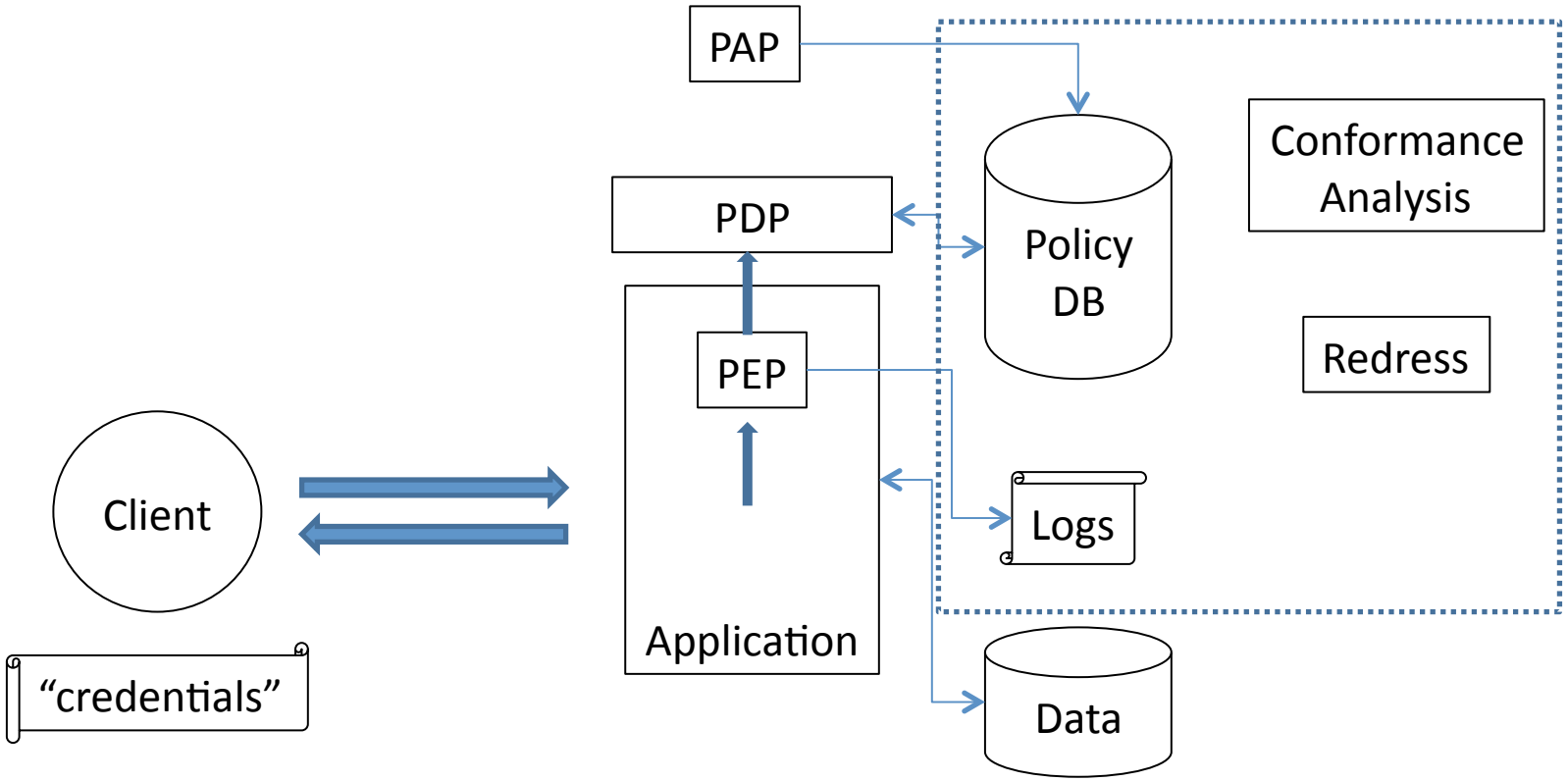
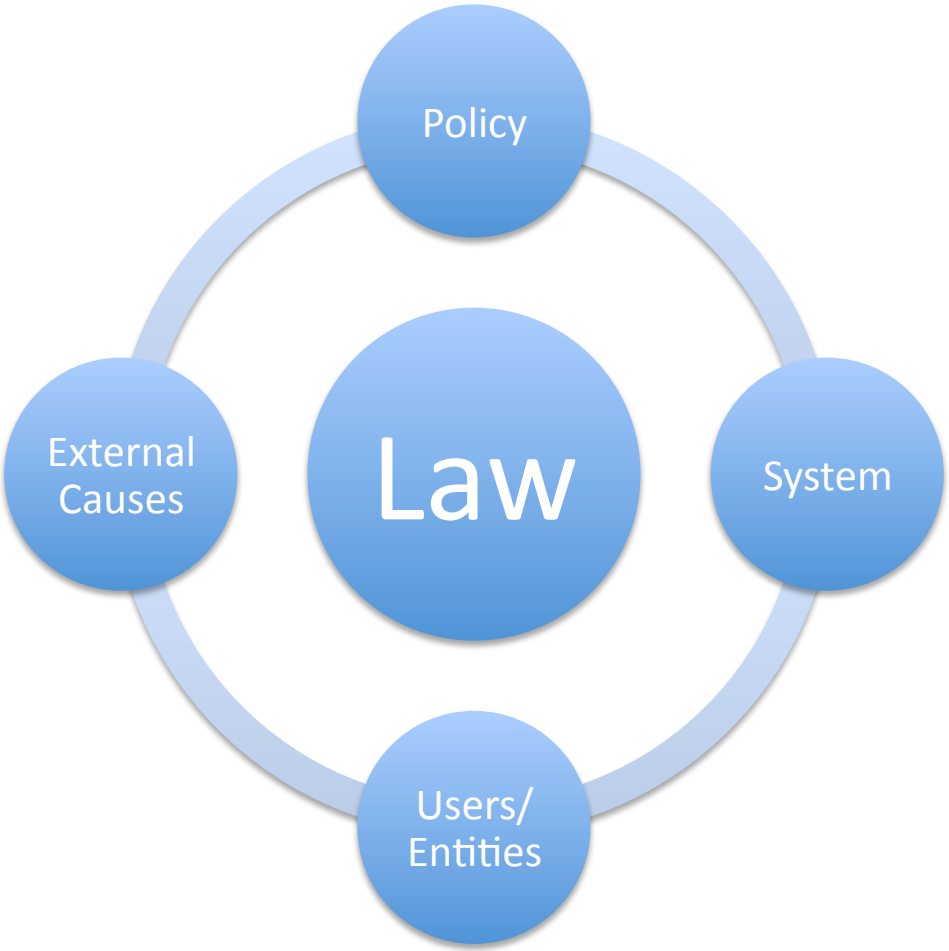
TAMI Scenarios

Accountable Access Control Model



Scenario Template



Questions to Ask

Law	• Which laws are possible violated? • Privacy Law resources
Policy	
System	• How information is processed?
Entities	• Interest, relations or conflicts between • What are the expected responsibilities
External Causes	• Appear in the scenario that effect the consequence

Scenario 1 : Government

- **Computer Error Caused Rent Troubles for Public Housing Tenants - NYTimes**
  - Entities : Low income family, NY City Housing Authority, Legal Aid Society
  - System: rent calculation error

Scenario 2 : Txt Messages are Private

- Entities: city of Ontario, Calif.; policy department officer, Jeff Quon; service provider, Arch Wireless; policy chief officer, Lt. Duke
- Policy: general *Computer Usage, Internet and Email Policy*," which stated that "the use of City-owned … equipment … is limited to City of Ontario related business." The policy also stated that the City "reserves the right to monitor and log all network activity … without notice. Users should have no expectation of privacy when using these resources."

Txt Messages are Private (2)

- Story: Each pager was allotted 25,000 characters, and any amount over that was charged to the individual employee. When Quon went over the allotted amount, Lt. Duke, the supervisor in charge of the pager program, told Quon that as long as he reimbursed the City for the overages he would not have to audit the records to determine how many messages were not work-related. After Quon went over the allotted amount several more times, Duke complained to his superior about being a "bill collector," which caused the superior to order the transcript of the pagers to determine if the messages were truly work-related. The City reviewed the transcripts from Arch Wireless and determined that a number of Quon's messages were personal and often sexually explicit in nature.

Txt Messages are Private (3)

- Law: Stored Communications Act (SCA)
  - provides criminal penalties for anyone who "… intentionally accesses without authorization a facility through which an electronic communication service is provided or… intentionally exceeds an authorization to access that facility; and thereby obtains, alters, or prevents authorize access to a wire or electronic communication while it is in electronic storage in such system…."

ECS or RCS?

- Under the SCA, an RCS can release private information to the subscriber of the service, while an ECS cannot
- Electronic communication service (ECS)
  - A service which provides users … the ability to send or receive … electronic communications
- Remote computing service (RCS)
  - the provision to the public of computer storage or processing services by means of an electronic communications system

Results (1)

- Court: Given that the service Arch Wireless was providing was the actual electronic communications *themselves*, not storage or processing services *by means of* electronic communications, Arch Wireless was an ECS and therefore was prohibited from providing the contents of the electronic communications to anyone other than the addressee or intended recipient of such information

Results (2)

- Since the City was not the addressee or intended recipient, but was rather the subscriber, it was a violation of the SCA for Arch Wireless to provide the transcripts to the City.

Fourth Amendment Analysis

- Reasonable expectation of privacy?
  - users of text messaging services have a reasonable expectation of privacy in those messages stored on the service provider's network?
  - The court clarifies, …there ***is*** a reasonable expectation of privacy in the message content.
- External Cause
  - Lt. Duke's oral assurance that as long as Quon paid for the overages his messages would not be audited became the City's "informal" policy regarding the text message usage, and that this informal policy effectively created Quon's reasonable expectation of privacy in those messages.

Conclusion

- Be mindful of what employees say that could modify the written policy and create a de facto “informal” policy. It may be prudent to add a disclaimer to a formal written policy that the policy may not be amended or modified other than by written approval of a senior officer of the company.
- A company’s written computer or electronic policy should accurately reflect actual practice, because in the event of a dispute, it’s the company’s actual practice that will likely win the day.
- A company’s written policy should encompass any third-party providers of service, and/or the messages should be routed through the company’s own network to ensure the messages are covered under the written policy.

Scenario Template