Scenario 8 – Search for Personal Associates of a Criminal Subject
Scenario 9 – Search for Patient Zero in a Medical Investigation

This describes a hunt for all personal associates of a person.[1] This search would work equally well for a criminal investigation or a medical search for a patient zero of a communicable disease.

It might be interesting to pursue, because you could use the same facts for two scenarios but apply completely different rules. Also, Scenario 9 would let you have a substantially more complex second version because you could sequentially produce these results for multiple people as the investigation tracked backwards through the spread of the disease.

The investigation begins with the basic information about the subject (name, DOB, address, SSN). The investigation ensues as follows.

First, a list of possible acquaintances is drawn by:

- Access subject's credit card and bank records
    - For evidence of membership in clubs, alumni associations, etc.
- Classmates.com (accessed through pretext?) or Hack into high school alumni website
    - Pull graduates from same year and one year on either side
- Hack into country club website and pull member directory
- Find a person in the investigator's organization who graduated from same college and have him/her access online alumni directory and
    - pull graduates from same year and one on either side;
        - sub-sort for major,
        - sub-sort for on-campus activities (if listed), and
        - sub-sort for current address
- Thomas reverse directory search for neighbors within four blocks at the relevant time
- Co-workers
- Web search
    - for charitable contributions - Pull donors list
    - news stories – pull other names
    - race/team entries – pull all other participants
- American Church Lists (for church members)

Second, the following information is pulled for the subject and all the "possibles":

- Credit card transactions
- Airline records
- Telephone records

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[1] Again, the compilation of these searches is fictional. It's based solely on my knowledge that there are motivations for such searches and personal knowledge of existing databases.

Third, cross match the subject's data with the data from all the possibles:

- Credit card transactions
  - Looking for same approx. time/ same place (indicating shopping together, split restaurant check, or travel together)
- Airline records
  - Looking for same plane
  - Adjacent seats
- Telephone records
  - Phone calls between subject's and a possible's phone numbers

For disease investigation, also search
- Health insurance claims for codes related to the disease or its symptoms
- Doctor reports to CDC

Some Applicable Rules or Laws:

- Privacy Act
  - The part we've used before
- Right to Financial Privacy Act – for credit card and bank account numbers and transactions
  http://www.law.cornell.edu/uscode/html/uscode12/usc_sup_01_12_10_35.html
- Criminal statutes (warrants/subpoenas) – for airline records
  http://www.law.cornell.edu/uscode/html/uscode18/usc_sup_01_18_10_I_20_109.html
- Electronic Communications Privacy Act (ECPA) – for web hacking
  http://www.law.cornell.edu/uscode/html/uscode18/usc_sup_01_18_10_I_20_119.html
- ECPA - for toll records
  http://www.law.cornell.edu/uscode/html/uscode18/usc_sup_01_18_10_I_20_121.html
- HIPAA – for health insurance records
  http://www.hhs.gov/ocr/hipaa/privruletxt.txt
- Internal Revenue Code section on confidentiality of returns – if used to find coworkers
  http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00006103----000-.html (see subsection (i)).

Possible Adverse Consequences:
- Constitutional claims for violations of First (freedom of religion), Fourth (search and seizure) Amendments under Bivens?
  http://en.wikipedia.org/wiki/Bivens_v._Six_Unknown_Named_Agents

- Claims for exclusion of evidence based upon impermissible access – violation of Rules of Criminal Procedure for search and seizure? http://www.law.cornell.edu/rules/frcrmp/Rule41.htm
- Claims for exclusion of evidence based upon errors in data? http://law.richmond.edu/jolt/v2i1/stinger.html (Danny - do you have something more recent?)
- Government data mining records sought as evidence in civil cases against health insurers who released information? (Unlikely since maximum civil penalty is $100 per incident, $25,000 per year)