

ASK THE EXPERTS! MUNICIPAL WIRELESS AND YOUR PRIVACY RIGHTS

FREE WIRELESS INTERNET SEEMS LIKE A GREAT THING. WHAT'S THE DRAWBACK?

WiFi is a benefit for many people and the ACLU-NC strongly supports increasing community access to the Internet. Unfortunately, many of the currently proposed municipal wireless systems compromise privacy and free speech rights.

Cities are contracting with wireless Internet service providers to offer free WiFi access. However, many of these vendors are proposing business models that sell targeted advertising to pay for Web access. That means Internet providers would track who you are, where you are, and what you are looking at on the Internet as a way of serving up ads and making money off your WiFi Web browsing.

Once your private information is tracked and collected by these companies, there is no guarantee that the information won't be used for other purposes. As AOL users discovered recently, you never know where your Web searches might end up.

SO WIFI ISN'T JUST ABOUT COMMUNITY BENEFIT. BUSINESSES ARE BENEFITING TOO?

Absolutely. Companies are not doing cities a favor by bidding for WiFi contracts. A company will make a substantial profit with access to millions of Internet users and a wealth of private information about their Web habits.

Cities that are negotiating on behalf of their community have a duty to make sure that people in their area are getting a fair deal. WiFi systems need to be fast and secure with adequate protections for privacy and free speech rights.

HOW SHOULD WIFI SYSTEMS PROTECT PRIVACY RIGHTS?

Any municipal wireless system should have at least the five following basic safeguards.

Wireless Internet users should not be tracked from session to session. There is no legitimate reason why a wireless service provider needs to keep track of what you view over time. A company may want to track you to create detailed profiles for targeted ads, or to sell or trade your information to third parties. But, this kind of profiling compromises your right to privacy and your First Amendment right to speak and associate anonymously.

The WiFi service should not sell or trade information about your activities online. A municipal Internet system is like a public library on the Web. Just like you visit your library without worrying about someone monitoring your book selections, your activities online should also be protected from being tracked, sold, traded, or otherwise

Many Northern California cities are building municipal wireless systems, often referred to as "WiFi." The ACLU of Northern California strongly supports these initiatives but is concerned about WiFi's threats to privacy and free speech rights. Nicole Ozer, ACLU-NC Technology and Civil Liberties Policy Director, explains what's at stake with WiFi and what you need to know about this fast-growing technology that may be too good to be true.

disclosed or used by third parties.

Your area's WiFi provider should have a policy that they will only disclose information when it is truly legally necessary. The WiFi provider will have a significant amount of data about your personal activities and will face pressures from other businesses—and the government—to disclose your personal information. The provider should have a written policy that it will only disclose private information with a warrant or a binding court order. It should also commit to informing users of a request for information as soon as possible.

A minimum amount of information should be collected and user records should be maintained for the shortest amount of time possible. The less information that a WiFi provider collects and the shorter the amount of time that they keep it, the better it is for your privacy and free speech. Providers should only ask for truly essential personal information, and only keep this information as long as it is operationally necessary, no more than a few weeks.

WiFi should not filter content. The WiFi system should not be deciding what information you can and cannot view online. Culver City, California, recently announced it would employ a filtering system. The ACLU is monitoring the situation there and in other areas that might try to limit individuals' rights to information and free speech by filtering Internet content.

HOW DO I KNOW IF MY AREA IS GETTING WIFI? WHAT CAN I DO TO MAKE SURE OUR WIFI SYSTEM WILL PROTECT PRIVACY RIGHTS?

Many cities are contemplating contracts that are a very bad deal for privacy and free speech. For example, Silicon Valley Wireless, a coalition of 36 cities in Silicon Valley, recently selected the Metro Connect Consortium (including Cisco and IBM) to provide municipal WiFi from Palo Alto to Gilroy. Metro Connect has proposed a system with truly abysmal privacy and free speech protections.

Metro Connect's proposal will require a user login, tied to the user's address and credit card, which allows for what even the proposal describes as "user tracking." The company will maintain an Internet use log with no limit on how long this tracking data will be retained and no policy against sharing user data with third parties or tying it to ads.

Metro Connect's policies also allow for the disclosure of a user's personal information without a warrant, in response to criminal and civil subpoenas that might not have proper judicial oversight, and without notifying the user.

To see if your city is planning a WiFi system, visit your city's website or contact your city council. Urge the city council or other agency facilitating the contract process to include specific questions in the Request for Proposal (RFP) asking vendors how they will protect privacy and free speech.

If the WiFi provider selected does not comply with the five safeguards for privacy and free speech, like Silicon

Valley's Metro Connect, urge your city council not to sign a contract with the vendor.

I THOUGHT THE WHOLE POINT OF WIFI WAS TO PROVIDE EQUAL ACCESS TO THE INTERNET. ARE WE CREATING A NEW DIGITAL DIVIDE?

Intrusive wireless programs undermine the very goal of municipal WiFi—to provide equal access to technology and information—and threaten to create a new digital divide.

Wealthier people who can afford to choose among multiple Internet providers get to keep their privacy and free speech rights, while those who can't afford the fees associated with choosing a provider are forced to pay for access with their fundamental rights.

The California Constitution guarantees all Californians the right to privacy—a right that cannot be bought, sold, or bargained away.

I AM CONCERNED ABOUT PROTECTING PRIVACY BUT I STILL WANT TO USE WIFI. WHAT SHOULD I DO?

First, find out about your city's or region's WiFi plans. Contact the city council or other city agency handling WiFi and urge them to address privacy and free speech rights in WiFi provider selection.

If your area has already selected a provider, like San Francisco and Silicon Valley, contact the provider and ask about their practices and policies regarding the five safeguards listed above.

If your area's WiFi provider does not follow one or more of the safeguards, write to the provider and your city councilmember raising your concerns.

Be an aware WiFi user: read those terms of service rather than just clicking "I Agree."

When a city is building a municipal wireless system, it is building a new communications infrastructure for all of us. As technology advances, we must work together to ensure that privacy and free speech do not get left behind.

Find out more about WiFi and other technology topics at www.aclunc.org/issues/technology. ■

Nicole Ozer is Technology and Civil Liberties Policy Director at the ACLU of Northern California. Keep up to date on this and other technology and civil liberties issues by reading her blog, "Bytes and Pieces" at www.aclunc.org/techblog



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