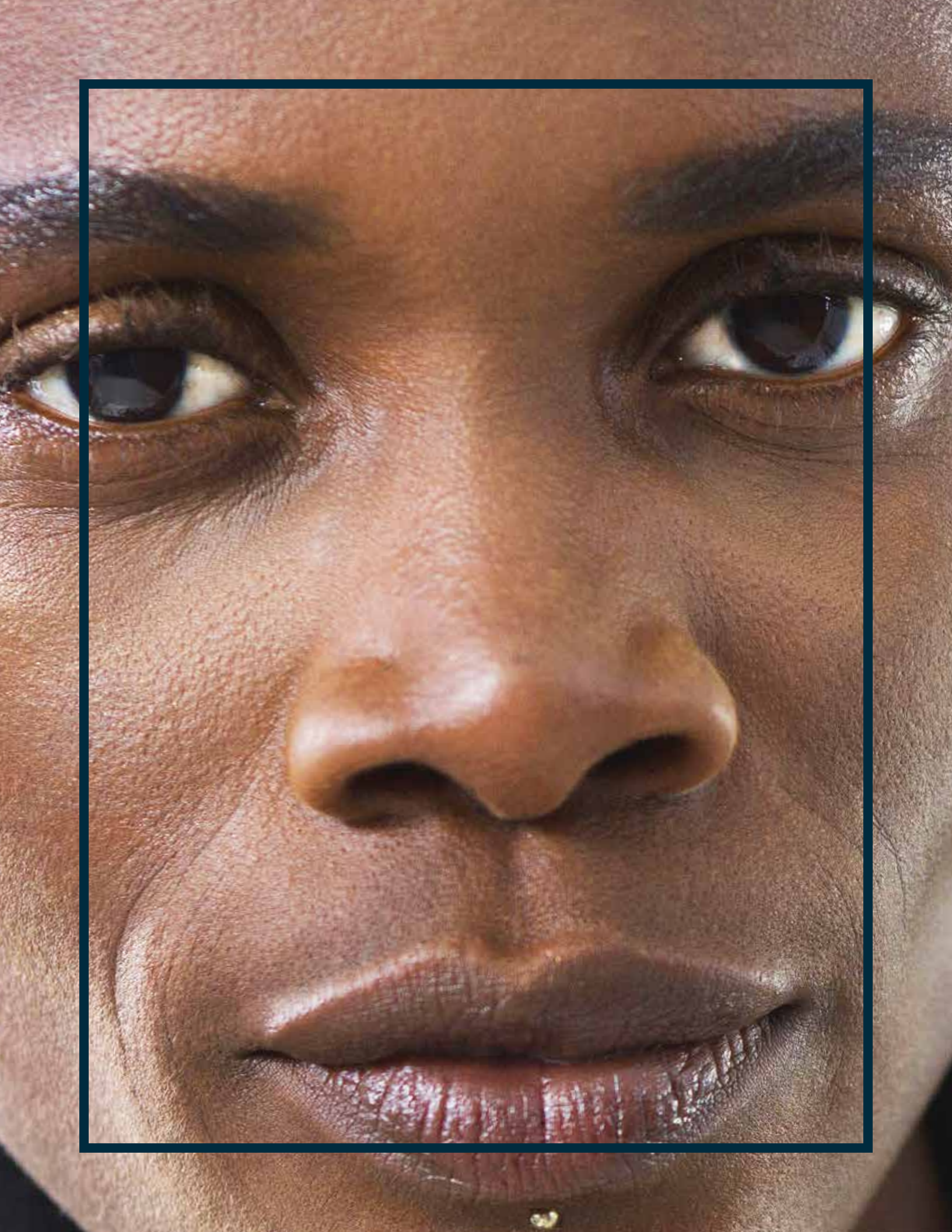
We've remained a steadfast champion for ensuring that online speech receives the highest level of legal protection. As governments worldwide pressure companies to take down more online speech for a range of reasons, CDT pushes back against proposals that would certainly lead to overbroad censorship.



And when CDT first started exploring the ways that digital decisions can impact individuals and society, few were truly contemplating how discrimination, bias, and power structures could unintentionally be embedded into technology. Today, it is evident to most that not only are algorithms not neutral, but they can also restrict opportunities, limit viewpoints, and advance misinformation. That's why CDT is working with companies and government agencies to help ensure that crucial ethical questions are raised during the development phase of new technologies and not just after their deployment.

CDT continues to be a staunch advocate for freedom of expression, net neutrality, the privacy rights of every consumer, and the right of citizens to live free of constant government surveillance. The year ahead will unquestionably pose challenges to all of these fundamental rights, but thanks to the generous support of individuals, foundations, and businesses alike, CDT will be there as an ardent advocate for your digital rights.

A handwritten signature in black ink that reads "Nuala O'Connor". The signature is written in a cursive, flowing style.



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HIGHLIGHTS

Opposing the Rollback of Broadband Privacy Protections



In 2016, internet users were empowered to take more control over their personal information online when the FCC enacted strong privacy protections for information collected by broadband providers. In 2017, **these rules were overturned by Congress**, despite efforts by CDT and a broad privacy coalition. CDT has begun working with state legislators on bills aimed at restoring the rules.

Steadfast Support for the Open Internet



Net neutrality is essential to a vibrant and open internet. The FCC's repeal of the Open Internet Rules prioritized internet service providers over consumers and small businesses. CDT will continue to advocate for net neutrality protections and challenge the FCC's actions in court.

Addressing Issues with "Ethnic Affinity" Marketing



When Facebook enabled marketing based on "ethnic affinity," CDT was among the first to raise the potential for **unlawful and unethical discrimination**. CDT worked directly with Facebook to address these issues and the company announced positive changes to the program.

Supporting Security Research



Through a grant from the Hewlett Foundation, CDT is supporting computer information security research by shedding light on its value and exploring the uncertain policy and legal landscape researchers often face. We're also illustrating how security researchers are making Internet of Things devices, automated vehicles, and medical devices safer.

Educating the Policymaking Community on Emerging Technologies



CDT's team of technologists educates policymakers about the latest technology, how it works, and its implications for law and policy. New issues this year included bitcoin, blockchain, and cryptocurrencies, as well as election cybersecurity issues and statistical election auditing. We also continued to address encryption, software vulnerabilities, and data security.

Encouraging Companies to Delete Unnecessary Data

In CDT's white paper, "Should it stay or should it go?" we make the case that it is in neither a company's, nor a customer's, best interest to hold onto large amounts of data forever. Retaining data indefinitely is the default for many companies, yet implementing a data deletion regime can help improve data quality, reduce risk, and gain consumer trust.

Email Privacy Act Passes in the House



CDT believes that law enforcement should get a warrant to search communications stored in the cloud, and has long called for reform of the Electronic Communications Privacy Act. CDT was instrumental in getting the U.S. House of Representatives to pass the Email Privacy Act to address this issue. A similar bill stalled in the Senate.

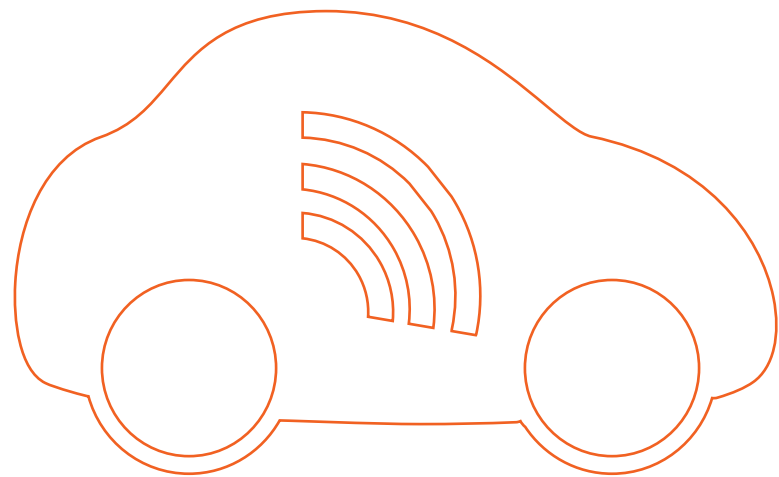


Teen Vogue Honored at Tech Prom

At the 2017 Annual Dinner, Tech Prom, CDT honored Teen Vogue's leadership team with the Digital Visionary Award for their promotion of youth activism and civic engagement. The digitally-focused media outlet demonstrates the power of a free and open press, while breaking down stereotypes and elevating new voices on important social issues.

Promoting Privacy in Autonomous Vehicles Policy

When the National Highway Traffic Safety Administration (NHTSA) released its automated vehicle policy framework, CDT quickly **called for more guidance** on how its data sharing proposal would work. CDT requested more information on privacy rules and cybersecurity standards, and encouraged NHTSA to withdraw insecure standards for vehicle-to-vehicle communications.



More Episodes of Tech Talk for Your Playlist



CDT's Tech Talk is a podcast where we dish on tech and internet policy. You can find Tech Talk on SoundCloud, iTunes, and Google Play. This year's episodes included discussions on the changing definition of fake news, the intersection of technology and global health, and the facts and fictions of Russian hacking in the 2016 election cycle.

Narrowing Surveillance Laws



Section 702 of the Foreign Intelligence Surveillance Act was set to expire at the end of 2017. This statute allows the U.S. government to target foreigners abroad without any judicial determination and **leads to the collection of large amounts of information about Americans**. CDT sought reform of Section 702 to narrow the scope of collection and require a warrant to search the data collected.

Finding Solutions to Law Enforcement Cross-Border Demands for Data



In the digital age, law enforcement investigations in one country often turn on access to communications held by a service provider in another country. However, the processes for obtaining this information often move too slowly. CDT engaged on many fronts, including the *U.S. v. Microsoft* case, to work towards a resolution of the problem of cross-border law enforcement demands, while preserving civil liberties protections.

Researching the Inclusiveness of Health Apps



Technology is putting health data directly in the hands of individuals, allowing them to gain new insight into their bodies and minds. This technology holds opportunities for improved health care and personal wellness. However, the volume and sensitivity of health data generated by consumer apps, devices, and platforms raise important questions about privacy and inclusion. CDT is exploring these issues through a grant from the Robert Wood Johnson Foundation.

Holding VPNs Accountable for Privacy Promises



Not all Virtual Private Networks (VPNs) are created equal. A popular free VPN, Hotspot Shield, promised to protect its users' privacy, but CDT, working with the Carnegie Mellon University Mobile App Compliance System, found that its opaque data sharing and traffic redirection practices violated that promise. CDT filed a complaint with the Federal Trade Commission asking them to investigate Hotspot Shield's unfair and deceptive trade practices.

Oposing the Collection of Social Media Identifiers at the Border



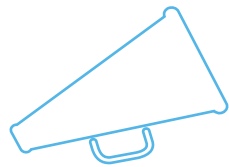
When Department of Homeland Security Secretary John F. Kelly shared his proposal to ask non-citizens to provide access to their social media accounts to U.S. Customs and Border Protection, CDT spearheaded a coalition of civil liberties organizations in opposition.

Taking Privacy Policy to the States



With Congress and the Trump administration rolling back privacy protections, state and local governments have become more concerned with how companies collect and protect personal information. CDT worked with legislators in California, Connecticut, Hawaii, Illinois, Nevada, Washington, and Washington, D.C., helping to shape and support state laws that would protect broadband privacy, give users more control over their geolocation information, and fix lax privacy and security practices in the Internet of Things.

Opposing Germany's Radical Approach to Online Hate Speech



In an attempt to combat online hate speech and "fake news," Germany passed a law that requires internet companies to promptly remove "illegal" speech from their services or face fines of up to 50 million euros. CDT opposed the bill, known as "NetzDG," because it goes far beyond its intended purposes and creates massive incentives for companies to censor a broad range of speech.

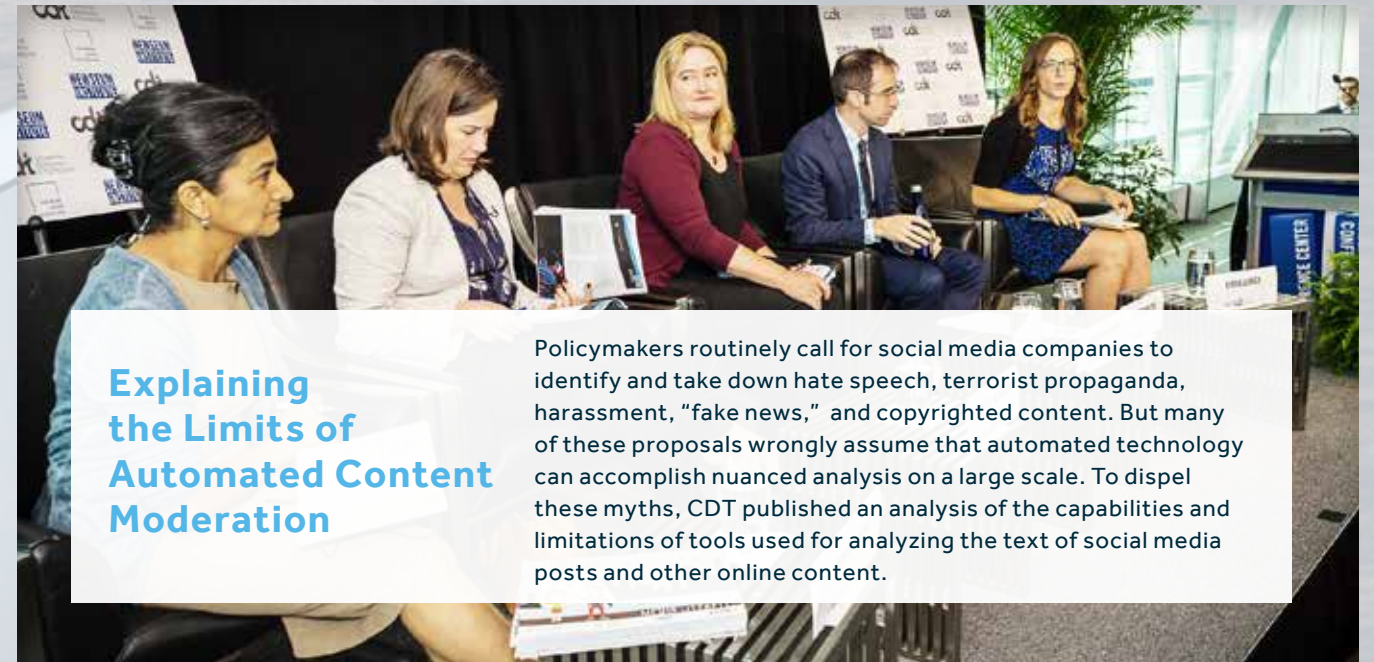
Showing How Trade Secrets Can Impact Social Justice

CDT published a paper that explored how overbroad trade secret protection can adversely affect social justice. Specifically, we highlighted that when trade secrets are applied to algorithms used to make decisions affecting people's rights and liberties, their protections can obstruct transparency and deepen inequality.

Ensuring Human Rights are Reflected in Internet Standards and Protocols



CDT is active in a number of technical bodies that set standards and protocols to ensure the internet is interoperable and secure. We participate in IETF, BITAG, and W3C, working to ensure that fundamental human rights are protected through technical decisions.



Explaining the Limits of Automated Content Moderation

Policymakers routinely call for social media companies to identify and take down hate speech, terrorist propaganda, harassment, "fake news," and copyrighted content. But many of these proposals wrongly assume that automated technology can accomplish nuanced analysis on a large scale. To dispel these myths, CDT published an analysis of the capabilities and limitations of tools used for analyzing the text of social media posts and other online content.

Addressing the GDPR and ePrivacy Regulation



With the passage of the Global Data Protection Regulation and the subsequent ePrivacy Regulation, data protection law is set to change significantly in the European Union. As both laws are refined and implemented, CDT is advocating for policies that enable the use of strong encryption technologies and allow for uses of data that have the potential to benefit society.

The Supreme Court Takes Up Location Tracking

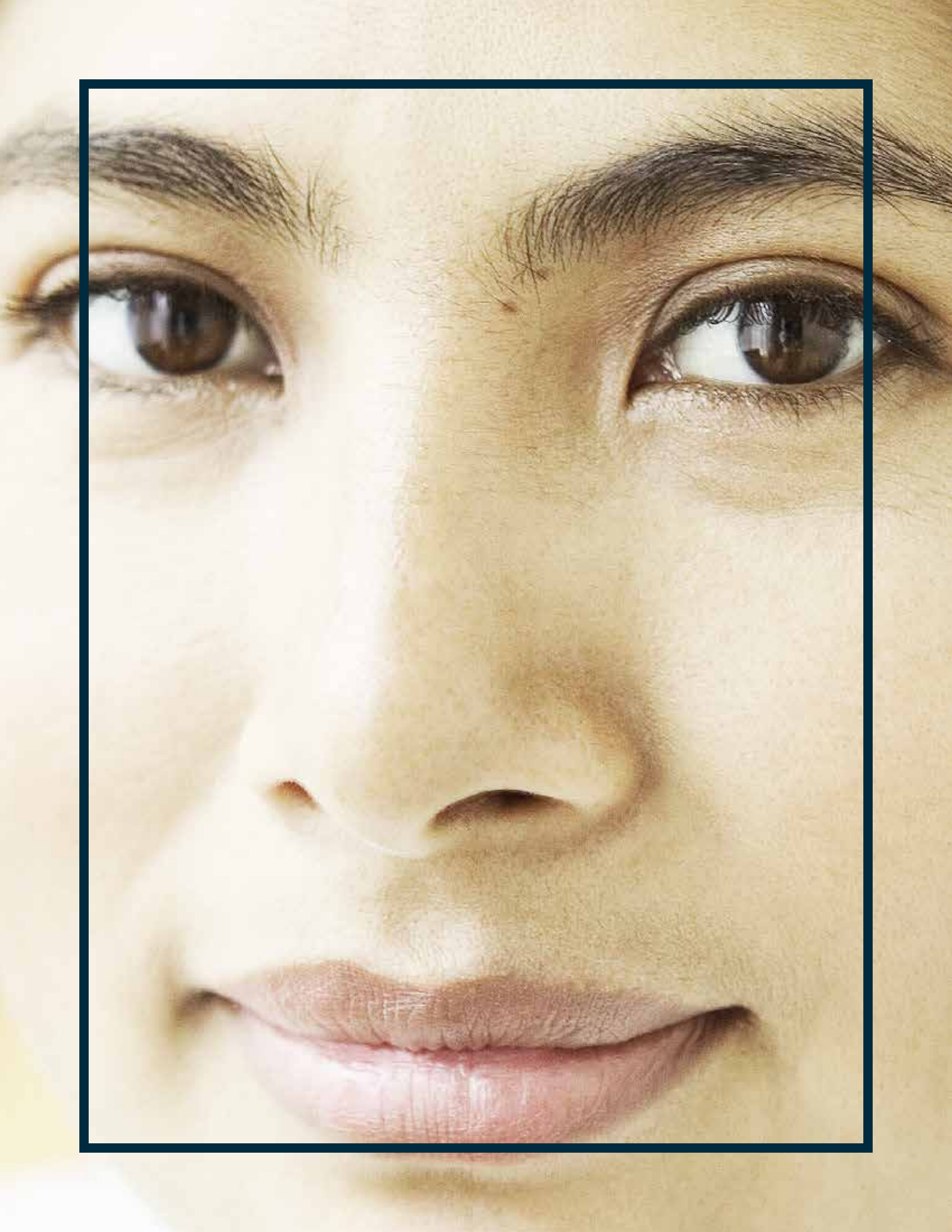


CDT filed a brief in support of privacy rights in the Supreme Court case *Carpenter v. U.S.* The Justices must decide whether the Fourth Amendment permits the warrantless disclosure of increasingly precise cell phone location information from third-party service providers.

Taking Our Advocacy to the Courts



CDT advocated in courts across the country, filing more than a dozen briefs. We filed as an intervenor in litigation to protect the 2015 Open Internet Order, a case that will receive more attention in 2018. We also urged the 9th Circuit to stand up for the rights of internet users to post anonymously, and petitioned courts to protect copyright and the privacy of email content.



2017

A CLOSER LOOK

FEATURE ONE

EMPOWERING ENGINEERS TO MAKE **ETHICAL** **ALGORITHMS**

CDT has embarked on a project to explore “digital decisions” – how algorithms, machine learning, big data, and automated decisions impact individuals and shape society. Industry and government are applying algorithms and automation to problems big and small, like reminding us when to leave for the airport, determining eligibility for social services, and even detecting deadly diseases. This new era of digital decision-making has created a new challenge: ensuring that decisions made by computers reflect democratic values. CDT wants to ensure that big data and automation are used in ways that create better outcomes for everyone, and not in ways that disadvantage minority groups.



The engineers and product managers who design these systems are in a position to prevent unintended unfair, discriminatory, and harmful outcomes up front. To help mitigate harm at the design level, CDT created a digital decisions tool to help developers understand and mitigate unintended bias and ethical pitfalls as they design automated decision-making systems.

This interactive tool translates principles for fair and ethical automated decision-making into a series of questions that can be addressed during the process of designing and deploying an algorithm. The questions address developers' choices, such as what data to use to train an algorithm, what factors or features in the data to consider, and how to test the

algorithm. These questions should provoke thoughtful consideration of the subjective choices that go into building an algorithm.

The tool is informed by extensive research by CDT and academic partners about how algorithms and machine learning work, how they're used, and the potential risks of using them to make important decisions.

FEATURE TWO

MAKING OUR ELECTIONS MORE SECURE

Data-driven campaigns and computerized election infrastructure have raised serious concerns regarding election privacy and security. As more political activity touches the digital realm, there exists a real potential for these issues to influence voting, compromise election activities, and alter core democratic norms. Through a grant from the Democracy Fund, CDT is conducting a two-year research project aimed at addressing key election cybersecurity issues, such as voter registration security and campaign data management.



The 2016 US election demonstrated just how vulnerable elections can be to a variety of cyber attacks. The election included massive voter data breaches and the first confirmed electronic hacking of operational U.S. election systems. Despite a lack of any evidence that vote counts were changed, it is clear that under-resourced election officials need support to deal with growing cybersecurity challenges.

Initially, CDT is developing best practices for modernizing voter registration system cybersecurity and providing election officials with guidance on cybersecurity. **With highly-resourced nation states now a serious threat to elections, election administrators must be equipped with tools that can be used to better protect voting systems before, during, and after a cyberattack.**

As the project progresses, CDT will conduct outreach and create accessible materials for election officials at all levels of government to help them improve their ability to audit their elections. Currently, only 30 states conduct any

level of post-election auditing, with even fewer conducting a truly robust statistical audit.

Finally, CDT will leverage its experience and networks to identify ways to increase local government cybersecurity capacity by building bridges with local information security communities. Cybersecurity professionals around the country perform common security evaluation techniques every day – from network scanning to website vulnerability discovery. This pool of technical expertise can help election officials better prepare, respond, and evaluate potential attacks.

This work is vital to fortifying democracy not just in the United States but also worldwide. With data-driven campaigns and computerized election infrastructure raising legitimate concerns and fears, this work will be essential to enhancing election security and strengthening the public's confidence in the democratic processes.

FEATURE THREE

DEBATING THE FUTURE OF SPEECH ONLINE

It has been 20 years since the landmark Supreme Court decision in *Reno v. ACLU* that extended full First Amendment protections to speech online. The decision struck down key portions of the Communications Decency Act and cleared the way for the tremendous growth of the internet we know today. CDT was instrumental in fighting back against provisions of the Act that threatened online expression.



As the internet grows and evolves, CDT continues to be a leading voice for ensuring that the highest level of legal protection is given to speech online worldwide. With a new generation now debating issues around community and speech online, CDT convened a one-day symposium, the Future of Speech Online. The event, which was held in partnership with the Charles Koch Institute and the Newseum Institute, brought together new voices and perspectives to find ways to work together to shape a digital future where speech and democracy flourish.

The Future of Speech Online featured Federal Communications Commission Chairman Ajit Pai, who said the ongoing expansion of the internet gives him hope for the future of online speech. Civil rights activist DeRay Mckesson, Vox journalist Carlos Maza, playwright Jennifer Haley, and Stand Up Republic's co-founder Mindy Finn also shared their thoughts on what the future held for the the internet and online speakers. Mckesson memorably challenged the audience by saying, "When people talk to me about this beautiful speech, I ask, where is it?"

Anna Prosser Robinson of Twitch talked about her experience in shaping inclusive, supportive online communities. Robinson founded a channel on Twitch, missclicks, that aims to be a place where "people of all genders can participate in geek and gamer culture without fear of prejudice or mistreatment." She detailed the many thoughtful ways that the missclicks community worked together to form community guidelines.

Eli Pariser, the CEO of Upworthy and originator of the term "filter bubble", joined in a spirited conversation with Julia Angwin of ProPublica and Will Rinehart of the American Action Forum about empowering internet users, and ways to address filter bubbles and "fake news."

Other topics addressed at the event included how to create a common sets of facts, the promise and limits of media literacy, and the role of intermediaries in advancing speech online. All of the videos from the Future of Speech are online on CDT's YouTube channel.



2017

FINANCIALS

CDT is committed to sound financial stewardship and transparency. We have received clean audits each year from an independent auditing firm, and have good ratings from independent charity evaluators Charity Navigator, Great Nonprofits, and Guidestar. **Our profuse thanks to our 2017 donors who made our work possible.** Visit cdt.org/financials for more information.

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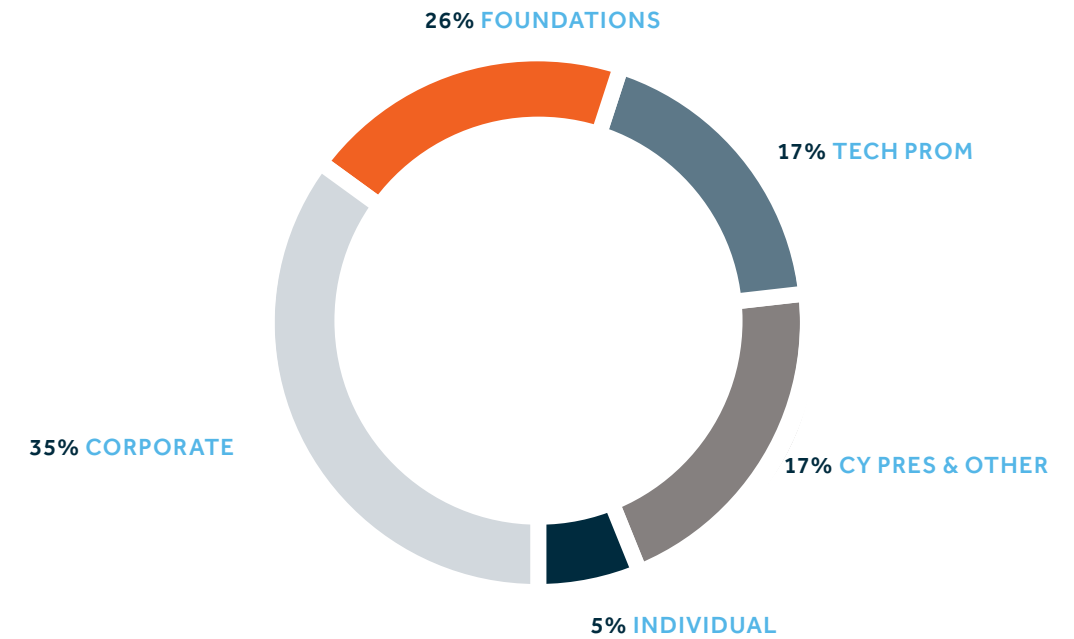
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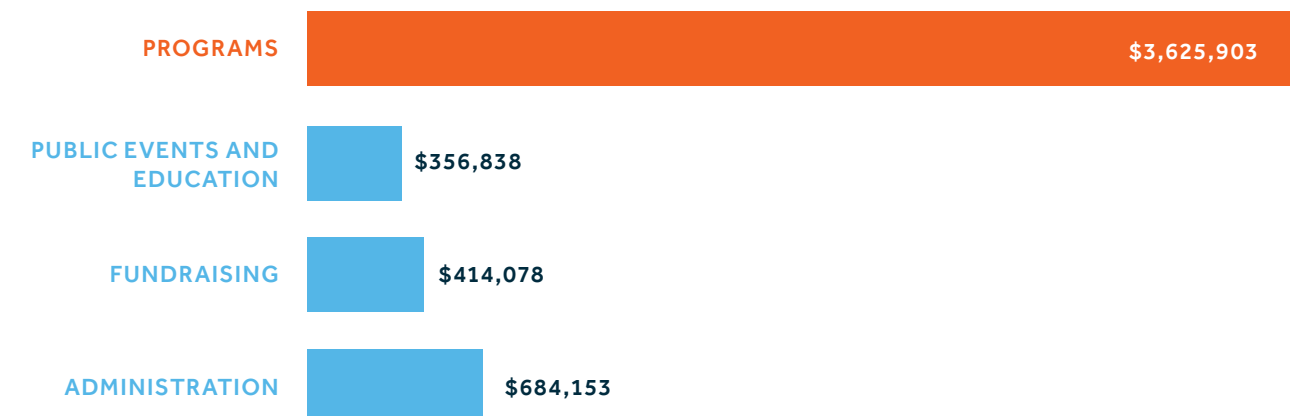
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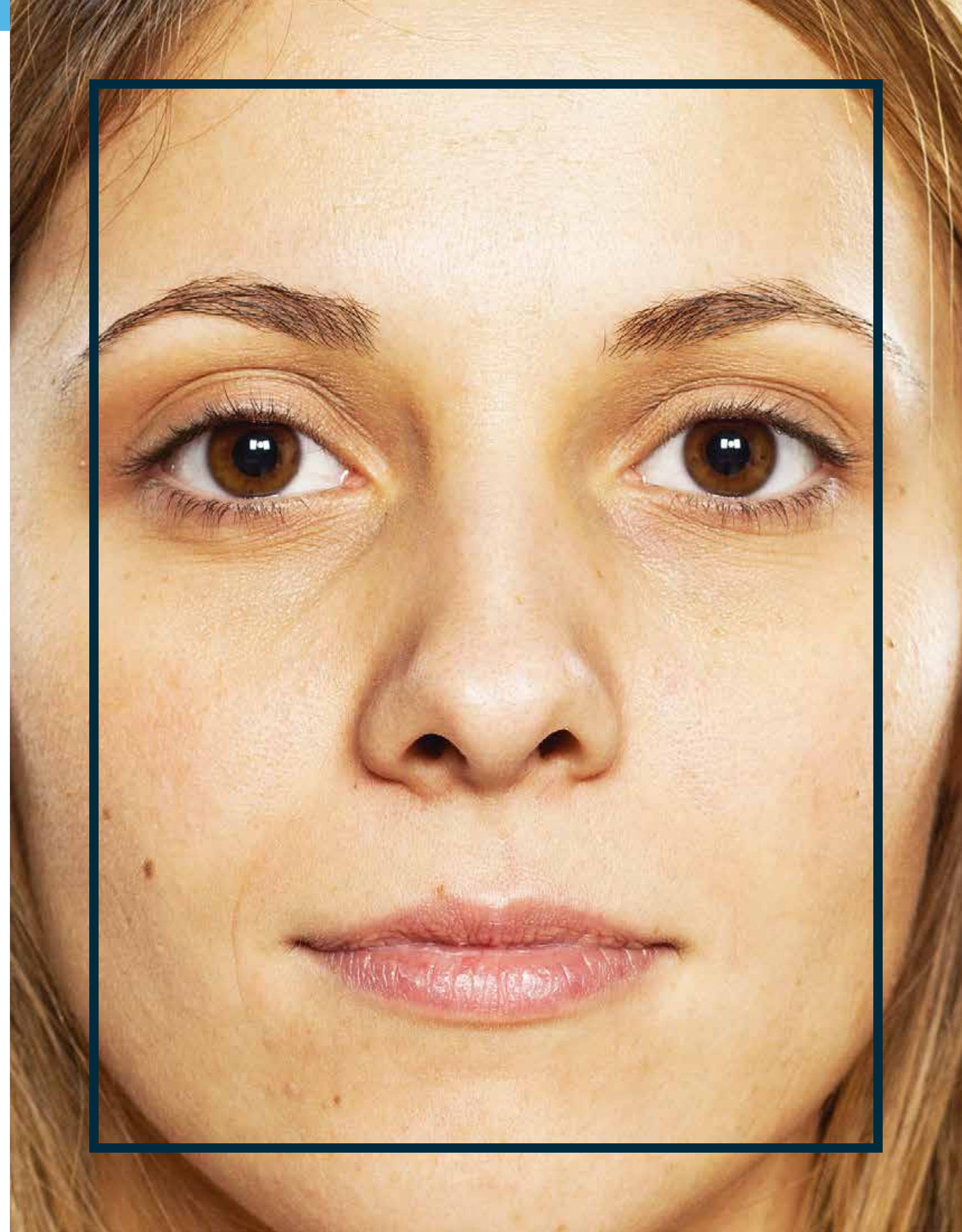
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