

MARC ROTENBERG 05.01.1996 12:00 PM

Eurocrats Do Good Privacy

The contrast between a decorated cryptographer in Europe and one trying to avoid prosecution in the United States is more than curious.

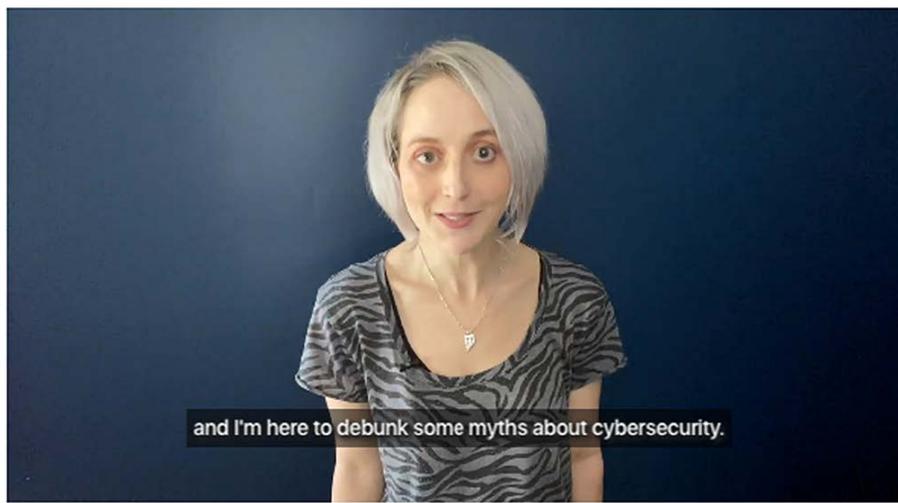


LATE LAST NOVEMBER, David Chaum received the Information Technology European Award for 1995. The prize, given for DigiCash's ecash technology, consisted of a trophy plus 200,000 ecu (approximately US\$250,000). Chaum is best known for the development of anonymous payment schemes that are becoming increasingly popular in Europe for everything from online commerce to highway toll systems.

At about the same time that Chaum received the prestigious award, Phil Zimmermann, inventor of the popular Pretty Good Privacy encryption program, sat in his Boulder, Colorado, home wondering whether the US government would make good on its threat to prosecute him for trafficking in munitions. Although federal prosecutors announced recently that they will drop the case against Zimmermann, the prospects that he will get a big cash award from the US government anytime soon are less than slim.

The contrast between a decorated cryptographer in Europe and one trying to avoid prosecution in the United States is more than curious. It shows that governments, at least some governments, can be a force for progress in the crypto world.

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Reread that sentence. It is not conventional wisdom in the United States. Cyberlibertarians have been unrelenting in their opposition to any federal role in crypto policy. Free marketers argue simply that there is no place for government in the development of high-tech products. Cyberanarchists seem to doubt whether there is any role at all for government.

Of course, the Clipper debacle provides plenty of ammunition for these arguments. Clipper combined in equal measure government arrogance, technological incompetence, and profound disregard for the rights of citizens. As an exercise in public policy, it ranks somewhere between the Bay of Pigs and the CIA's experiments with psychics.

But the recent European experience should give pause to these allies in the battle for online privacy. Not only are European officials at the highest levels prepared to embrace technologies of privacy, they have almost uniformly opposed US-inspired surveillance schemes such as Clipper.

Two recent reports are indicative. In "Privacy-Enhancing Technologies: The Path to Anonymity," the Netherlands and the Canadian province of Ontario call for an exploration of new technologies to promote privacy. Similarly, Anitha Bondestam, director general of the Data Inspection Board of Sweden, writes in a recent report, "It is more important than ever to bring back anonymity and make more room for personal space." She urges her colleagues to sharply limit the collection of personal data.

This is bold stuff coming from government officials. Put on the privacy spectrum in the United States, these statements are far closer to the position of many cypherpunks than to that of any officials currently developing privacy policy.



In the United States, to the extent that the federal government has said anything about anonymity, the script is written by the Treasury Department's Financial Crimes Enforcement Network, which is charged with investigating money laundering. Not surprisingly, FinCEN warns that electronic cash will usher in a new era of criminal activity. It doesn't have to be this way. The reality of modern society is that government officials make decisions every day about the rights of citizens. The question is whether they favor proposals that respect privacy and personal dignity or not. Compared with governments that lack privacy officials, governments that have privacy officials have repeatedly weighed in favor of privacy interests.

Viewed against this background, many of the European privacy regulations, often criticized by libertarians, should be seen for what they are - sensible responses of governments that value their citizens' privacy rights. In such societies, technical means to protect privacy will be adopted - not viewed with skepticism.

Is the European system perfect? Of course not. Are the Europeans doing a better job than Americans of promoting the technologies of privacy? Just ask David Chaum and Phil Zimmermann.

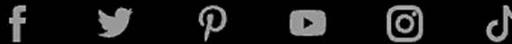
-Marc Rotenberg is director of the Electronic Privacy Information Center (www.epic.org/).

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