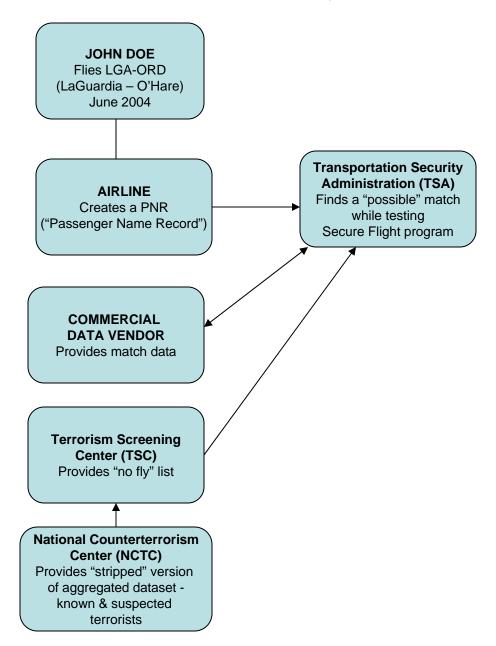
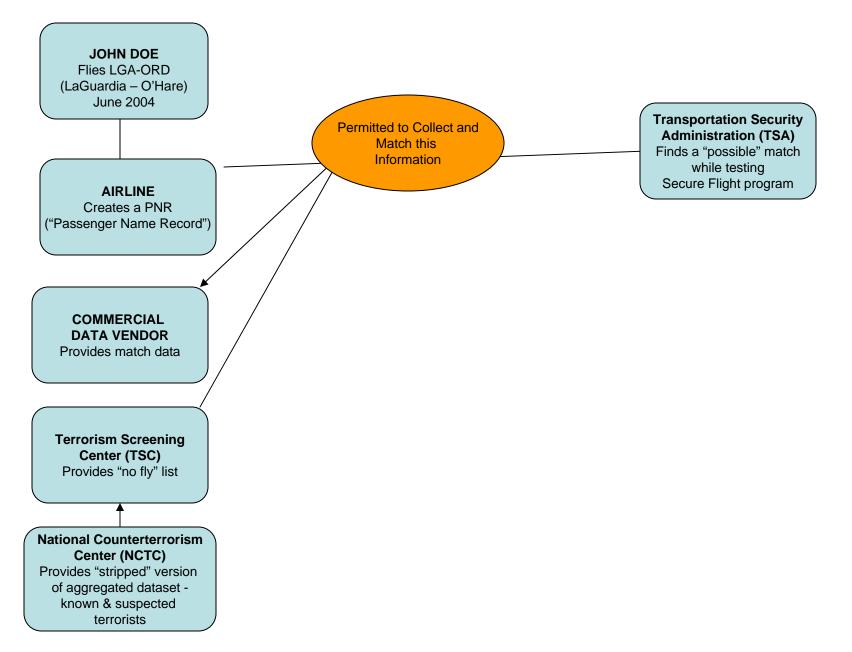
6.898 Notions & Notations of the Semantic Web

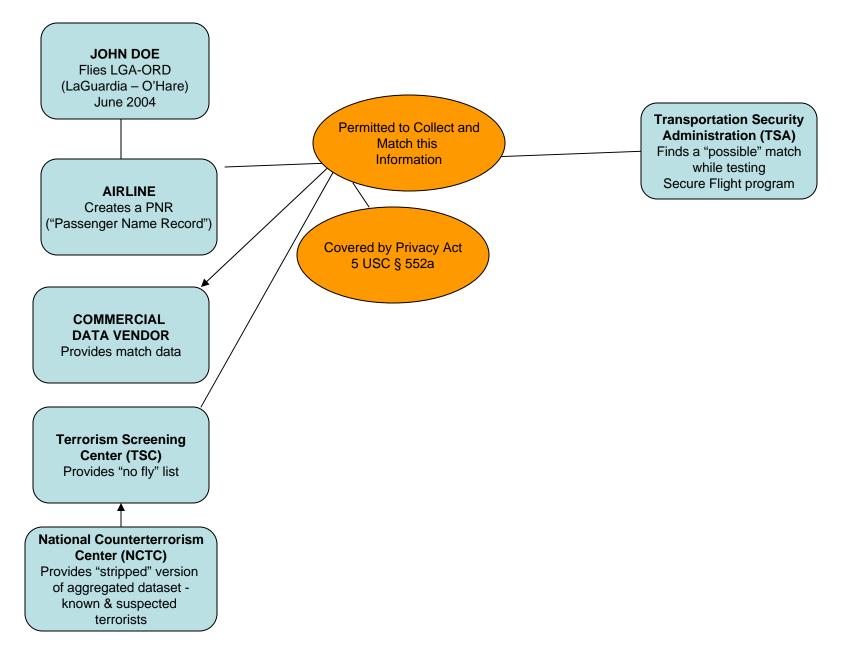
Hypothetical 2

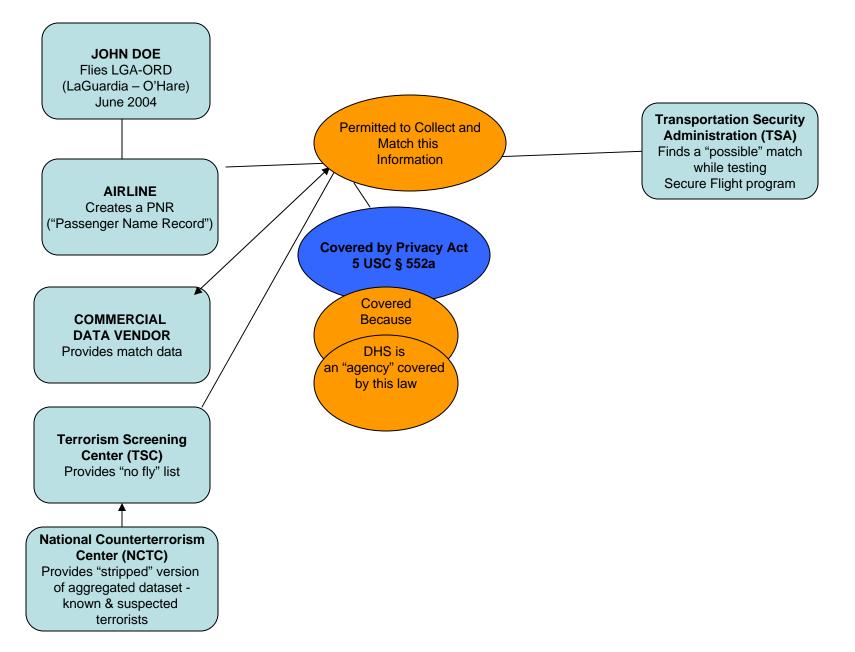
K. Krasnow Waterman November 3, 2005

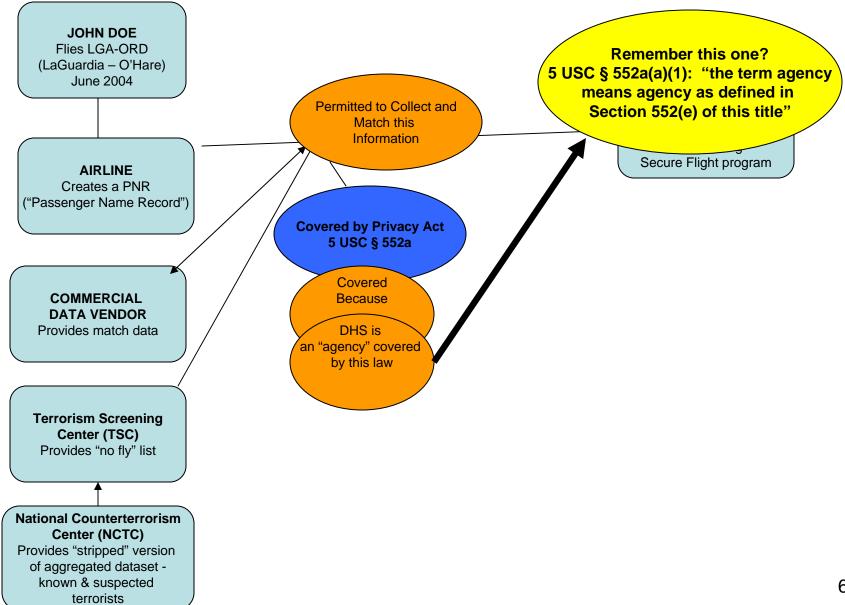
TAMI Hypothetical – Part 2

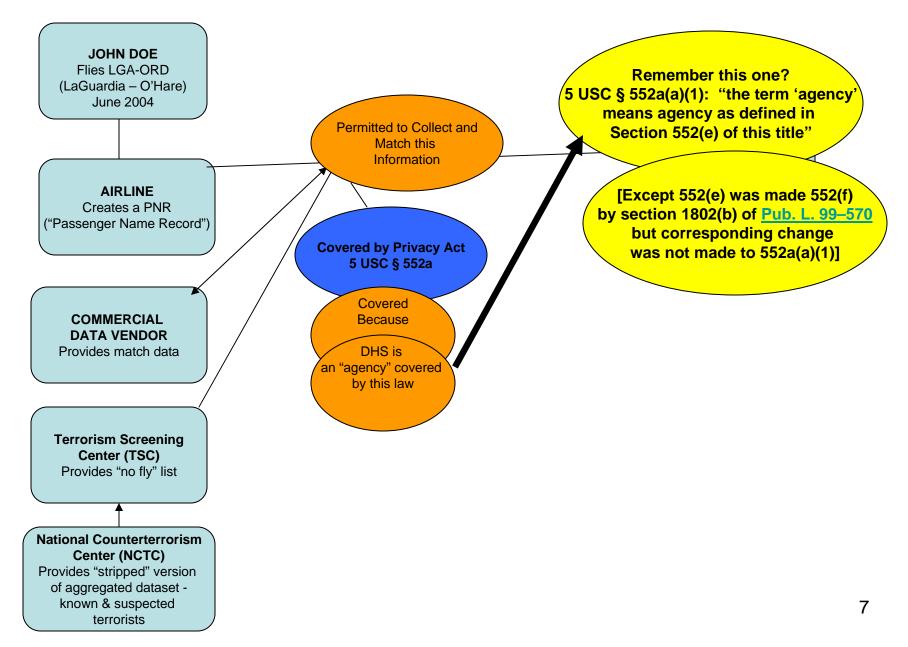












Challenge

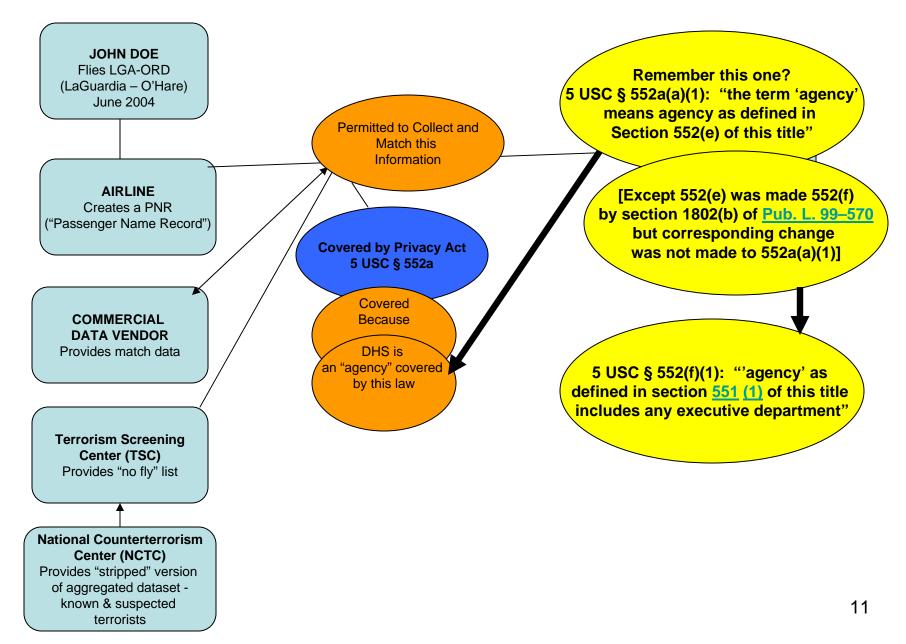
- (1) If we write rules that don't dynamically call the actual statute (the way we wrote the "deadbeat dad" rule), we can't tell that the law has changed.
- (2) If we do call the law dynamically, how do we address scrivener's errors?

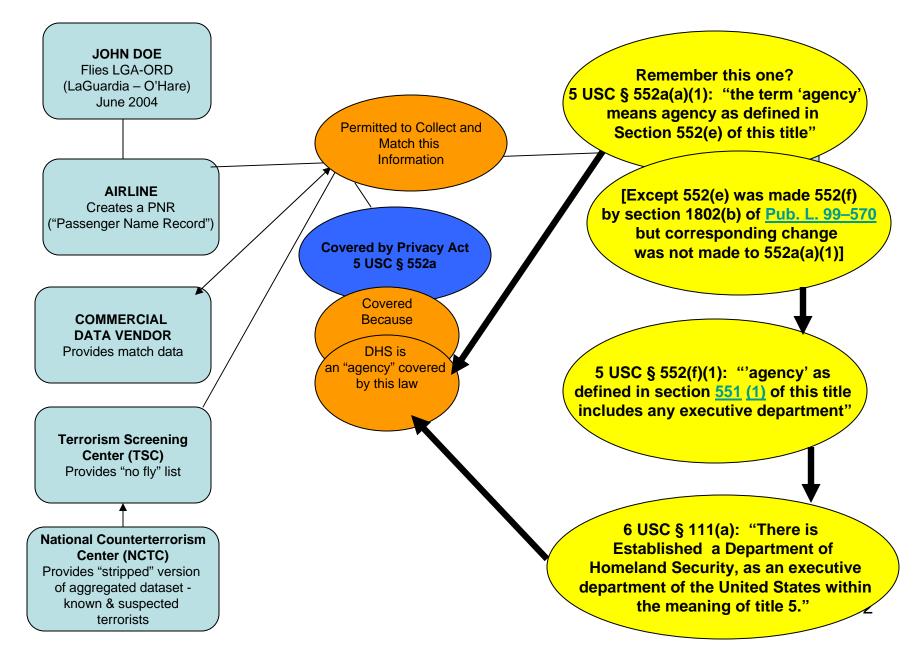
5 USC § 552a	ls a	Statute	
5 USC § 552a	Popular Name	Privacy Act	
5 USC § 552a	Regulates (applies to)	Privacy Act: Agency ^[1]	
Privacy Act: Agency	Definition	5 USC § 552(e) ^[2]	
5 USC § 552	Popular Name	Freedom of Information Act	
Freedom of Information Act	Acronym	FOIA	
5 USC § 552(f)(1)	Defines	FOIA: Agency	
Privacy Act: Agency	Includes	FOIA: Agency	
FOIA: Agency	ls	Executive Branch	5 USC § 552(f)(1)
Executive Branch	Includes	Executive Department	5 USC § 552(f)(1)
Executive Branch	Includes	Military	5 USC § 552(f)(1)
Military	ls	Department of Defense	
Executive Branch	Includes	Government Corporation	5 USC § 552(f)(1)
Executive Branch	Includes	Government Controlled Corporation	5 USC § 552(f)(1)
Executive Branch	Includes	Independent Regulatory Agency	5 USC § 552(f)(1)
FOIA: Agency	Definition also	5 USC § 551	5 USC § 552(f)(1)
FOIA: Agency	Includes	Agency3	
5 USC § 551(1)	Defines	Agency3	
Agency3	ls	Authority of US Government	
Agency3	Is not (excludes)	Congress	5 USC § 551(1)(A)
Agency3	Is not (excludes)	US courts	5 USC § 551(1)(B)
Agency3	Is not (excludes)	US territorial government	5 USC § 551(1)(C)
US Territorial Government	ls	Puerto Rico	

¹¹¹ "Agency" is used by other statutes with other definitions.
¹²¹ This is an error. 5 USC § 552(e) was moved to 5 USC § 552(f) in 1999.

Challenge

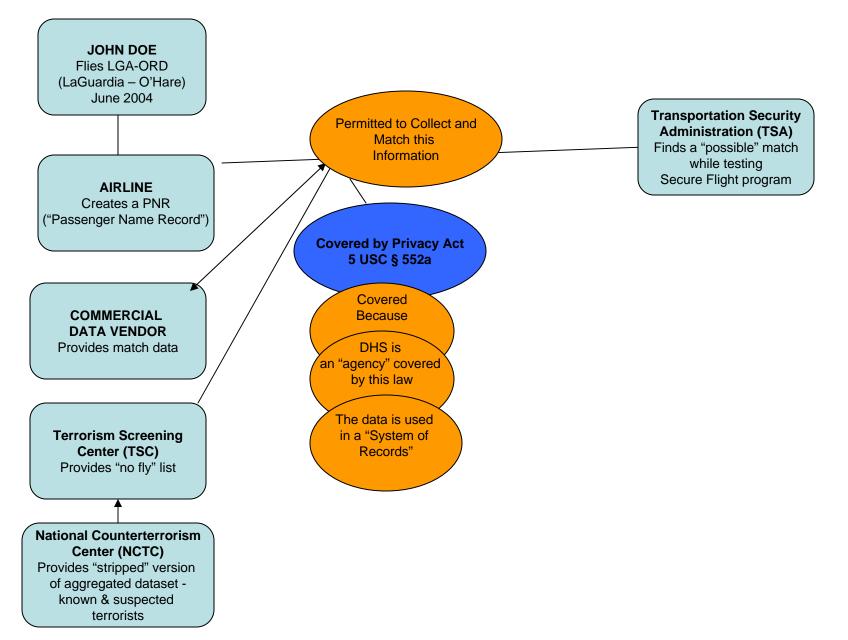
- (3) If we call a rule that references other rules, we need to dynamically call them, too.
- (4) If the law uses a word or phrase that has a legal meaning but doesn't provide that meaning (ie., "US territorial government"), how do we recognize that? How do we dynamically find the meaning (ie., find and interpret 48 USC that has sections on the territories)?

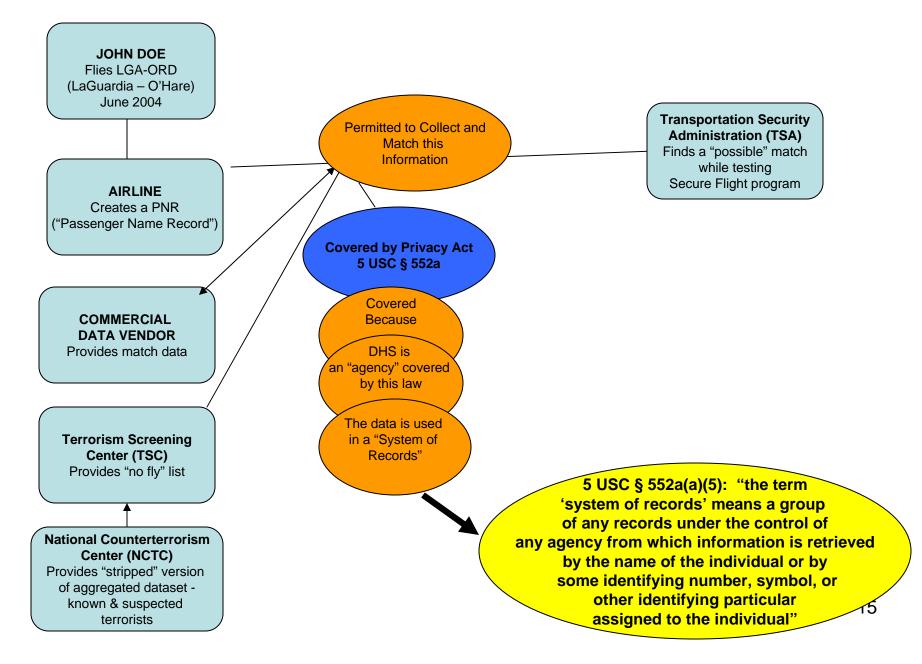


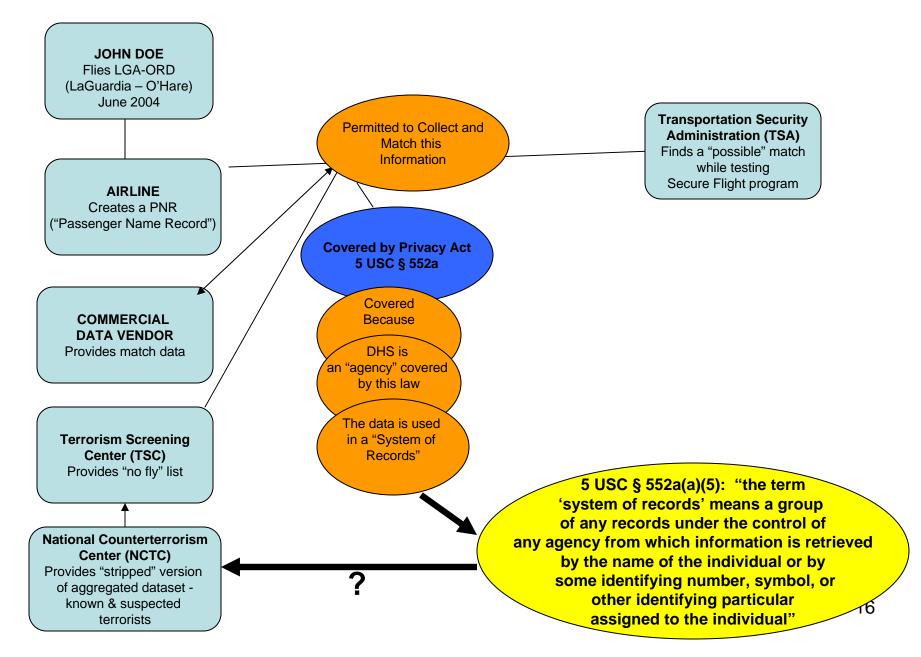


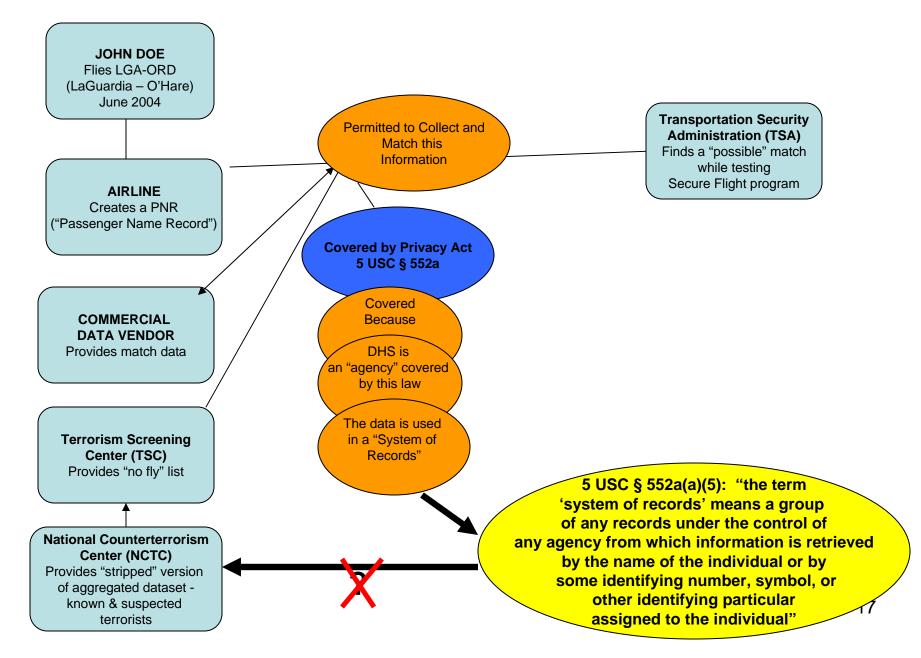
Challenge

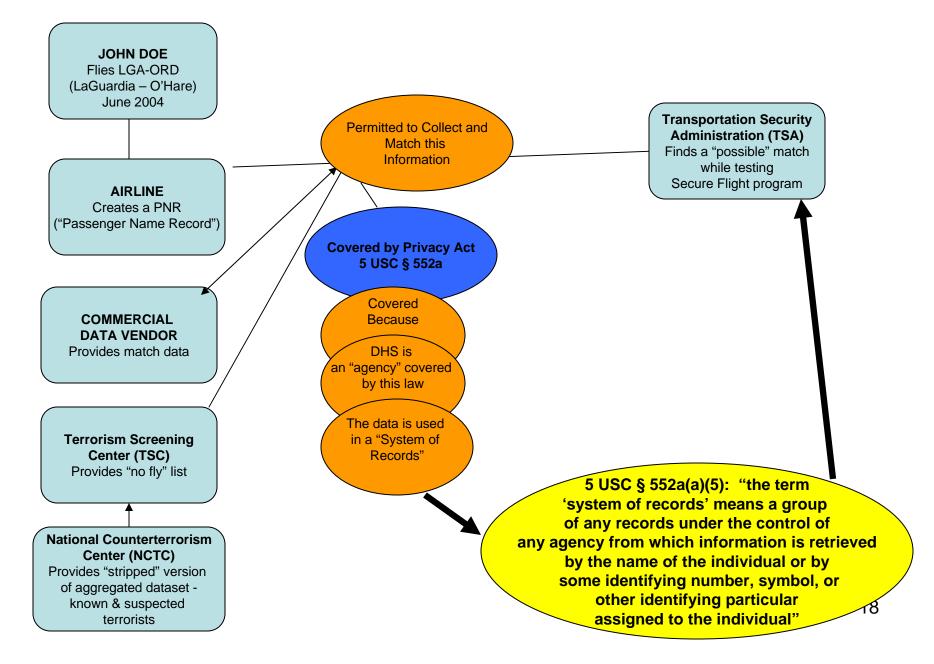
(5) If the Government's justification may contain a law, do we have to anticipate every possible answer in advance (i.e., identify everything that could be an "agency")?

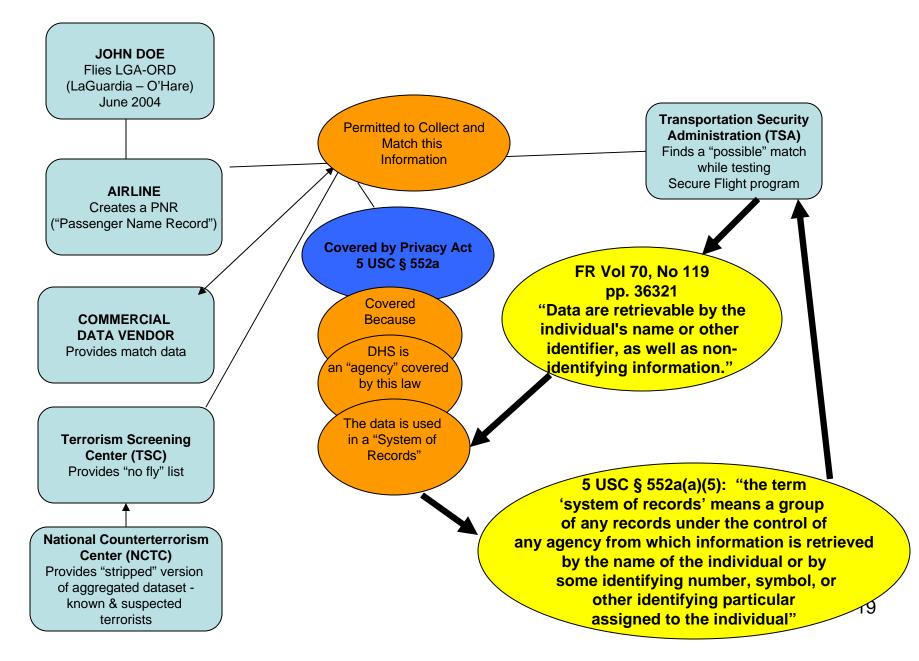






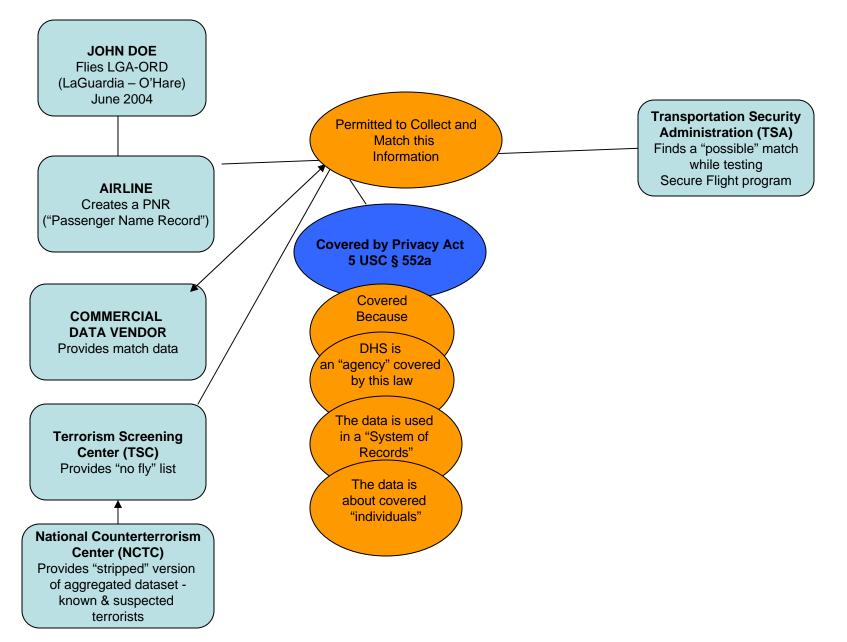


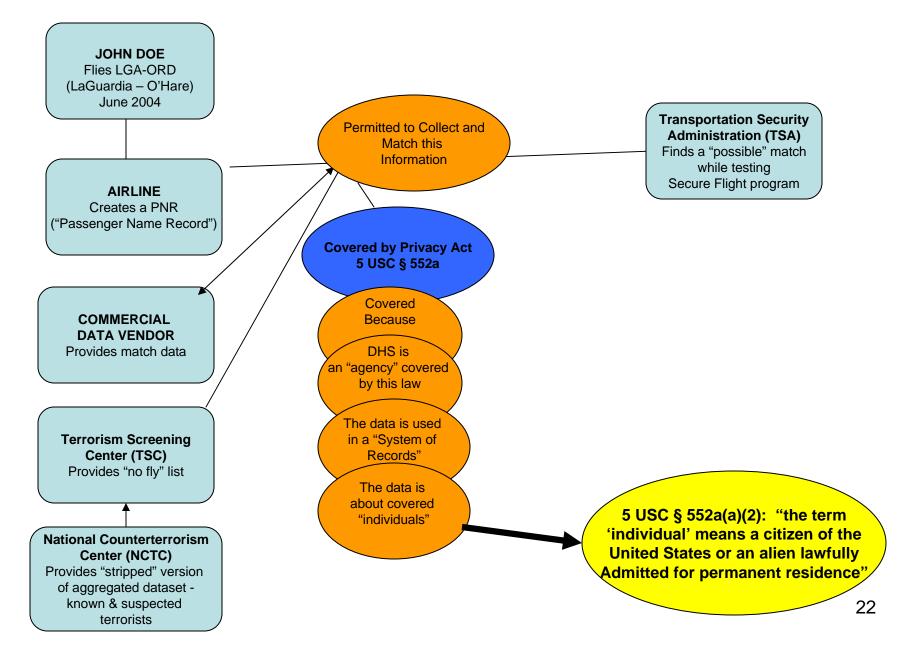


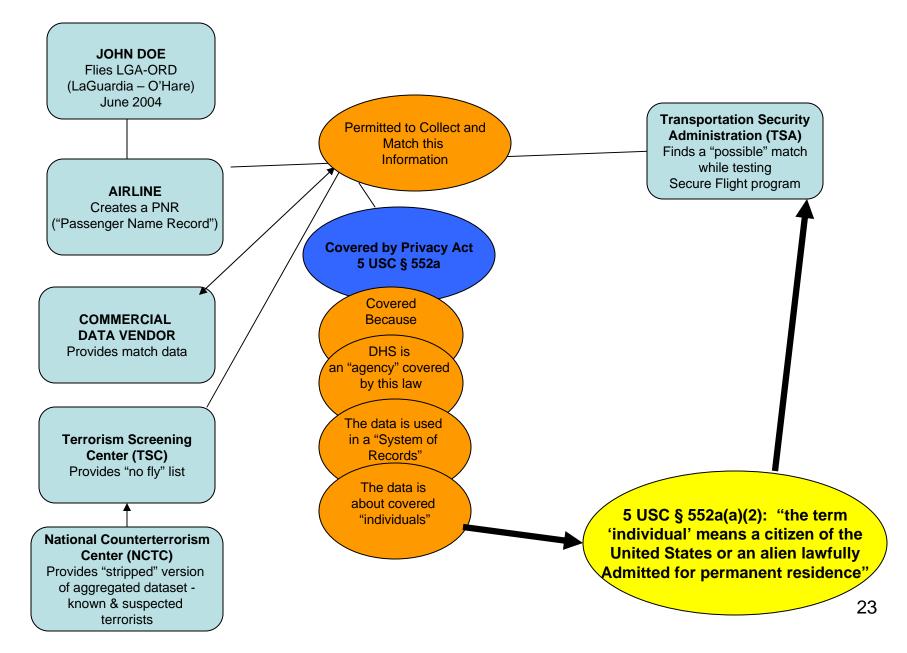


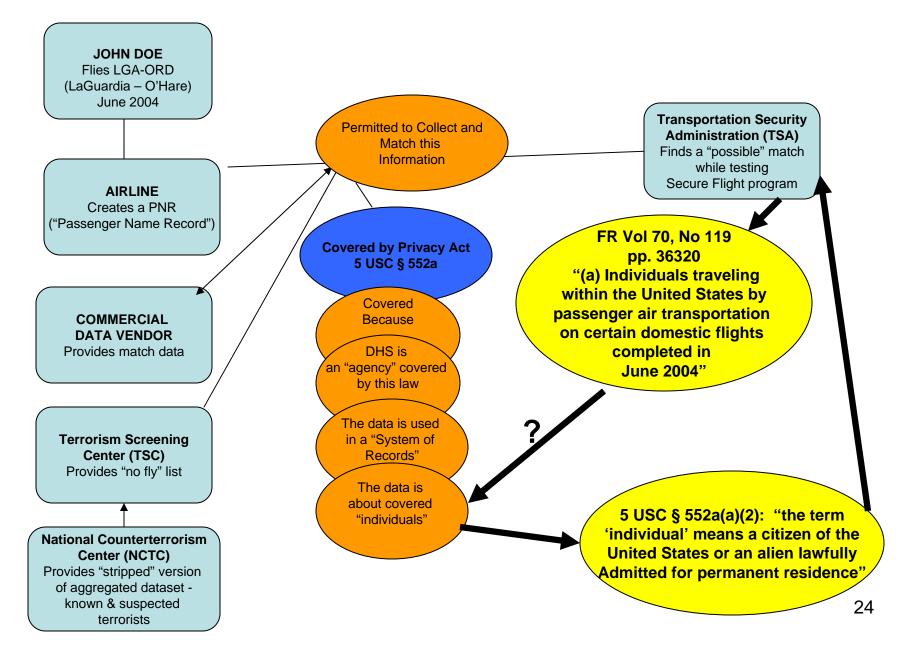
Challenge

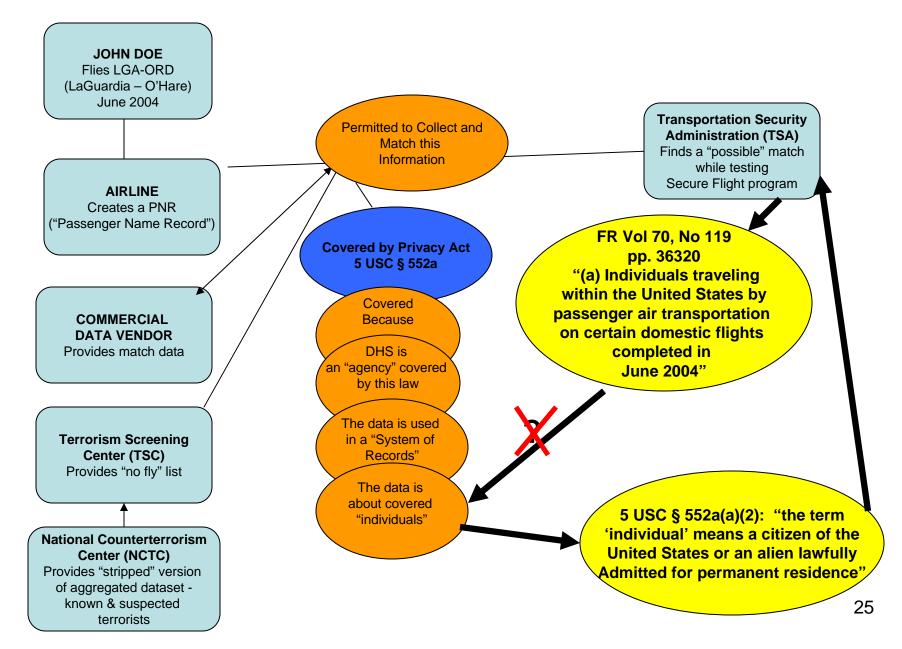
- (6) What if an agency is arguing that it's not covered by this law?
 - (1) If it argues that the system is not under its control?
 - (2) If it argues that the records are not retrieved by an identifying particular?

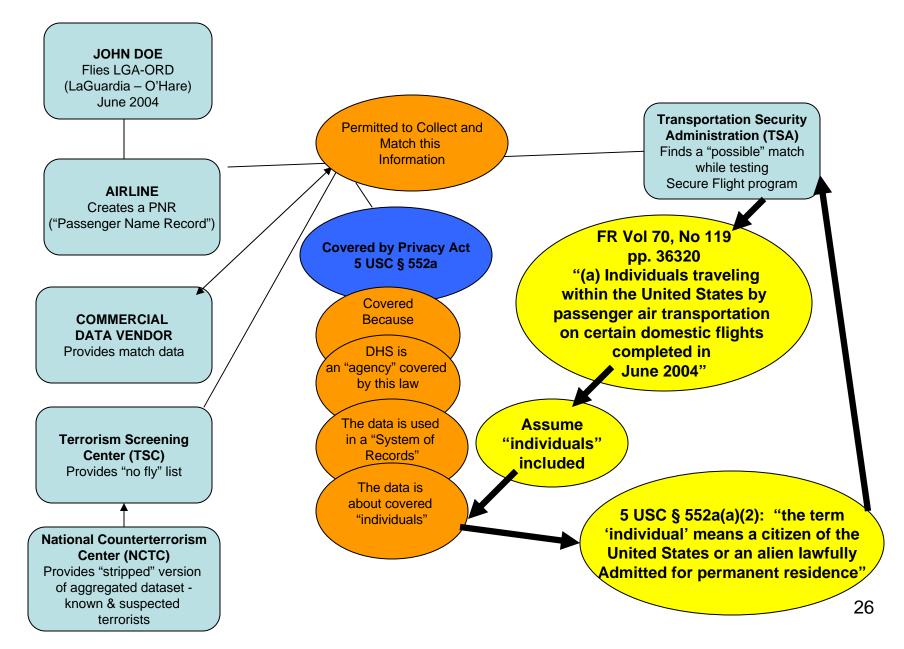






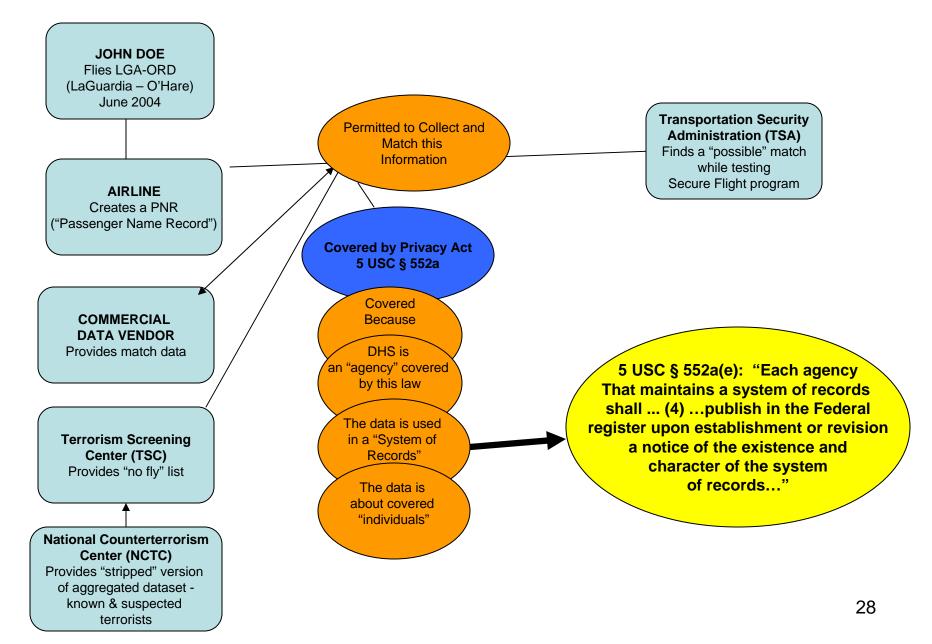


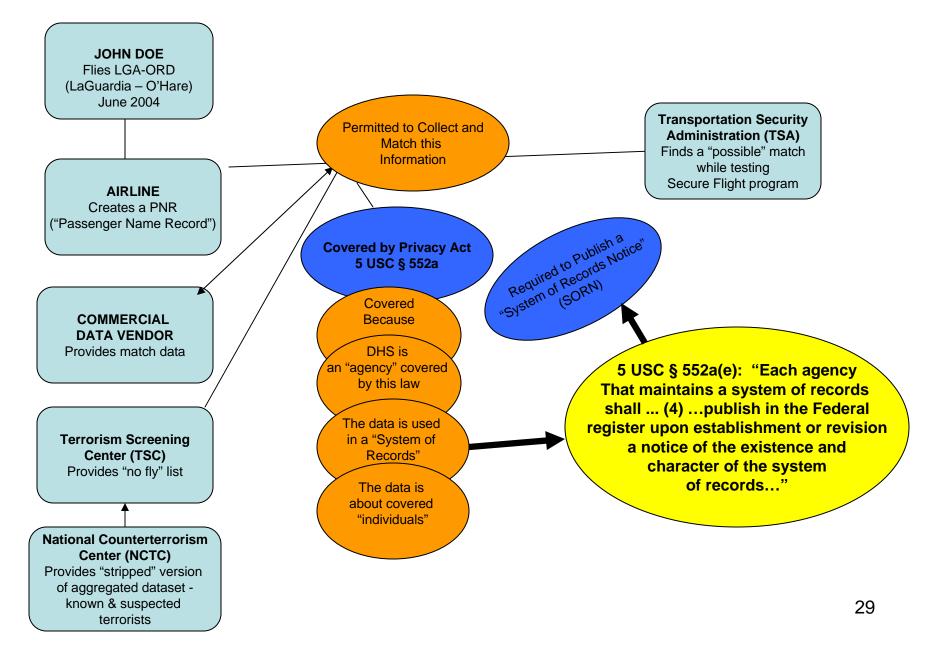


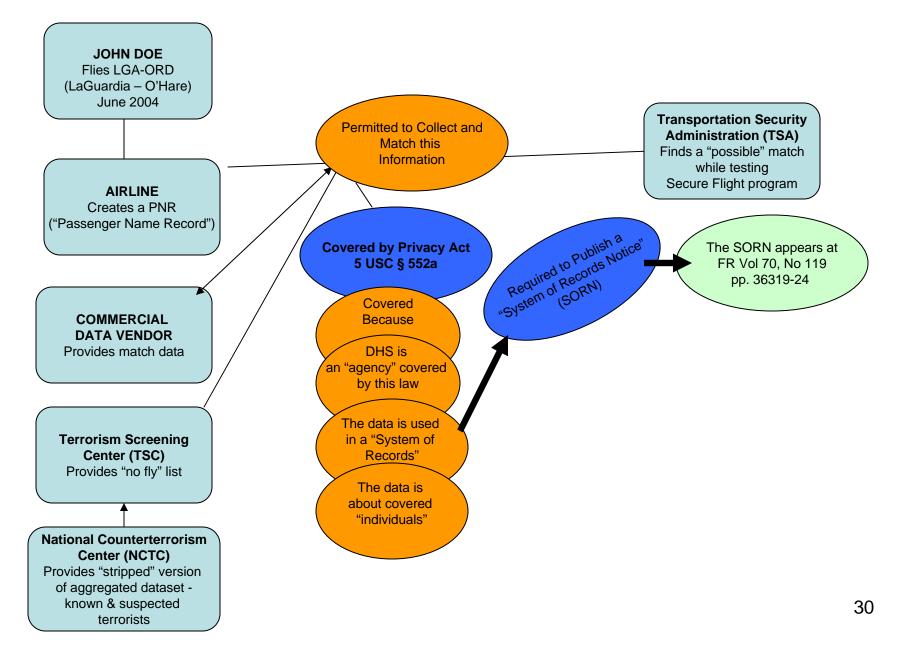


Challenge

(7) The US Government does not have a list of its citizens. How do we decide if an agency is right when it decides that there are or are not "individuals" in its system?

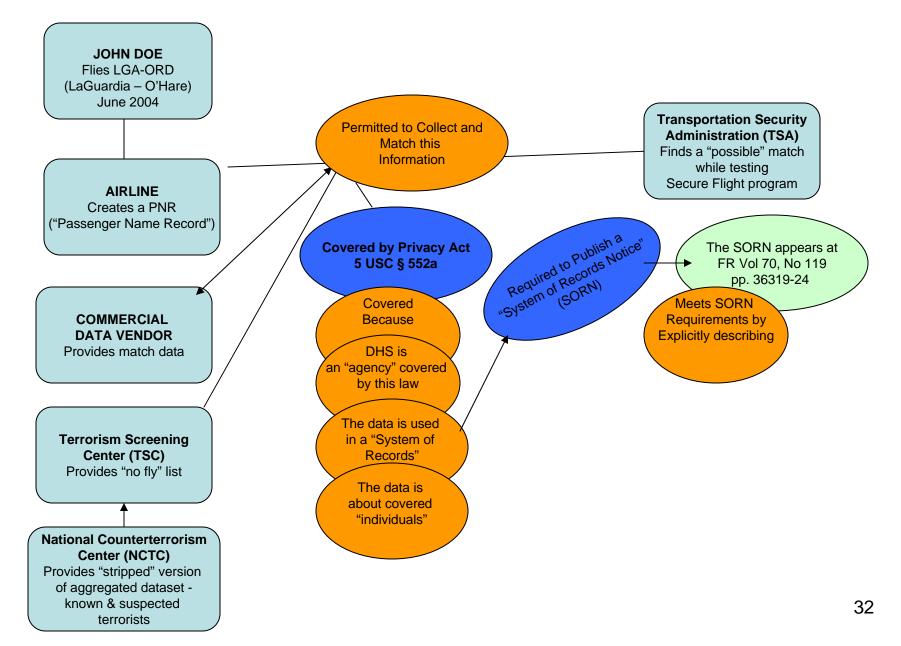


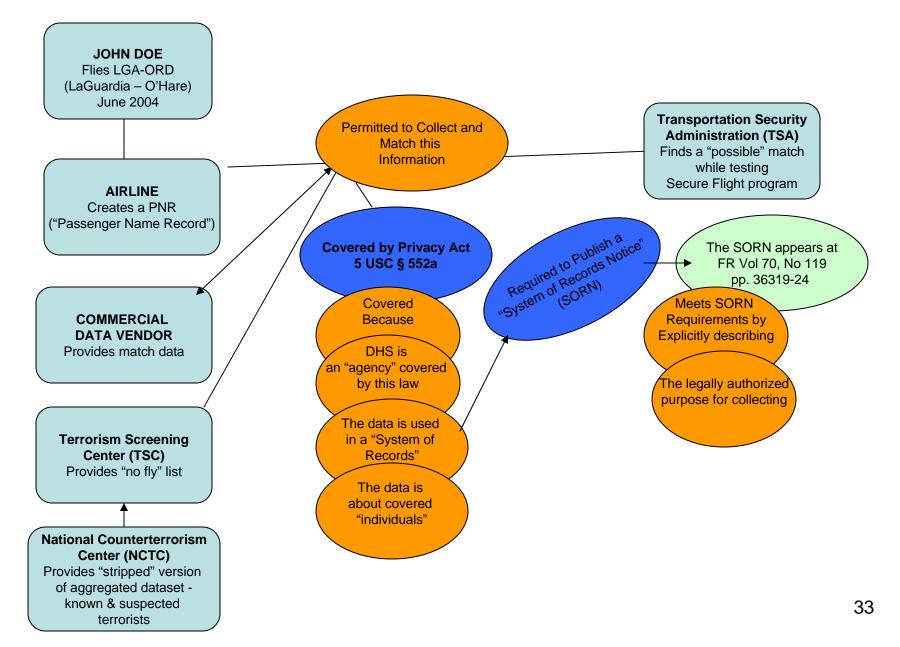


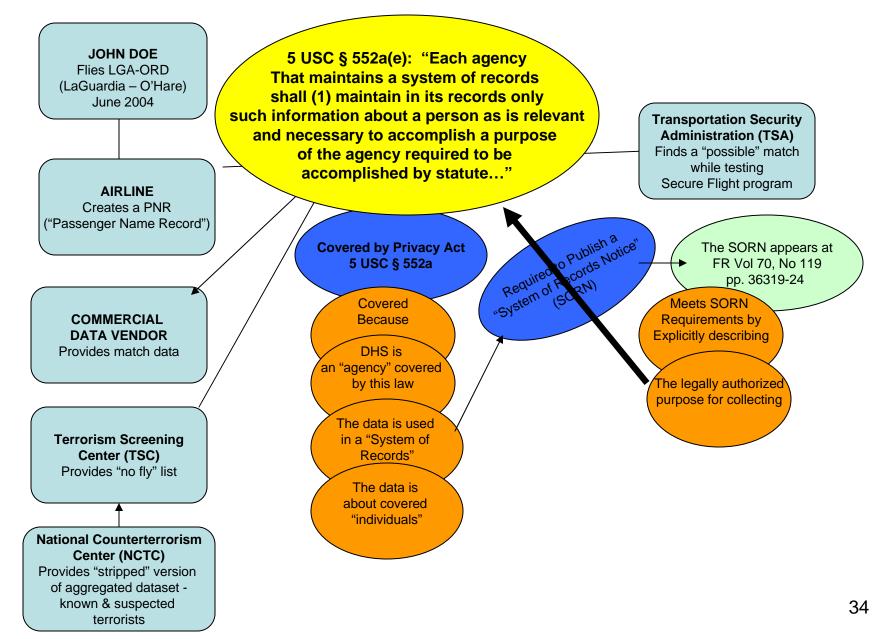


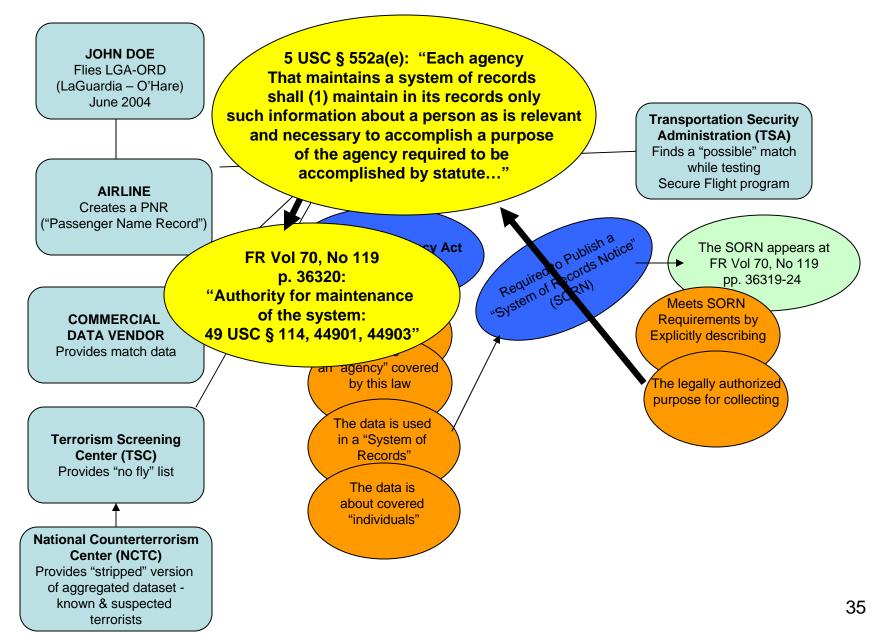
Challenge

- (8) When an agency says that it has published an appropriate SORN, how do we:
 - (1) Check to see if there is a SORN at the Federal Register volume and page number given?
 - (2) Check to see if the SORN is about the correct subject?



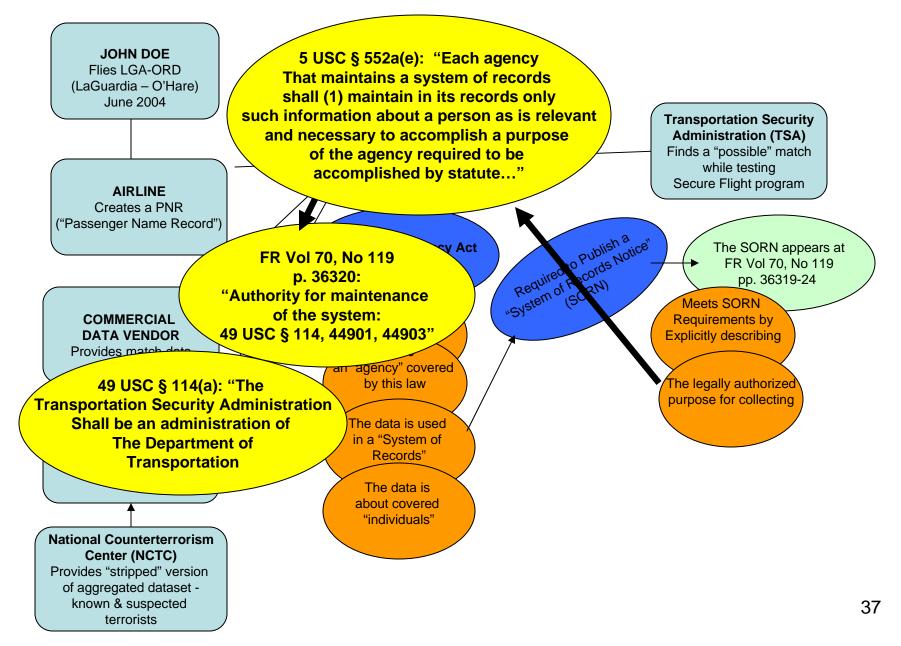


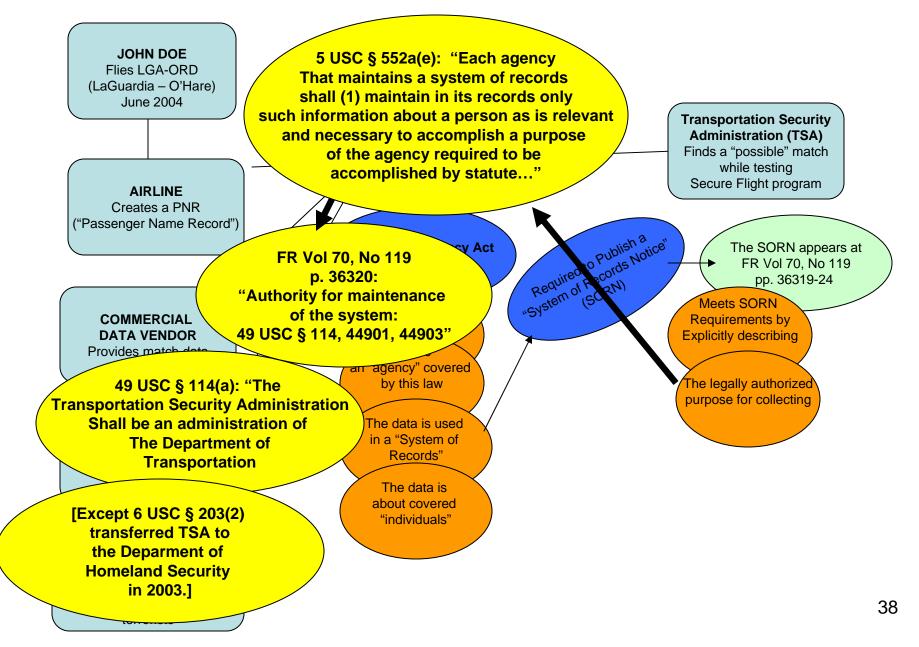




Challenge

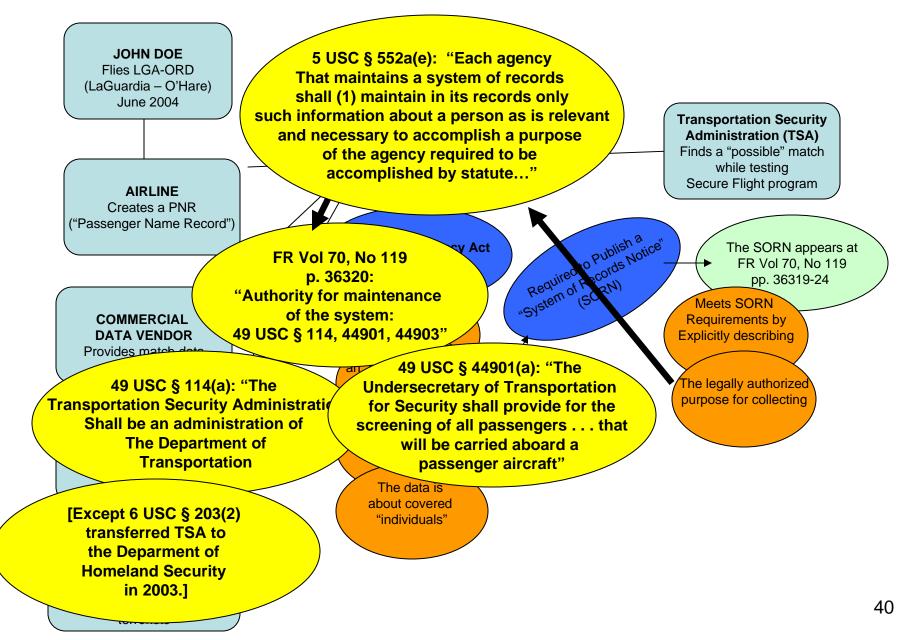
(9) The statutes cited are quite large. How do we find the relevant subsection if the agency doesn't provide it in the SORN?

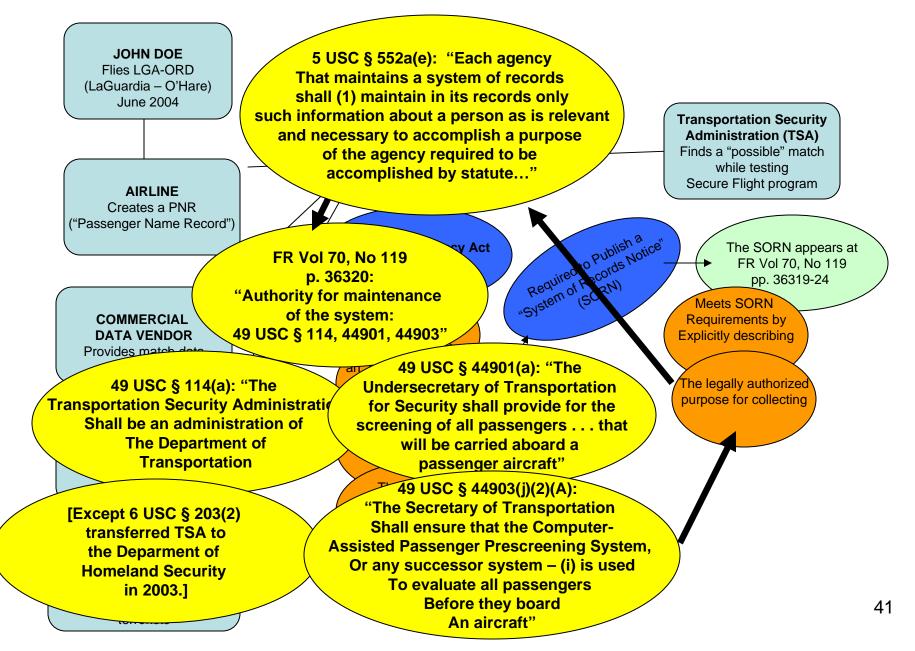




Challenge

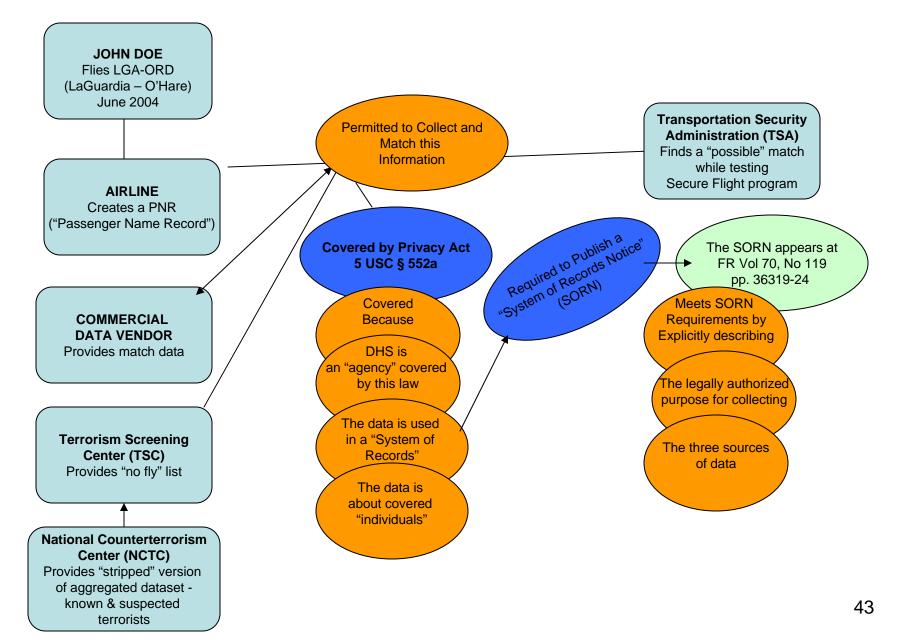
(10) Variant of Challenge 1: The law is still there, but it refers to an entity that was changed by a different law.

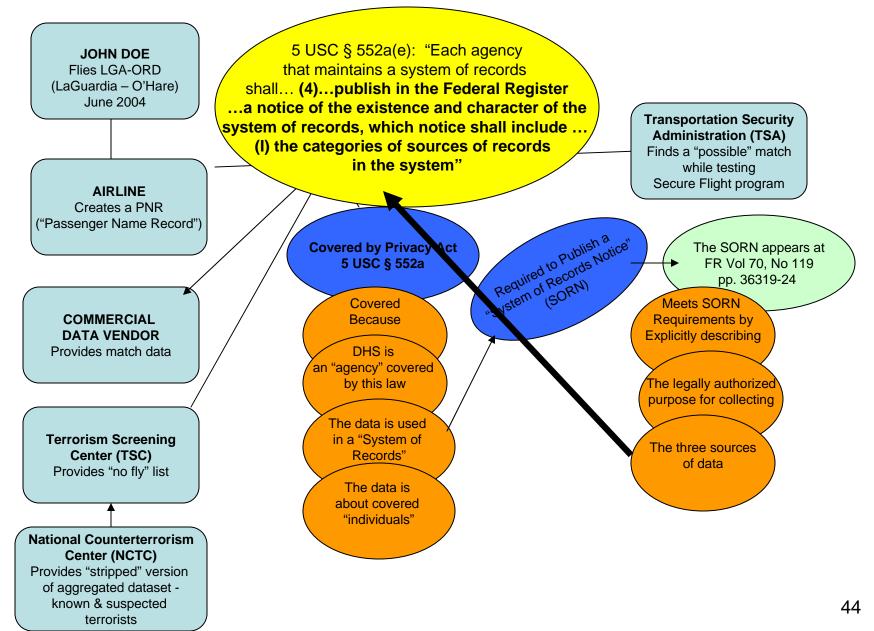




Challenge

- (11) How do we put all of these things together to conclude that the purpose is authorized?
- (12) Even harder, how do we decide that this data is "relevant and necessary" to the authorized purpose?





JOHN DOE Flies LGA-ORD (LaGuardia – O'Hare) June 2004

AIRLINE Creates a PNR ("Passenger Name Record")

COMMERCIAL DATA VENDOR Provides match data

Terrorism Screening Center (TSC) Provides "no fly" list

National Counterterrorism Center (NCTC) Provides "stripped" version of aggregated dataset known & suspected terrorists 5 USC § 552a(e): "Each agency that maintains a system of records shall... (4)...publish in the Federal Register ...a notice of the existence and character of the system of records, which notice shall include ... (I) the categories of sources of records in the system"

FR Vol 70, No 119, p. 36320: "Categories of Records in the System: (a) ... (PNRs) For certain ...flights completed in June 2004 provided By aircraft operators ...; (b) Information obtained From the Terrorist Screening Center about individuals Known or resonably suspected to be ...related to Terrorism; ...(e) commercial data purchased ...for The purpose of comparing such data with June 2004 PNRs" Transportation Security Administration (TSA) Finds a "possible" match while testing Secure Flight program

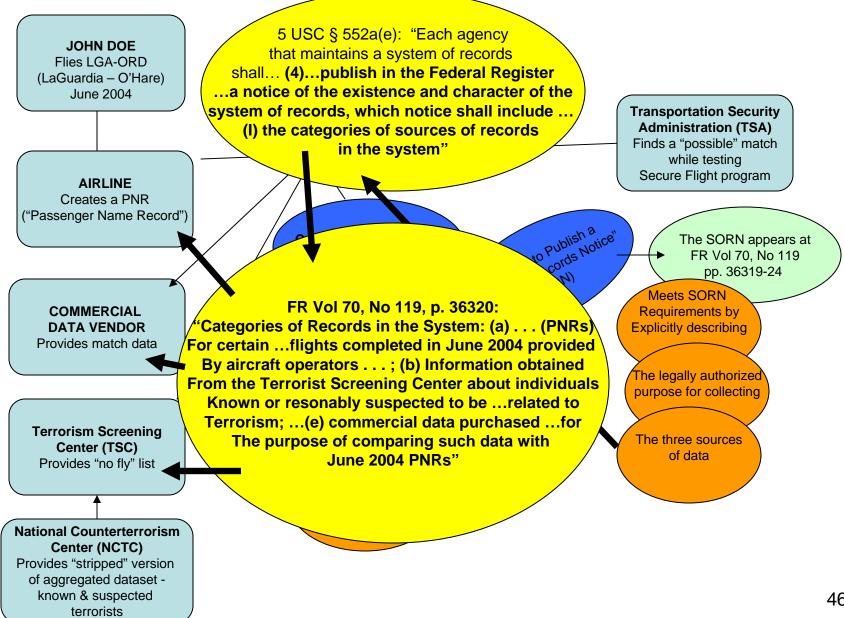
> The SORN appears at FR Vol 70, No 119 pp. 36319-24

Meets SORN Requirements by Explicitly describing

to Publish a cords Notice'

The legally authorized purpose for collecting

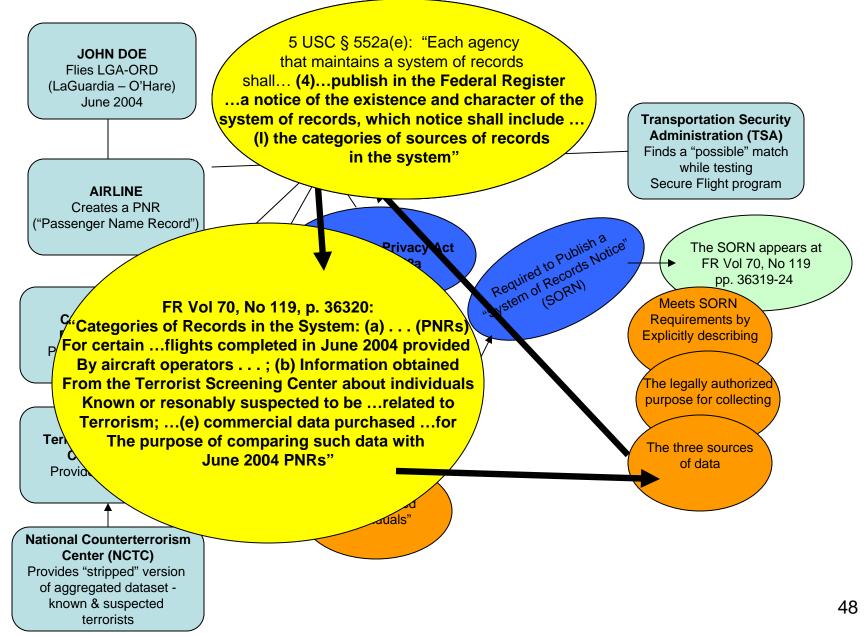
The three sources of data

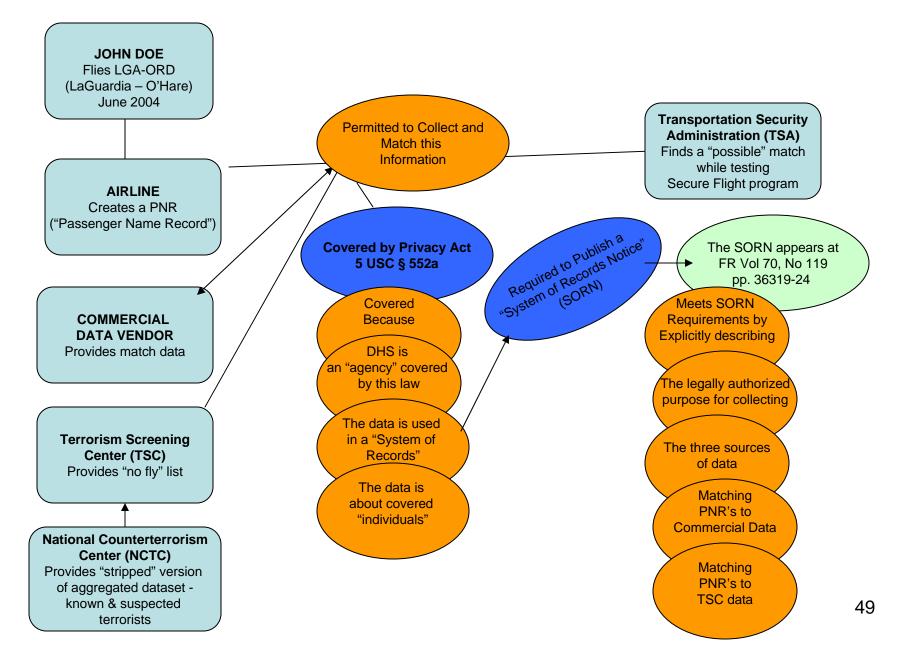


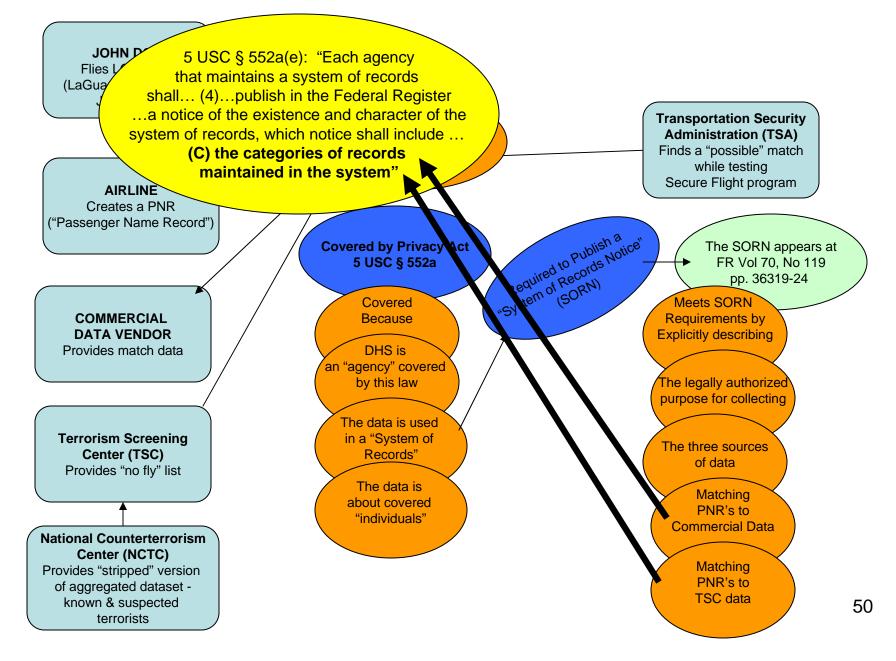
46

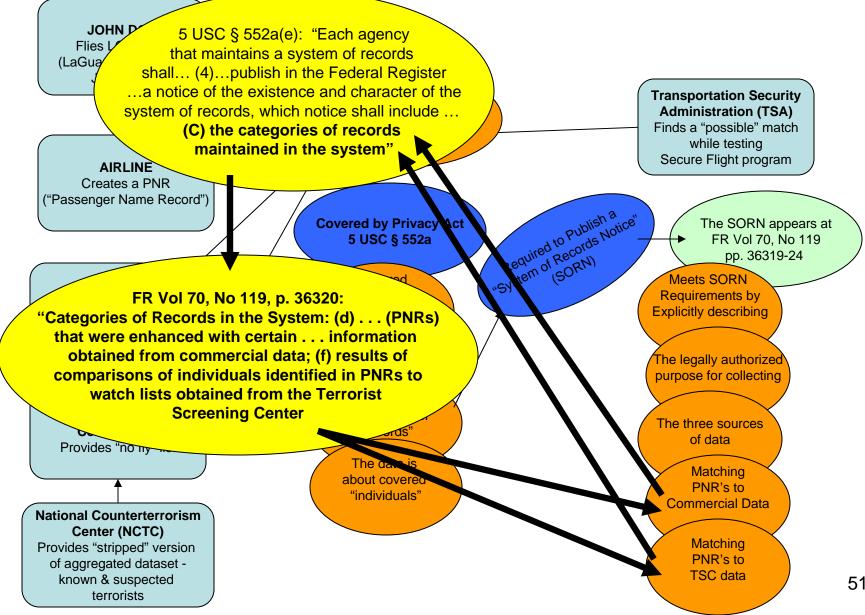
Challenge

(13) How do we reason that the items listed in the SORN are in fact the items collected in the system?



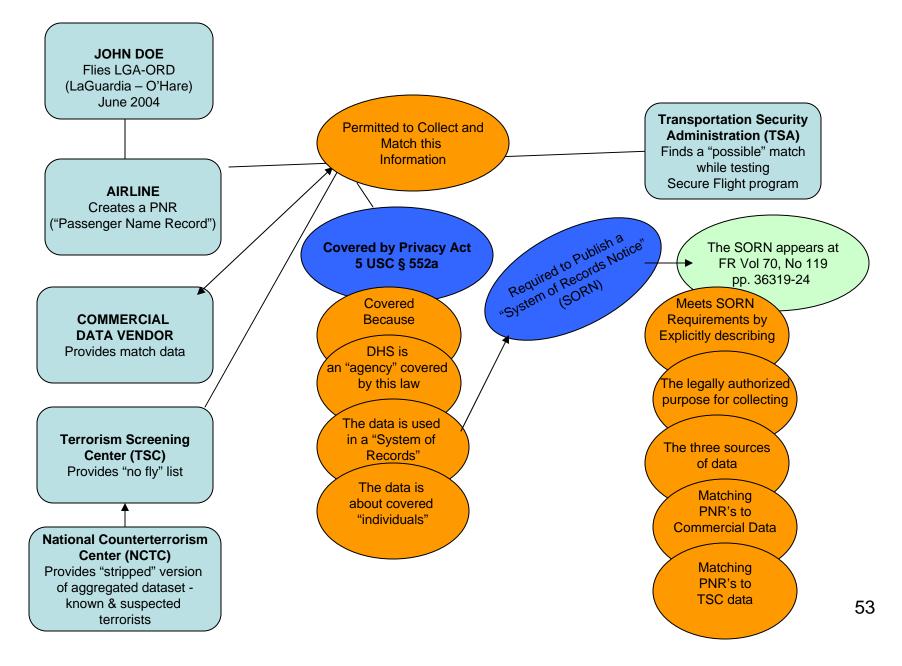


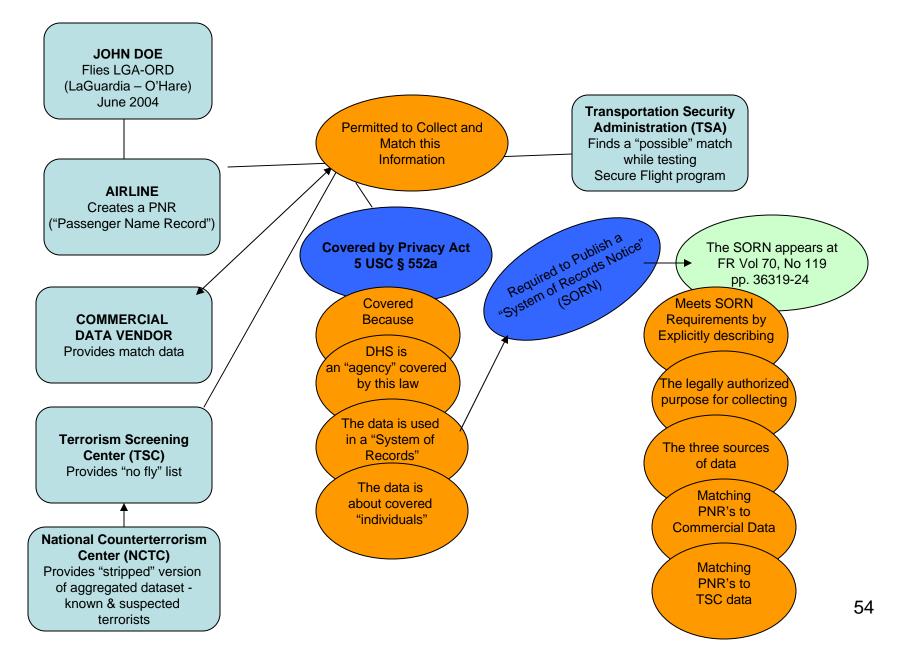




Note

The Privacy Act doesn't require that an agency tell what it's doing with data internally. That's often what people really want to know.

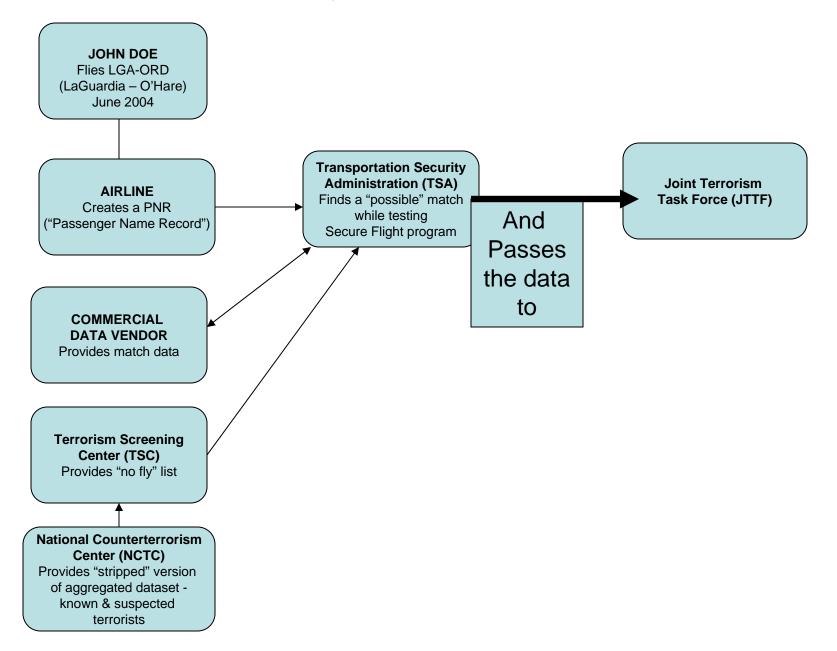




STAY TUNED

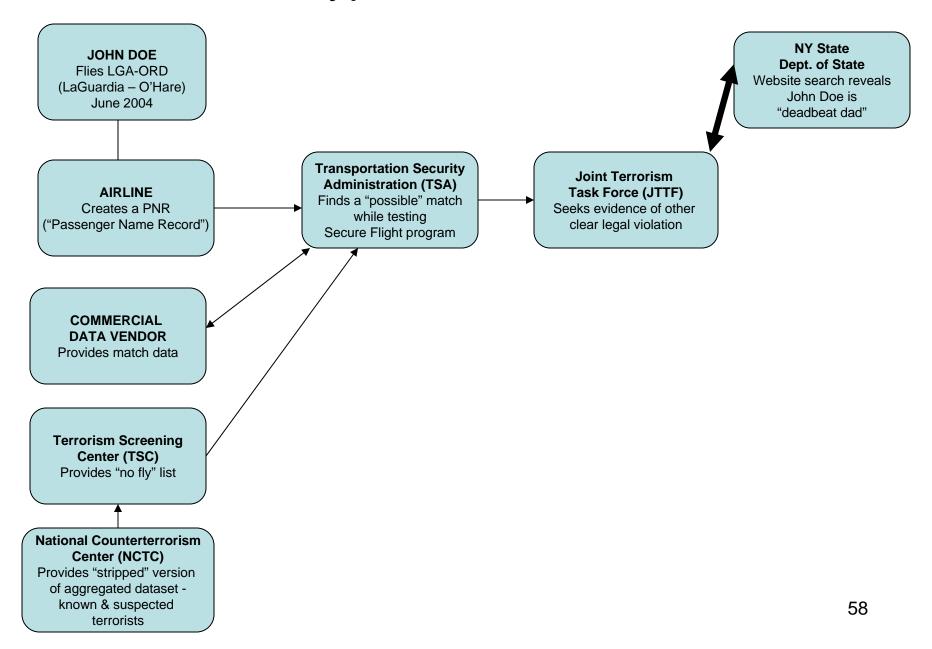
For the next episode, when...

TAMI Hypothetical – Part 3



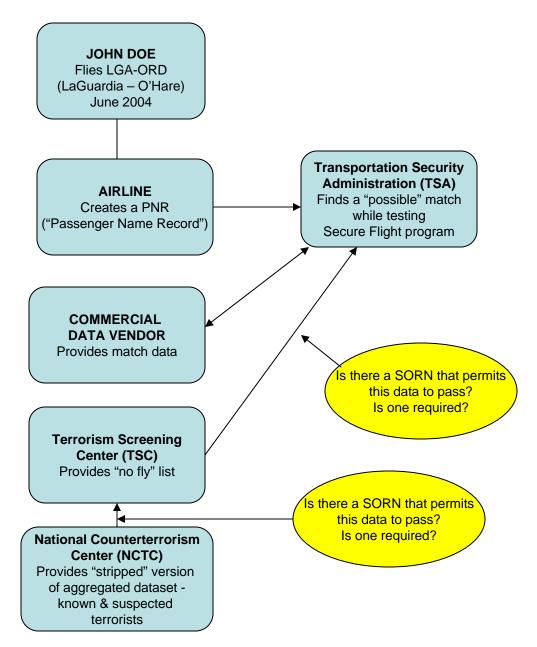
And, then...

TAMI Hypothetical – Part 3



We'll also ask...

The Hidden Questions



Note

- As discussed in September 22 class,
 - US Code text can be found on the web in a number of places
 - Legal Information Institute
 - www.law.cornell.edu
 - Select "Constitution and Codes"
 - Select "US Code"
 - Type the cite into the boxes and press enter
 - Best source for Federal Register is probably
 - US Government Printing Office
 - <u>http://www.gpoaccess.gov/fr/</u>