

From Telecom Privacy to Utility Privacy

Coping with the needs of law enforcement on smart grid systems

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The logo for Neustar, featuring the word "neustar" in a lowercase, sans-serif font. The letters are primarily dark green, with a yellow-to-green gradient on the "u" and "s". A small trademark symbol (TM) is located at the end of the word.

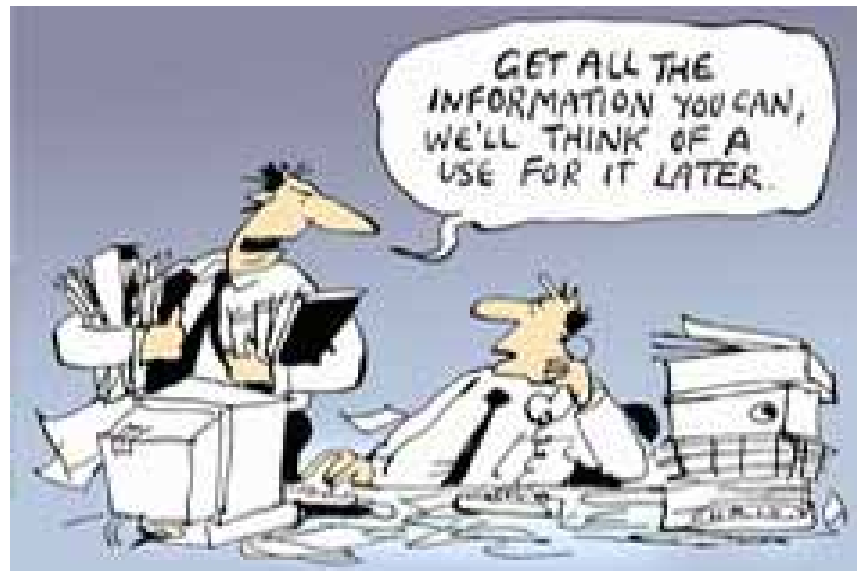
The Trade-Off Between Privacy and Law Enforcement



- Subscriber privacy protections: CPNI, TCPA, CANSPAM Act, PHONE Act, ECPA
- Law Enforcement access: ECPA, CALEA, PATRIOT Act, FISA

Privacy Compliance and Departures

- Compliance: Wireless industry voluntarily facilitated location privacy; ISPs voluntarily limited behavioral advertising
- Departures: Warrantless wiretapping; Co-location of records production staff
 - » DoJ Inspector General Report: <http://www.justice.gov/oig/special/s1001r.pdf>



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Smart Grids Will Likely Require A Dual Policy of Privacy and Disclosure

- Emerging types of ratepayer data: household habits, location
- A cyber-attack on a power grid could involve unauthorized access, alteration, deletion, and/or theft of data
- Law enforcement will be expected to investigate these attacks and other crimes using utility evidence

The Communication Privacy Model Could be Applicable to Utilities

- Presumptive prohibition
- Multiple tiers of protection (e.g. for location)
- Security
- Data retention and destruction
- End user rights of notice and consent
- Emergency access

Legislation Versus Litigation

- Litigation could involve more time and expense
- Courts may lack needed technical expertise
- The need for uniformity
 - » Industry developed standards could shape legislation



The Need for Utilities to Adopt Compliance Programs

- To install technical capabilities under safe harbor standards
- To establish policies and procedures respond to law enforcement requests
- To train internal staffs (e.g. network engineers and customer care)
- To draft privacy policies for ratepayers
- Neustar draft white paper

Thank you for your attention...

Please direct any feedback to:
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