

# **(Re)configuration of Public-Private Assemblages in Internet Surveillance**

**UTIC Final Conference – September 2018**

**Félix Tréguer**

**UTIC deliverable 5:**

**Interrogating the public-private  
distinction in SIGINT activities**



facebook

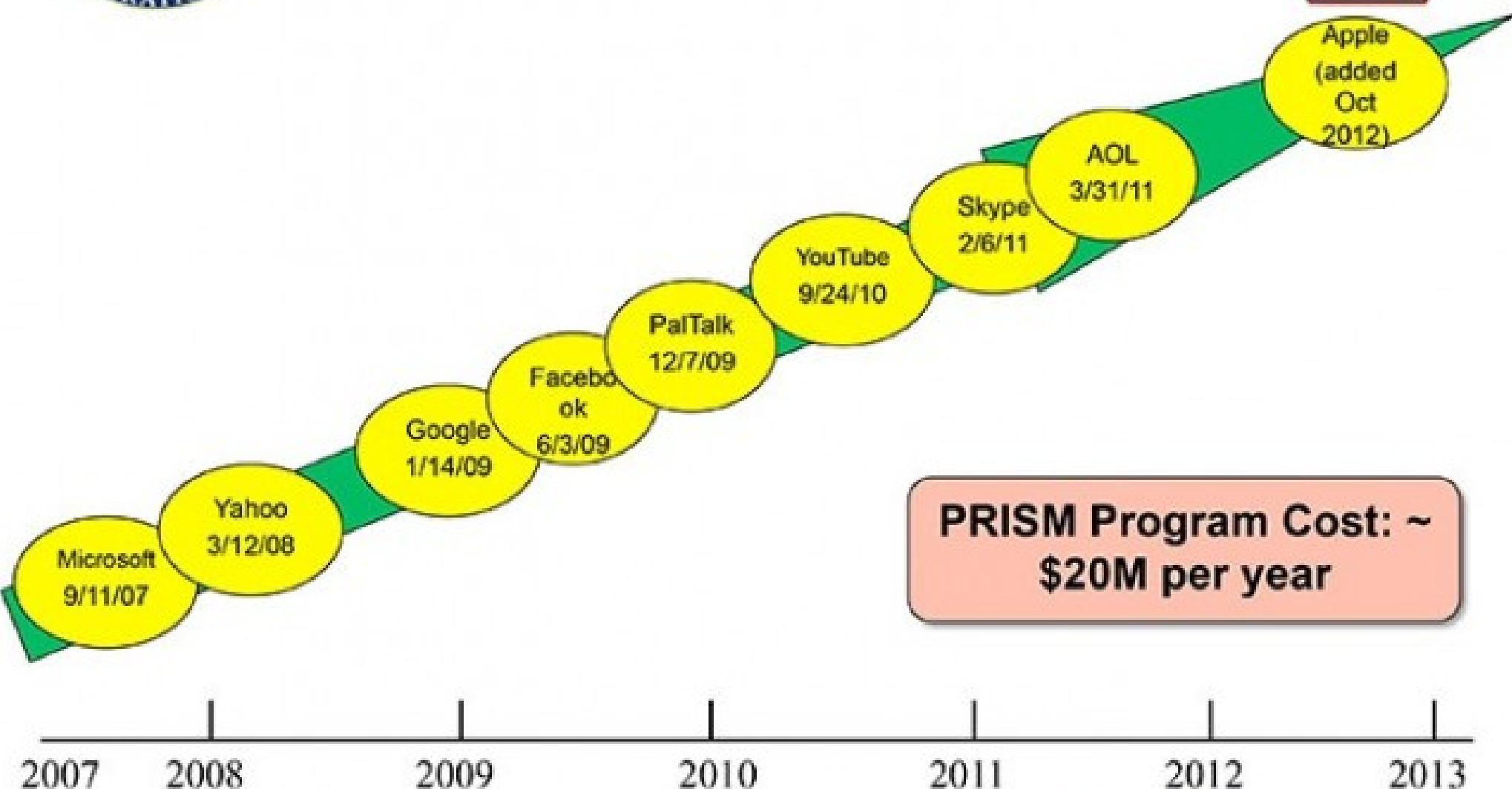


Hotmail

YAHOO!



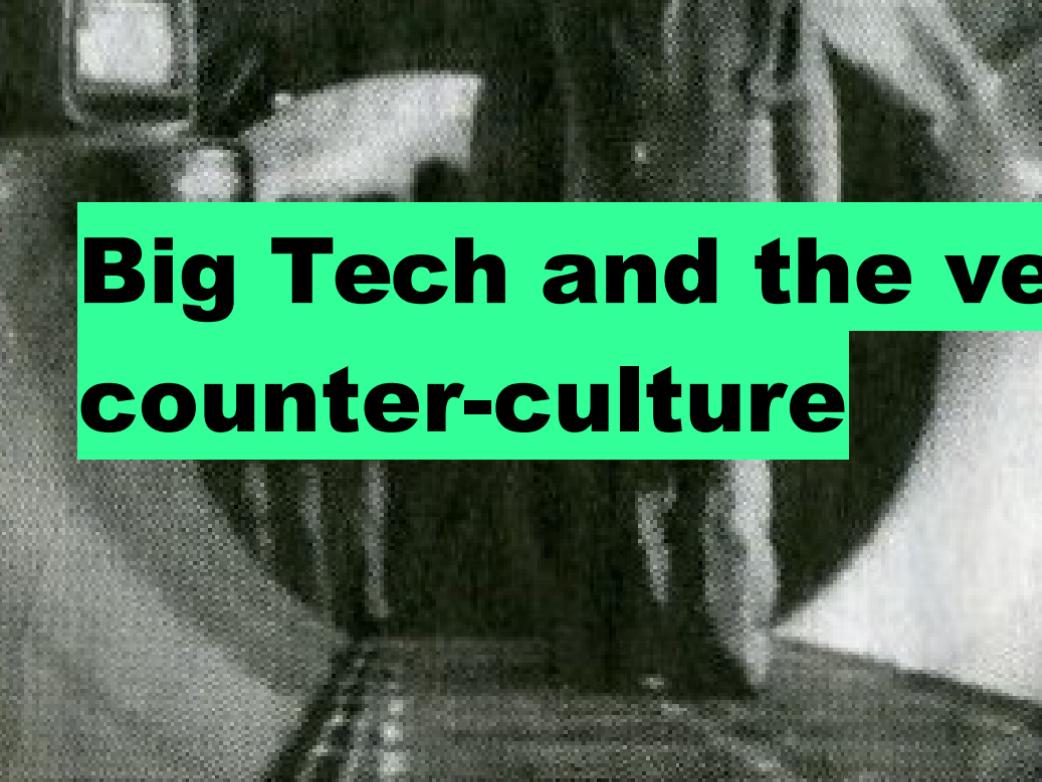
(TS//SI//NF) Dates When PRISM Collection  
Began For Each Provider



# Here comes Big Tech

Ranking of the companies rank 1 to 100	Market value in billion U.S. dollars
Apple	926.9
Amazon.com	777.8
Alphabet	766.4
Microsoft	750.6
Facebook	541.5
Alibaba	499.4
Berkshire Hathaway	491.9
Tencent Holdings	491.3
JPMorgan Chase	387.7

**Top largest companies in the world by market value in 2018 (in billion U.S. dollars (Statista, 2018))**



**Big Tech and the veneer of counter-culture**



On January 24th,  
Apple Computer will introduce  
Macintosh.  
And you'll see why 1984  
won't be like "1984"

# **Big Tech post-Snowden: Resistance or cooperation?**

# Reform Government Surveillance



*How Tim Cook, in iPhone Battle, Became a Bulwark for Digital Privacy*

## Staged resistance

ars TECHNICA

BIZ & IT TECH SCIENCE POLICY CARS GAMING & CULTURE FORUM

BIZ & IT —

## Googlers say “F\*\*\* you” to NSA, company encrypts internal network

NSA had reverse-engineered many of Google's and Yahoo's inner workings.

SEAN GALLAGHER - 11/6/2013, 9:35 PM



**On encryption or  
surveillance reform,  
resistance was actually  
very limited**

**By virtue of the Foreign Intelligence Surveillance Act,  
Google provided data on:**

- 14,000 user accounts in the first semester of 2013;**
- 48,500 accounts in 1<sup>st</sup> semester of 2017**

**= a 350% increase**

**(Google Transparency Report)**

## **In France:**

### **1<sup>st</sup> semester of 2013:**

**- Google was served with 2,011 requests by French authorities (it complied with 49 % of them); Facebook was served with 1,547 requests (39 % compliance rate)**

### **1<sup>st</sup> semester of 2017**

**- In the first half of 2017, Google received 5,661 requests (it complied with 63 % of them); Facebook, 4,700 requests (74%)**

**= a 360% and 570% increase in the number of requests for which some data was produced, respectively.**

**(Google and Facebook Transparency Reports)**

# Surge in surveillance will continue

## CLOUD Act Creates New Framework for Cross-Border Data Access

Monday, March 26, 2018

On March 23, 2018, Congress passed, and President Trump signed into law, the Clarifying Lawful Overseas Use of Data (“CLOUD”) Act, which creates a new framework for government access to data held by technology companies.

## The U.S. CLOUD Act and the EU: A Privacy Protection Race to the Bottom

BY KATITZA RODRIGUEZ | APRIL 9, 2018

## Council of Europe Ponders a New Treaty on Cloud Evidence

On 8 June 2017, the 17<sup>th</sup> Plenary of the Cybercrime Convention Committee (T-CY) of the Council of Europe approved the *'Terms of Reference for the Preparation of a Draft 2<sup>nd</sup> Additional Protocol to the Budapest Convention on Cybercrime'*. If adopted, the 2<sup>nd</sup> Additional Protocol should deal with criminal justice access to electronic evidence in the cloud, more effective mutual legal assistance, direct cooperation with service providers, and safeguards, including data protection requirements.

A group of people are seated around a conference table in a meeting room. In the background, a large screen displays the Google logo and the text "Google and Security". The people are dressed in business attire. A man in the foreground is gesturing with his hands while speaking. A woman is seated next to him, and another man is further back. The room has a modern, professional feel.

## Google and Security

**In censorship too (terrorist propaganda, and beyond)**

# EU LAW ENFORCEMENT AND GOOGLE TAKE ON TERRORIST PROPAGANDA IN LATEST EUROPOL REFERRAL ACT

## Europe's leaders expect internet giants to remove extremist content within 2 hours

16 July 2018

*Press Release*

Britain, France and Italy will be telling social media giants they expect them to remove 'terrorist content' from the internet within two hours, when most material is spread and shared.

20 September 2017,  
11:57am

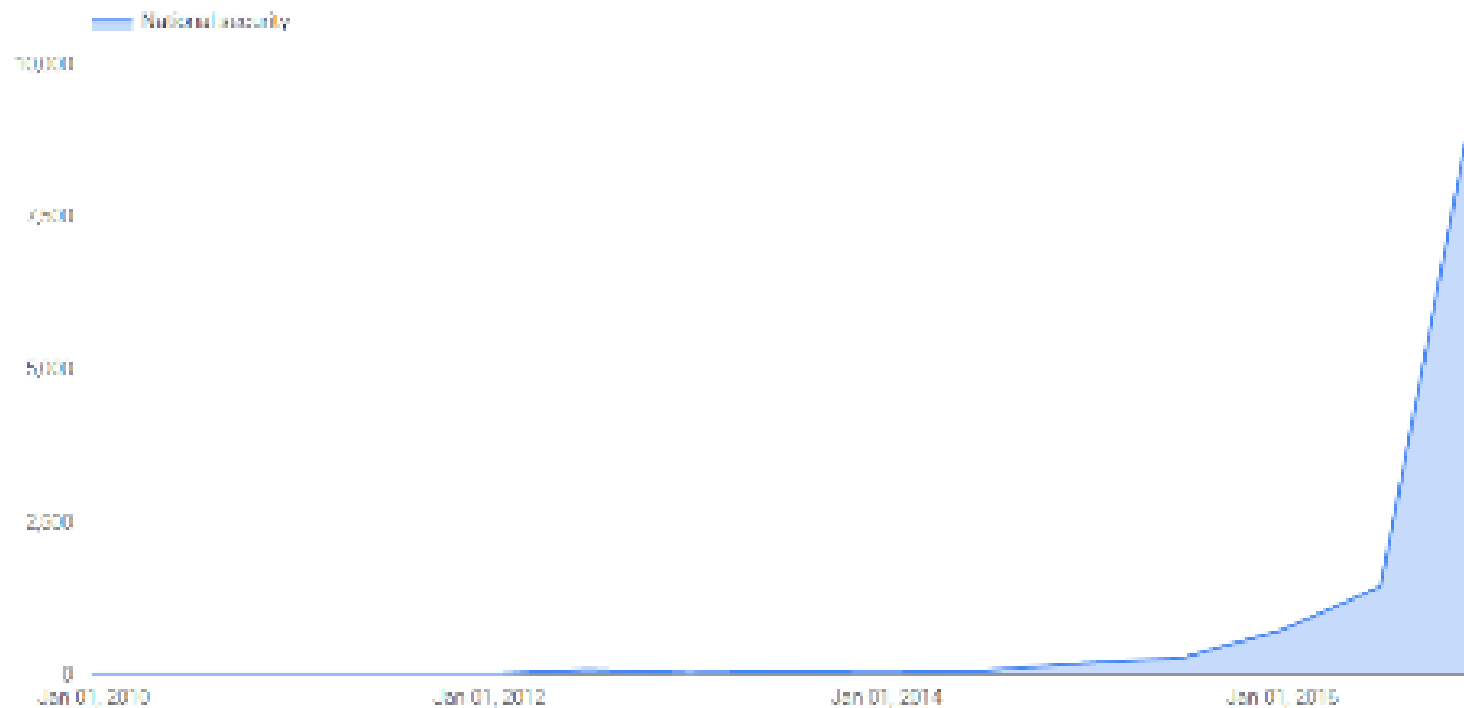


European Commission - Press release

**State of the Union 2018: Commission proposes new rules to get terrorist content off the web**

Strasbourg, 12 September 2018

Reasons cited for content removal



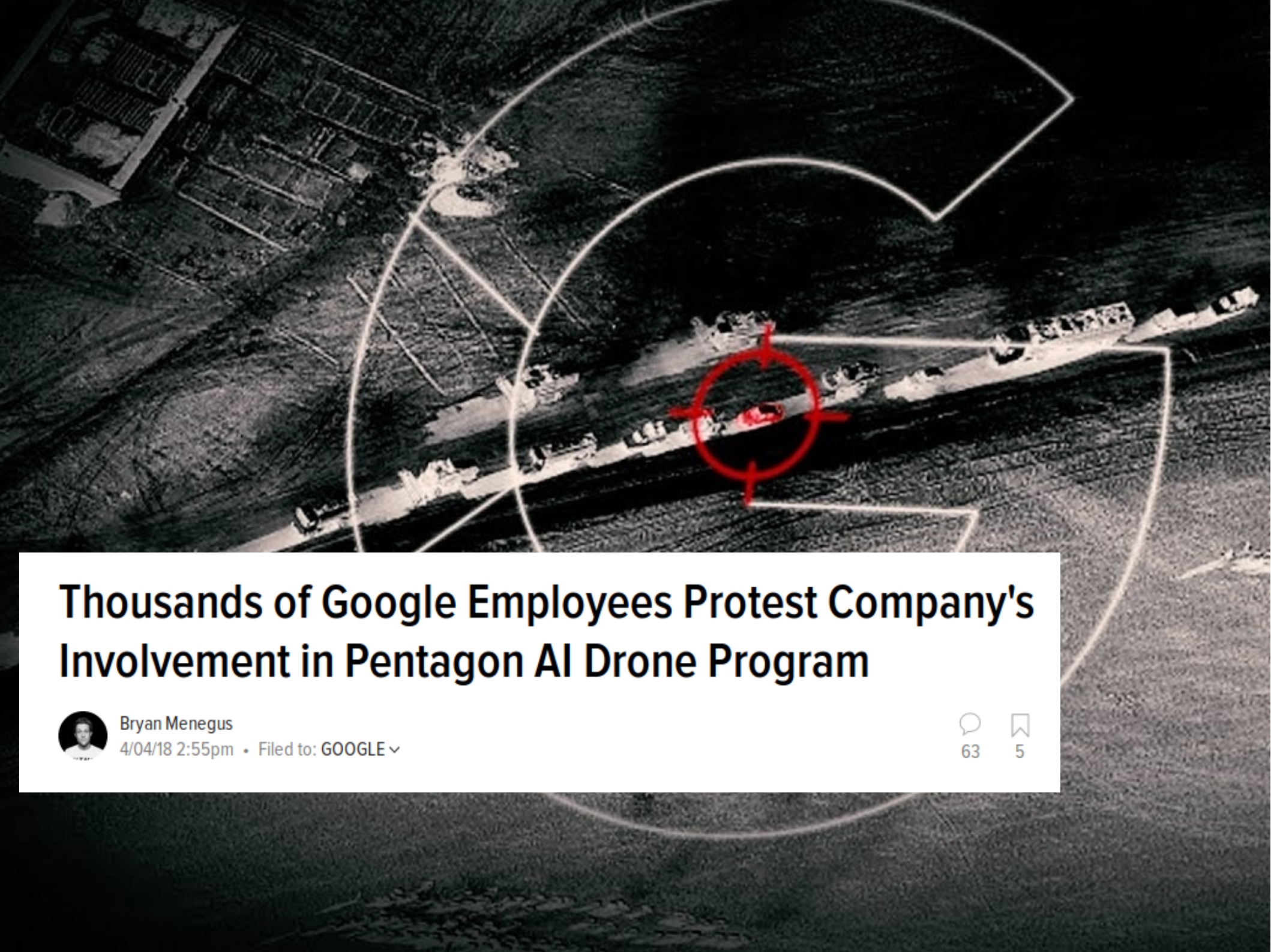
**“National security” takedowns sent to Google by governments globally  
(Google Transparency Report)**

**“We need a fundamental shift in the scale and nature of our response – both from industry and governments (...)”**

**Theresa May, september 2017**

**Big Tech, the vanguard of new  
bureaucratic paradigms (in the  
security field and beyond)**





## Thousands of Google Employees Protest Company's Involvement in Pentagon AI Drone Program



Bryan Menegus

4/04/18 2:55pm • Filed to: GOOGLE ▾



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U.S. DEPARTMENT OF DEFENSE

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Jan. 9, 2017

News

By Lisa Ferdinando [Twitter](#)

DoD News, Defense

## Advisory Board Approves 11 DoD Innovation Recommendations

WASHINGTON — Top innovators, scholars and business leaders gathered at

**“Data is the 21st century equivalent of a global natural resource, like timber, iron, or oil previously – indispensable for sustaining military innovation and advantage. The next global conflicts will be fueled by data. The rapidly expanding power of new mathematical and computing techniques to reveal insights into intentions and capabilities, and to enhance accuracy, lethality, and speed, depend on immense data sets to train algorithms and from which to extract information. The data that provide the raw materials from which to identify patterns, as well as the anomalies that defy them, constitute the fuel that powers the engine of machine learning (ML).”**

**Recommendations of the Defense Innovation Board (DoD, october 2017).**

**DIB**

**DEFENSE  
INNOVATION  
BOARD**

**For Google's Director of Defense and Intelligence Sales, "Through the use of Google's capabilities (..), the government gets innovation fast and with significantly reduced cost"**



## Scott Frohman

**500+**  
connections

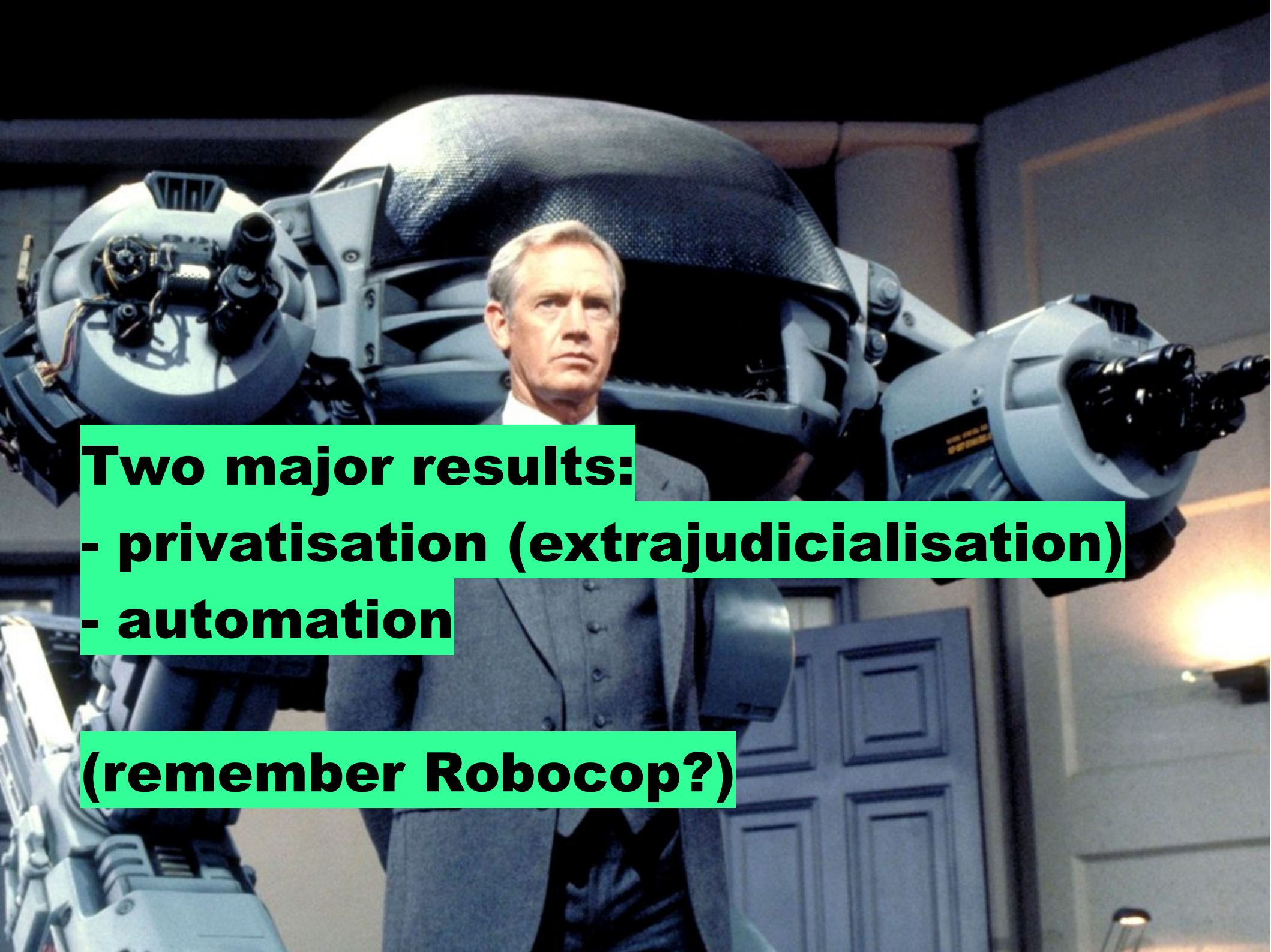
Bringing Ultra-low-cost, Radical Innovation to  
Defense and Intelligence

Washington D.C. Metro Area | Computer Software

Current	Google
Previous	SAS, Google, Rational Software (acquired by IBM)
Education	Georgetown University McDonough School of Business

**Back to censorship and surveillance:**

**What are the effects of these new  
public-private assemblages?**



**Two major results:**

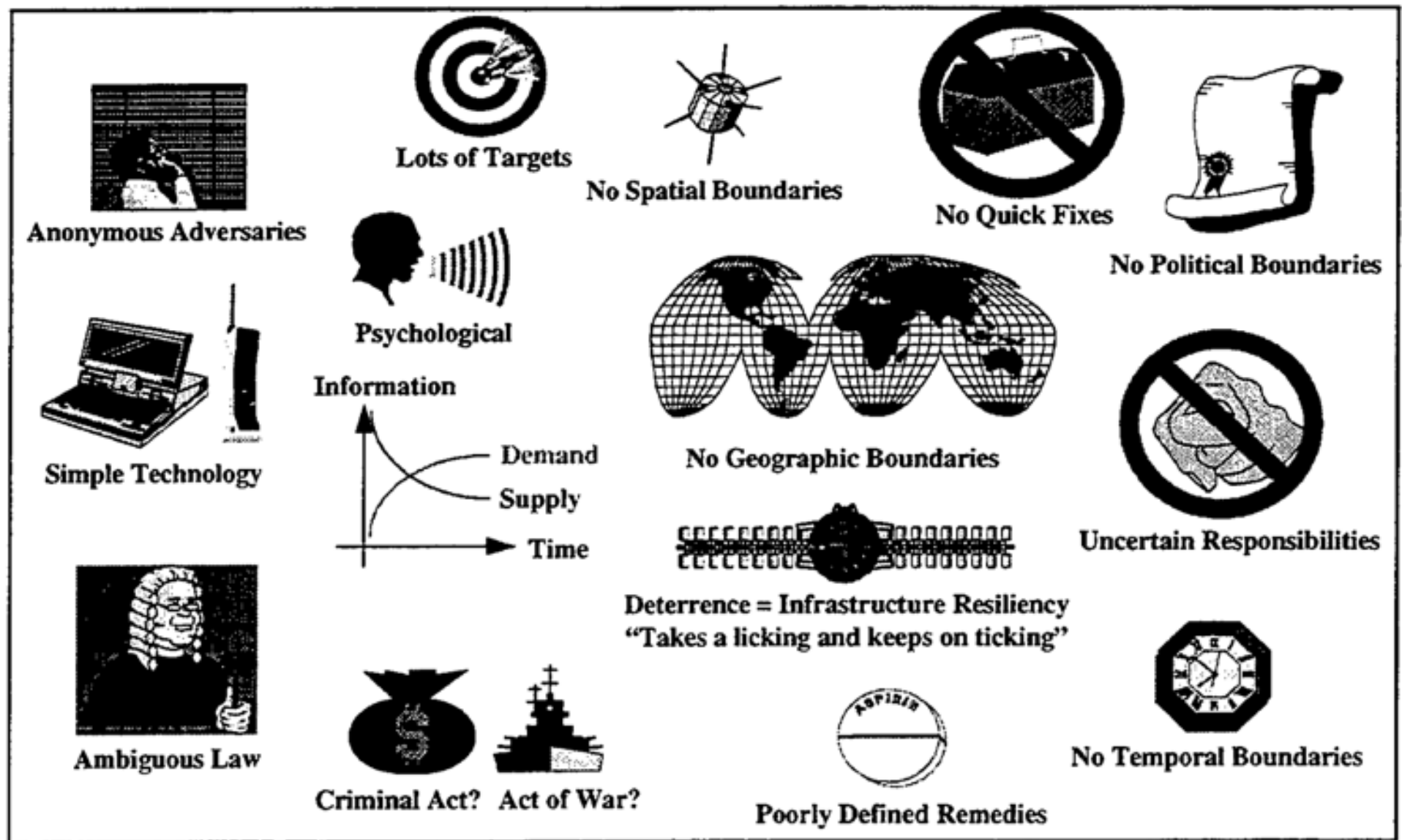
- privatisation (extrajudicialisation)**
- automation**

**(remember Robocop?)**

## **Hybrid Rule:**

**“political elites (...) rely on the private sector to shield national security activities,” thus “expanding state power while constraining democratic accountability”**

**(Hurt and Lipschutz 2015, p. 2).**



## Exhibit 3-2. Information Warfare is Different

(source : Andrews Duane, « Report of the Defense Science Board Task Force on Information Warfare-Defense (IW-D) », 1996).



**A profound shift in the history of the  
justice system and of the state?**

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