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US Could Exploit Trade Deal to Expand Spying

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US spying on Europeans will be expanded if the Transatlantic Trade deal gives a free pass to PRISM's enablers, writes Jeff Chester, and urges the EU not to allow the privacy of its citizens to be negotiated away.

The giant US-based technology companies alleged to have helped the National Security Agency (NSA) digitally eavesdrop on the public through its PRISM program - Google, Facebook, Microsoft, Apple, Yahoo, and AOL - have positioned themselves as largely helpless in opposing the release of their user data for national security purposes.

These massive data gathers are not victims, however. American Internet advertising and technology companies are the architects of a digital media system that continually expands in its ability to stealthily gather, analyze, and make actionable our information. They know what we do online and offline; where we are and the places we go; what we buy; our health and medical concerns; who are our friends and social connections are; and much more. Through their growing use of geo-location technologies, the overall activities of our neighborhoods and communities are also increasingly placed under their digital lens as well. They have purposely developed a system of commercial surveillance on individuals that is unprecedented.

Steal industry

Stealing other peoples' data has become one of America's few growth industries. US digital marketing companies are the global leaders in shaping a world where the continuous collection

and use of our personal information are purposefully embedded in our technologies and harvested to help shape our daily experiences. Google, Facebook, and the others may claim to be hamstrung regarding NSA demands for our digital profiles - but they are also clamoring for the Obama Administration to help them expand without restraint the data they can collect from EU citizens. They now seek a bevy of favorable policies on e-commerce, trans-border data flows, and data protection as an outcome of the recently launched Transatlantic Trade and Investment Partnership (TTIP) trade negotiations.

US tech companies want the TTIP to sanction a bypassing of the EU's data protection rules. They also want it to undo any EU policy requiring local oversight or control over data processing practices. In a letter sent to the new US Trade Representative in June by the Internet Association, a lobbying group that includes Yahoo, AOL, Amazon, Google, Facebook, and many others, they laid out their goal: the creation of "a single global digital information marketplace," with no "impediments" or "offline barriers," transporting EU information anywhere their cloud can process it.

Europeans should reject this self-serving vision of a borderless digital world where legal frameworks protecting civil liberties and the distinctions of country and culture are tossed aside in the name of increased profits for US-based transnational data marketers. Their claims that there's a "robust US approach to privacy" equivalent to the more effective EU data protection framework is nothing more than a digital fairy tale. Not only is there no national data protection law in the US, but regulatory enforcement protecting consumer privacy by our Federal Trade Commission (FTC) is feeble. Despite recent 20-year "consent decrees" signed by Google and Facebook with the FTC, in which the two companies promised to respect the privacy of their users (as a way of settling various consumer complaints), the two routinely expand their collection and use of our information. And without the FTC making any serious fuss.

Europe beware!

More than transparency about requests from the NSA to the technology companies is required if we are to address the undermining of our privacy in the digital age. We also need to rein in the digital data collection "wild west" practices of the US data companies. They are the facilitators of an out-of-control system of spying that has been exported to the European Union and elsewhere. For example, the privacy of Europeans is increasingly threatened by cutting-edge automated data-gathering practices pioneered by American companies.

Google, Facebook, and Yahoo operate so-called ad exchanges where individual Internet users are auctioned off in milliseconds to advertisers making the highest bids. Ad exchanges use a vast array of online and offline information to make lightening-fast decisions about whether we are

the right candidate for a high-cost loan, a health treatment, or a political message. (Before our webpage loads on our computer or mobile screen, the data-driven ad technology system analyzes reams of our information in milliseconds to make these determinations). Even if we understand that we are being bought and sold by the same technologies that are used to operate stock exchanges, there is little anyone can do to remove ourselves from these latest Orwellian developments of the digital ad industry. The depersonalized buying and selling of individuals as if they were online chattel is already a multi-billion dollar business in the EU.

The source of information for much of the NSA's spying is the growing digital data depositories operated by the leading US Internet companies. Such vast storehouses of accessible profiles on the activities of citizens makes for convenient one-stop shopping for the NSA and other national security agencies. The EU must not negotiate away the privacy of its citizens through closed-door deal making as part of the TTIP process. Unless the EU firmly resists the self-serving demands of the American tech industry that Europe abandon its commitment to privacy and human rights in the digital age, the chief beneficiaries of the Transatlantic treaty will be the NSA and the commercial US data-spying complex. The TTIP is more than simply a matter of stimulating economic growth. It will also establish the limits - if they are to exist at all - to the PRISMs of tomorrow.