



# The Electronic Privacy Information Center

EPIC Annual Report 2007–2008

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## MISSION & PROGRAMS

**THE ELECTRONIC PRIVACY INFORMATION CENTER** is a public interest research center in Washington, D.C. EPIC was established in 1994 to focus public attention on emerging civil liberties issues and to protect privacy, freedom of expression and constitutional values in the information age. EPIC pursues a wide range of activities, including policy research, public education, conferences, litigation, publications, and advocacy.

EPIC is incorporated in Washington, D.C. and tax-exempt under IRS section 501(c)(3). EPIC receives support from individual contributors, private foundations, the sale of publications, and legal awards. Contributions to EPIC are tax-deductible.

EPIC maintains two of the world's most popular privacy sites — [epic.org](http://epic.org) — and [privacy.org](http://privacy.org) — and publishes the online EPIC Alert every two weeks with information about emerging civil liberties issues. EPIC also publishes *Privacy and Human Rights, Litigation Under the Federal Open Government Laws, Filters and Freedom, the Privacy Law Sourcebook*, and *The Consumer Law Sourcebook*. EPIC litigates high-profile privacy, First Amendment, and Freedom of Information Act cases. EPIC advocates in the public interest for strong privacy safeguards.

EPIC works in support of several NGO coalitions, including Privacy International ([privacyinternational.org](http://privacyinternational.org)), the Internet Free Expression Alliance ([ifea.net](http://ifea.net)), the Global Internet Liberty Campaign ([gilc.org](http://gilc.org)), the Internet Democracy Project ([internetdemocracy.org](http://internetdemocracy.org)), and the Trans Atlantic Consumer Dialogue ([tacd.org](http://tacd.org)). EPIC maintains the Privacy Site ([privacy.org](http://privacy.org)) and coordinates the Public Voice coalition ([thepublicvoice.org](http://thepublicvoice.org)), the Privacy Coalition ([privacycoalition.org](http://privacycoalition.org)), the In Defense of Freedom coalition ([indenseoffreedom.org](http://indenseoffreedom.org)), and the National Committee on Voting Integrity ([votingintegrity.org](http://votingintegrity.org)). In early 2008, EPIC launched Privacy '08 ([privacy08.org](http://privacy08.org)).

# PRIVACY '08: A TIME FOR DEBATE

**It is time for the Presidential candidates** and the country to begin a real discussion about the future of privacy in America. This is an important issue for many Americans. According to the Federal Trade Commission, **identity theft is the #1 concern of American consumers**. It is also a non-partisan issue. Leaders in both parties have championed this cause. Privacy is also a universal issue. In the globalized, networked world, individuals around the world confront questions about personal privacy every day. This is true both on social network sites and at military checkpoints in Iraq.

**There is real urgency to begin a debate.** The country is building new systems of surveillance and identification. Since 9/11, congress has given the President new powers. Many experts believe we are constructing a national surveillance state. What are the views of the candidates? Would they continue on the current course? Is there a better approach?

**The protection of privacy is much like the protection of the environment.** It is an ongoing challenge without a simple solution. Just like the industrial economy had a great impact on the environment, the information economy will have an enormous impact on personal privacy. It is not a problem that is simply solved by giving consumers choice and relying on the marketplace. It will require a deep understanding of the challenges we face and the policy options we might pursue. The longer we delay the debate, the more difficult the challenges will become.

**We need to begin a national debate on this topic now.** We need to discuss both the specific bills that are pending in Congress and what our world will look like in ten or twenty years.

- What can Congress do to ensure meaningful oversight of truly necessary surveillance?
- How can we slow the increase in identity theft and security breaches?
- How can we limit the use of personal identifiers, such as Social Security Numbers, that create so many privacy risks?

**Those are the legislative questions that will appear on the Congressional scorecards.** Several bills on these topics will be introduced in the next Congress. There are also the long-term questions:

- How do we promote innovation and competition in the information economy and still protect privacy? How do we build in privacy protections that are easy to use and do not require complex settings or elaborate policies?
- Do we need to draw some bright lines? For example, should we ever permit the “chipping” of the elderly, prisoners, immigrants, or children?
- Will our systems of identification enable mobility and freedom or will they create a new digital caste system? Should there be limits on the use of identification and some space for anonymity?
- How do we rein in the “Homeland Security–Surveillance Industry” complex? There is very little discussion of the new systems of surveillance that are being constructed for the US government by US firms to spy on US citizens.
- Who will watch the watchers? How do we establish meaningful oversight with government agencies that exercise extraordinary control in great secrecy?
- And how much surveillance should a democratic society accept? At what point does a Constitutional democracy become a police state and how would we know when this has occurred?

**The questions are not easily answered.** Many thoughtful, well informed people will reach different conclusions. But there should be no real doubt about the need to begin this discussion.

**We launched the Privacy '08 campaign** to promote this discussion in the 2008 Presidential Election. EPIC printed buttons and bumper stickers, created a Facebook Cause and set up the domain PRIVACY08. We met with representatives of the Candidates and hosted the Libertarian Candidate for President at the National Press Club in Washington, DC.

**This campaign will continue beyond the election** and into the next administration. We want you to be a part of this discussion. We want you to join our Cause on Facebook. We want you to encourage your Friends to participate. And we want to hear the ideas of the political leaders who are taking us forward into the Twenty-First century. Do they understand these issues? What do they propose to do?

**Privacy 08 is the candidate.** Friend our Cause.

**Marc Rotenberg**  
EPIC Executive Director



# EPIC PROGRAMS

## Free Speech

**“A great resource on civil liberties and First Amendment issues.”**

- WIRED MAGAZINE

“The most participatory form of mass speech yet developed.” That’s how Judge Stewart Dalzell described the Internet in the landmark court decision striking down online censorship. As a leading publisher of policy materials on the Internet, EPIC joined with other civil liberties and computer industry organizations and served as both co-counsel and co-plaintiff in that historic litigation. EPIC has continued to play a leading role in defense of free expression, including the right to receive and distribute information anonymously.

In 2006–2007, EPIC’s work to protect free speech began with an article about the NSA’s illegal domestic spying program in the January 2006 edition of the online series “Spotlight on Surveillance.”

## Open Government

**“EPIC keeps tabs on those who are keeping close tabs on us, and on important legal issues.”** - SAN DIEGO UNION-TRIBUNE

EPIC’s award-winning work applies Freedom of Information Act rules to make government records concerning domestic surveillance, data mining, government profiling, and networking available to the public.

“In 2006–2007, EPIC published the twenty-third edition of “Litigation Under the Federal Open Government Laws” and pursued a range of Freedom of Information Act cases, including an ongoing case against the Department of Justice for the legal opinion, issued by the Office of Legal Counsel, to justify the President’s warrantless wiretapping program.”

## Privacy

**EPIC works “not in the heat of the moment or only in partisan arenas, but deliberately, neutrally, and thoughtfully,” and “EPIC’s efforts in [cyberspace law] have served us all well.”** - AMERICAN BAR ASSOCIATION

National identification systems. Passenger profiling. Data mining. Internet privacy. RFID identity cards. Pretexting. Biometric identifiers. Electronic voting. Surveillance cameras. Fusion centers. EPIC is a leader in examining emerging issues and offering solutions to protect personal information from misuse. Congressional committees and government agencies frequently call EPIC when seeking to identify privacy risks and develop new approaches for privacy protection.

EPIC led efforts to oppose the creation of a national ID, increased demands for voter photo ID requirements, and the lack of transparency on the creation of local and state fusion centers. In 2007, EPIC’s civil liberties and consumer protection work included leading the “Stop the REAL ID” campaign, and advocating for consumer privacy protection as a condition of the merger of Google and Double-Click.

With the world’s most comprehensive archive of privacy resources, EPIC’s award-winning web site demonstrates the educational potential of the Internet. With many of the top-ranked web pages on key privacy topics, the EPIC site informs the ongoing debate about the future of privacy.

## Electronic Voting

**“Election officials say their electronic voting systems are the very best. But the truth is, gamblers are getting the best technology, and voters are being given systems that are cheap and untrustworthy by comparison.”**

- NEW YORK TIMES EDITORIAL

*“I want to express my gratitude to all the individuals who help keep democracy and our constitutional rights protected. Without organizations such as EPIC, we would be in a dismal state of affairs.”* - J.K.

The increased use of technology that facilitates the right of citizens to be informed and participate in public elections may threaten privacy. The use of technology in online and offline voting is growing in popularity around the world, while the science that would verify the efficacy, accuracy, and integrity of voter information resources as well as voting systems lacks vital support. EPIC's efforts in election reform focus on transparency, privacy, and security of voting systems and processes.

## The Public Voice

**“There is an increasing recognition that we must involve all stakeholders including the voice of civil society. The Public Voice meeting and its contribution to the Forum have been constructive and positive.”**

–OECD UNDER-SECRETARY GENERAL

The rise of the Internet and increasingly global markets have created new challenges for democratic governance. International organizations now make many decisions once made by national and local governments. The concerns of citizens are too often not represented when government officials and business representatives gather.

The Public Voice Project, in cooperation with the OECD, UNESCO, and other international organizations, works to bring civil society leaders face to face with government officials for constructive engagement about policy issues. Public Voice events have been held in Buenos Aires, Dubai, Hong Kong, Honolulu, Ottawa, Paris, Washington, and Wroclaw.

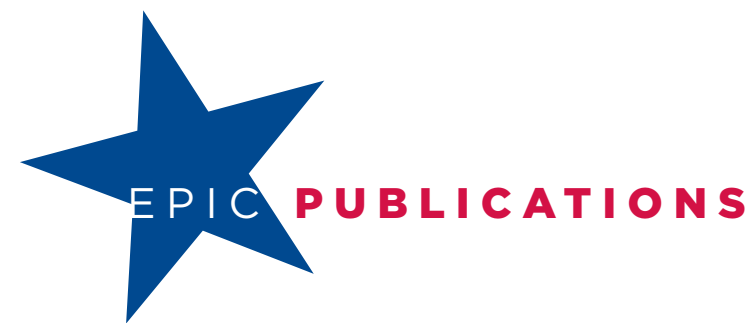
In 2006–2007, the Public Voice continued to promote public participation in decisions concerning the future of the Internet through participation in workshops, on its web site, and in monthly conference calls.

**“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor or reputation. Everyone has the right to the protection of law against such interference or attack.”**

–ARTICLE 12, UNIVERSAL DECLARATION OF HUMAN RIGHTS

**“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart ideas through any media and regardless of frontiers.”**

–ARTICLE 19, UNIVERSAL DECLARATION OF HUMAN RIGHTS



**EPIC's FOIA Manual “[d]eserves a place in the library of everyone who is involved in, or thinking about, litigation under the Freedom of Information Act.”** –STEVE AFTERGOOD, FEDERATION OF AMERICAN SCIENTISTS

**EPIC's Privacy Sourcebook is a “handy compilation of privacy law instruments and a “must” for anyone seeking guidance about the location and content of the key statutes, treaties, and recent developments.”** –AMERICAN SOCIETY OF INTERNATIONAL LAW

**The Privacy Law Sourcebook is also “[t]he ‘Physician’s Desk Reference’ of the privacy world.”** –EVAN HENDRICKS, *PRIVACY TIMES*

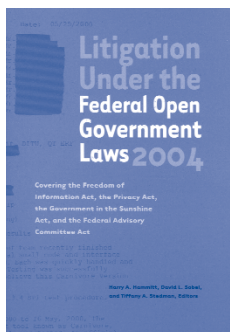
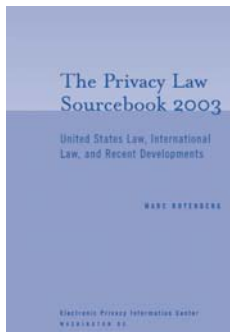
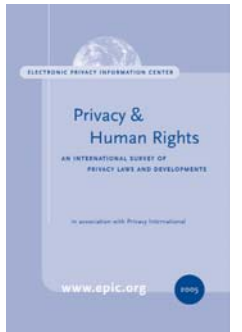
EPIC produces several publications each year that are popular among policymakers, scholars, and advocates both in the United States and around the world. EPIC publications are available for sale at the EPIC Online Bookstore ([bookstore.epic.org](http://bookstore.epic.org)), Amazon Books, and also from the EPIC Bookshelf at Powell's Books ([powells.com/features/epic/epic.html](http://powells.com/features/epic/epic.html)). Contact EPIC about discounts for multiple copies to educational institutions.

### The Privacy Law Sourcebook: United States Law, International Law, and Recent Developments

Updated annually, the *Privacy Law Sourcebook* is an invaluable resource for students, attorneys, researchers and journalists who need a comprehensive collection of U.S. and international privacy law, as well as a full listing of privacy resources.

### Litigation Under the Federal Open Government Laws

The fully updated edition of the manual that lawyers, journalists and researchers have relied on for more than 25 years, this standard reference work covers all aspects of the Freedom of Information Act, the Privacy Act, the Government in the Sunshine Act, and the Federal Advisory Committee Act.



### Privacy & Human Rights: An International Survey of Privacy Laws and Developments

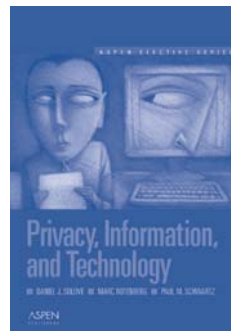
This annual survey, by EPIC and Privacy International, reviews the state of privacy in over 70 countries around the world. The survey examines a wide range of privacy issues including data protection, telephone tapping, genetic databases, e-voting, RFID, ID systems and freedom of information laws.

### Filters and Freedom 2.0: Free Speech Perspectives on Internet Content Controls

Often characterized by their proponents as mere features or tools, filtering and rating systems can also be viewed as fundamental architectural changes that may, in fact, facilitate the suppression of speech far more effectively than national laws alone ever could. This collection of essays, studies, and critiques of Internet content filtering should be carefully considered if we are to preserve freedom of expression in the online world.

**Solove, Rotenberg & Schwartz, Information Privacy Law**  
(Aspen Publishers) — “A Masterful Synthesis of the Field.”

**Solove, Rotenberg & Schwartz, Privacy, Information, and Technology**  
(Aspen Publishers) — “A comprehensive, in-depth treatment of all important issues involving information privacy



Should Americans who are pulled aside at airports for secondary screening be told the specific reason they are under suspicion?



## EPIC IN CONGRESS

“When Big Brother keeps tabs on the people, it is nice to know there are some people keeping tabs on Big Brother.” —NEW YORK LAW JOURNAL

In 2006–2007, EPIC appeared before several Congressional committees to provide expert testimony on critical privacy and civil liberties issues. EPIC also worked in coalitions with other organizations to draw attention to emerging challenges, such as NSA domestic surveillance, phone record privacy, Medical Privacy, e-tax records, municipal broadband, Internet media consolidation, and passenger profiling.

*"Finally, I read your annual report. Sincerely, thank you for all the good work your organization does. We work in a place where money talks and Congress is fixated on what's good for business and law enforcement - and yet somehow your views get aired and considered." -T.T.*

### Telephone Number Spoofing

In May 2006, EPIC testified before the Senate Commerce Committee on telephone number spoofing. In June 2007, EPIC testified before the House Energy and Commerce Committee regarding its efforts to combat telephone number spoofing. In telephone number spoofing a caller causes a phone number other than their own to appear on a caller ID or similar display. EPIC said that there are legitimate and illegitimate spoofing activities, and recommended that the law only prohibit spoofing when done with the intent to commit fraud or to harass.

### Employment Verification

In June 2007, EPIC testified before the House Committee on Homeland Security on strengthening privacy safeguards associated with a Department of Homeland Security managed employment eligibility verification system. EPIC recommended that existing agency database problems should be corrected before a nationwide expansion is considered.

### SSN

In March 2006, EPIC testified before the House Subcommittee on Social Security on abuse of the Social Security number and the Social Security card. In June 2007, EPIC testified before the House Ways and Means Committee on efforts to address the misuse of the SSN. "Every system of identification is subject to error, misuse, and exploitation," EPIC warned. Some members of Congress have proposed that the card contain digital photos, machine-readable identifiers, and biometric identifiers that could turn the Social Security card into a national ID card.

### WHOIS Data

In July 2006, EPIC testified before the House Committee on Finance in support of new privacy protections for WHOIS, the directory of Internet owners. Currently anyone with Internet connection, including spammers, phishers, and stalkers, can access information in the WHOIS database.

Do you favor comprehensive  
privacy legislation for the Internet?







Do you think the telephone companies and others who may have violated the federal wiretap laws should be granted legal immunity?"

## EPIC LITIGATION

**"Not only has the state failed to establish the need for the voter identification law or to address the disparate impact of the law, the state's voter ID system is imperfect, and relies on a flawed federal identification system."-EPIC Amicus Brief in Crawford v. Marion County (2007)**

### EPIC's litigation strategy follows five principles:

- to vigorously pursue pending matters to a favorable conclusion;
- to initiate or defend emerging legal challenges implicating free speech, privacy, anonymity, and open access, particularly in an online or electronic environment;
- to actively promote the public dissemination of materials obtained under the Freedom of Information Act;
- to provide assistance to attorneys, consumer and civil liberties organizations on legal matters as needed; and
- to seek the participation of consumer and civil liberties organizations as well as technical and legal experts to expand public involvement in emerging legal issues.

*"I visited the EPIC web site today for some of my privacy research and its contents reminded me yet again of the extra-ordinary value of your work and that of your colleagues at EPIC. This is a simple note of my appreciation for what you and your colleagues do." -E.O.*

### Google-DoubleClick Merger Review (Federal Trade Commission)

In 2007, EPIC undertook an extensive campaign to urge the Federal Trade Commission to consider the privacy interests of Internet users in the FTC's consideration of the proposed acquisition of Doubleclick by Google. In a series of petitions and complaints, focusing on the growing risks to user privacy if detailed profiles were combined without adequate privacy safeguards, EPIC made the case for a modern merger review that incorporates the privacy interests of Internet users. Although the FTC approved the merger without conditions, EPIC was invited to testify on the case before the United States Senate Judiciary Committee and the European Parliament Committee on Civil Liberties, Justice and Home Affairs. Both committees have expressed ongoing interest in the impact of Internet mergers on personal privacy.

### Crawford v. Marion County (amicus)

In November 2007, EPIC, legal scholars and technical experts submitted an amicus brief to the Supreme Court arguing that an Indiana photo identification requirement fails to fulfill its purpose and unnecessarily places at risk the privacy interests of eligible voters.

### Hepting v. AT & T (amicus)

In May 2007, EPIC, in cooperation with the Stanford Constitutional Law Center, filed an amicus brief in Hepting v. AT&T. This lawsuit alleges that AT&T allowed the government to wiretap calls and e-mails without judicial authority. The U.S. government and AT&T seek to dismiss this case. The EPIC brief states, "The statutes and constitutional provisions relied upon in the complaint are designed to interpose the courts between citizens and the government when government conducts surveillance that it naturally would prefer to conduct in secret and wholly at its own discretion.... This litigation should thus proceed, lest the privacy claims here be made effectively unreviewable."



#### **NCTA v. FCC (amicus)**

In May 2007, EPIC filed an amicus brief in federal appellate court urging support for opt-in safeguards for telephone customers. The brief was filed on behalf of consumer and privacy organizations, technical experts, and legal scholars. At issue is the Federal Communications Commission's Order that protects consumers' telephone record information, which the National Cable and Telecommunications Association has challenged. "Consumers have a legitimate expectation of privacy with respect to sensitive personal information such as whom they call on a telephone," the brief said. "An opt-out policy would provide neither adequate protection for consumer data nor sufficient notice to consumers."

#### **EPIC v. Department of Justice (concerning IOB reports)**

In January 2006, EPIC filed suit in federal court against the Department of Justice for reports of possible misconduct submitted by the FBI to the Intelligence Oversight Board (IOB). Judge Colleen Kollar-Kotelly, the head of the Foreign Intelligence Surveillance Court, was assigned to the case. EPIC had already obtained about 20 reports to the Intelligence Oversight Board through another Freedom of Information Act lawsuit that raise questions about compliance with federal law. Since EPIC filed suit, the FBI has released several sets of documents responsive to EPIC's request.

#### **EPIC v. Department of Justice (concerning NSA surveillance)**

In January 2006, EPIC filed another lawsuit against the DOJ to compel the immediate disclosure of information concerning the NSA surveillance program and asked the federal district court in Washington, D.C. to issue a preliminary injunction requiring the release of relevant documents within 20 days.



Should US firms sell surveillance technologies to the Chinese government?

On February 16, 2006, U.S. District Judge Henry H. Kennedy ordered the DOJ to process and release documents concerning the NSA program within 20 days, or by March 8, 2006. The Justice Department then filed a motion asking Judge Kennedy for an additional four months to process some of the material responsive to EPIC's request, which Judge Kennedy granted. Later, the DOJ provided a Vaughn list of responsive FOIA documents that would be withheld by the agency. EPIC challenged the DOJ's decision to withhold documents related to legal advice it provided to the White House regarding the "legality" of the illegal domestic spying program. EPIC has asked the court to force the DOJ to be more forthcoming, but the litigation continues.

#### **Gilmore v. Gonzales (amicus)**

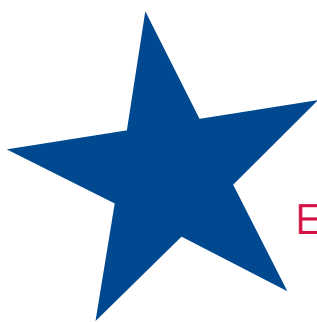
This case challenged the government's unpublished law or regulation requiring passengers to present identification to fly on commercial airlines. John Gilmore argues that the requirement violates numerous constitutional protections, including the rights to travel, petition, freely assemble, be free from unreasonable search and seizure, and have access to due process of law. In 2004, EPIC filed an amicus brief in this case. In January 2006, the 9th Circuit ruled in the government's favor, upholding the identification requirement.

#### **EPIC v. Department of Justice & Department of the Treasury**

EPIC submitted FOIA request to the DOJ and Department of Treasury following Wall Street Journal reports that government agencies were purchasing personal information from private sector profiling companies. EPIC challenged the agency's heavy redaction of the responsive documents. In 2006-2007, in a series of court challenges EPIC won a major court decision against the DOJ's secrecy claim in its pursuit FOIA documents related to the President's domestic surveillance program.

#### **Nelson v. Salem State College (amicus)**

In April 2006, the court ruled in favor of Salem State College. The case involved video surveillance conducted in the college's off-campus Small Business Development Center. The video camera was used to investigate possible illegal entries in the center after normal business hours and was set to record 24 hours a day. During the summer of 1995, Gail Nelson, a secretary at the Small Business Development Center, often brought a change of clothes to work and changed in a cubicle. Ms. Nelson later learned about the covert surveillance from a co-worker. EPIC filed an amicus brief arguing that society is prepared to recognize an expectation of privacy in the workplace as reasonable. In April 2006, the court ruled in favor of the college.



## Agency Proceedings

In 2006-2007, EPIC participated in a wide range of agency proceedings. The topics ranged from traditional privacy concerns, such as the misuse of Social Security Numbers and marketing practices, to new issues, including Internet telephony, DNA collection, RFID passports, and government watch lists.

### Airline Passenger Privacy

In January 2006, EPIC submitted comments to the Centers for Disease Control and Prevention advising that the agency should limit its proposed rule requiring airline and shipping industries to gather customer information, maintain it electronically for at least 60 days, and release it to the CDC within 12 hours of a request. EPIC urged the CDC to narrow the scope of data collected and set strict security standards to keep passenger data secure from unauthorized access and misuse.

### WHOIS Database Privacy

In February 2006, EPIC sent comments to the ICANN, the entity that coordinates the Internet's naming system, on the "Preliminary Task Force Report on the Purpose of WHOIS." EPIC urged the adoption of a policy that would make WHOIS data (the listing of those who register Internet domains) only available to "provide information... related to the configuration of the records associated with the domain name within a DNS name server." EPIC cited the original purpose of WHOIS and the growing risk of identity theft. EPIC specifically opposed a proposal that would make WHOIS data available for broader purposes, such as law enforcement and copyright investigations

### Commercial Data Brokers

In February 2006, EPIC submitted comments to the federal judiciary calling for changes to procedural rules to shield personal information in court files from commercial data brokers. Commercial data brokers employ stringers to harvest personal information from court files, and then resell the information. Court files are becoming the fuel for dossier building on Americans, and courts must accept responsibility for shielding data from misuse.

### Public WiFi Access in San Francisco

In February 2006, EPIC filed comments with the San Francisco Government on its plans to offer public municipal broadband or WiFi access. EPIC urged city officials to tweak privacy protections for users of a proposed municipal broadband service. The comments sought to allow anonymous access to the network, to limit sale of personal information by the providers, and to routinely delete personal information collected through the network.

### Court Records and SSNs

In 2006-2007, EPIC submitted comments to the District of Columbia and Florida courts recommending that court files be scrubbed of identifiers such as Social Security Number, date of birth, and telephone number. EPIC argued that, "Court records are becoming the fodder for dossiers on Americans," and that commercial data brokers are eroding the privacy rights of individuals by extracting data from court files.

### Taxpayer Privacy

In March 2006, EPIC submitted comments to the Internal Revenue Service in support of a strong opt-in rule before tax preparers can disclose return information for marketing purposes. The group urged the IRS to stiffen penalties for wrongful disclosure of data, and to require tax preparers to take responsibility for how data are used for marketing.

### Auto Dialers and Telecommunications Privacy

In May 2006, EPIC filed comments to the Federal Communications Commission, urging the agency to reject a petition by ACA International that would allow the use of auto dialers by debt collectors. The Telephone Consumer Protection Act of 1991 prohibits the use of auto dialers to contact telephone devices. EPIC told the agency that the incidents of identity theft in the US made the claim by ACA that it only seeks to collect outstanding debts suspect. EPIC also stated that the agency correctly interpreted Congressional intent when it implemented auto-dialer privacy protection, and urged the FCC to not reverse itself on this matter.

*"The Electronic Privacy Information Center advocates for the right to be left alone in this digital age. It is a tough fight, but somebody has to keep it going."  
-Knight/Ridder Tribune News Service*

### Public Video Surveillance

In June 2006, EPIC submitted comments to the District of Columbia Metropolitan Police Department opposing a new CCTV project that would dramatically expand police surveillance of the public. EPIC urged the MPD to maintain public notification standards for all video surveillance. EPIC also urged the MPD to set clear, objective standards for evaluating the system.

### Privacy in Telecommunication Customer Records

In June 2006, EPIC has filed reply comments on the Federal Communications Commission's proposal to require phone companies to increase security for consumers' phone records. EPIC urged the FCC to adopt rules that prevent poor security practices, such as using easily obtained biographical information as passwords for users to access account information. In 2007, EPIC recommended that the Federal Communication Commission when implementing Enhanced 911 regulation that they also protect consumer location privacy. In addition, EPIC advocated for equal privacy protection for all telephone user—including VOIP and other communication services.

### Automated Targeting System (ATS)

In December 2006, EPIC led an effort by 29 organizations and 16 privacy and technology experts to file comments urging the Department of Homeland Security to suspend the traveler-profiling program and to fully enforce Privacy Act obligations. The coalition explained that Privacy Act obligations were imperative for a system such as ATS, which creates "risk assessments" of travelers and keeps the data for 40 years.

### REAL ID

In May 2007, EPIC's Privacy Coalition project led a coalition of more than 60 organizations in a concerted effort to increase the number of public comments to the Department of Homeland Security on the agency's proposed rule to implement the REAL ID. As a result of the campaign more than 12,000 comments were submitted to the agency. EPIC's comments to the agency said that the "ill-conceived plan would increase the risk of and the damage caused by identity theft."



## INTERNET PUBLIC INTEREST OPPORTUNITIES PROGRAM

**"I really enjoyed the time here and appreciate all the effort it takes from all the staff to make this such a rewarding experience... I did like the org[anization]... because we all got to work with all the permanent staff rather than always going through an intermediary... I really enjoyed writing comments about proposed rulemaking. I felt that was the assignment that most demonstrated the difference we can make. I also really enjoyed preparation for the protest [opposing deployment of CCTV surveillance in Washington, DC]... The amicus brief was definitely the most rewarding, but meeting with officials who are real decision-makers, in informal gatherings, was also very interesting... [Best experience of the IPIOP program] Preparing material for Congressional hearing on WHOIS... FOIA request work... assignments permitting exploration of the nuanced issues in a particular interest... Loved sitting in on hearings." -2006-2007 IPIOP CLERKS**

A grant from the Glushko-Samuelson Foundation established the Internet Public Interest Opportunities Program (IPIOP). IPIOP is an intensive, paid legal internship conducted during the summer, fall, and spring terms. There are summer and school semester internships available for outstanding law students with a strong interest in civil liberties relating to the Internet, particularly free speech, privacy, open government, and democratic governance. The EPIC IPIOP Program gives law students the opportunity to actively participate in valuable programs in Internet law, policy, and legislation. Washington, D.C. provides an ideal location for an introduction to Internet law and policy. IPIOP clerks attend agency proceedings, policy meetings, and Congressional hearings, as well as visiting landmarks in the nation's capital. IPIOP clerks also attend seminars led by eminent scholars and practitioners in the field of Internet policy. The goal of the program is to provide opportunities for law students to experience first-hand the new and exciting intersection between Internet law and public policy.

"Thank you for providing the information available on the page as well as the work EPIC has done concerning these and related matters. It is greatly appreciated by me and many of my peers..."  
-M.W.B.

#### Legislation

The legislative process is the critical opportunity for public interest organizations to make their case directly to lawmakers, to engage in discussion about the details of proposed legislation, and to establish connections with critical committees and decision makers. IPIOP clerks learn about this crucial process by researching and drafting memoranda on critical issues before Congress, and by attending hearings.

#### Government Oversight

The Freedom of Information Act (FOIA) is a powerful tool for public interest organizations to learn about otherwise inscrutable government activities and to promote public oversight. Each IPIOP clerk researches, drafts, and submits a FOIA request on a current Internet issue to one of many government agencies. Clerks also assist in litigating pending FOIA matters.

#### Litigation

Clerks assist EPIC staff in developing litigation strategies in key cases with significant impact on critical Internet issues. Clerk activities include drafting memoranda, meetings with attorneys, and attending court hearings.

#### Collaboration

IPIOP works in association with public interest litigators and law school clinics across the country. A distinguished Advisory Committee oversees the work of IPIOP. Graduating law school students interested in EPIC's work are also encouraged to seek fellowships through Equal Justice Works ([equaljusticeworks.org](http://equaljusticeworks.org)) and Skadden Fellowship Foundation ([skaddenfellowships.org/](http://skaddenfellowships.org/)).

#### Applications

Submit a letter of interest, a writing sample, a résumé, and a recommendation letter to: IPIOP Coordinator, EPIC, 1718 Connecticut Ave. N.W., Suite 200, Washington, D.C. 20009 or email [ipiop@epic.org](mailto:ipiop@epic.org). The process is competitive. The IPIOP Program receives hundreds of applications for placements each year.



## EPIC AFFILIATED SITES

"This consumer group provides a wealth of information at its web site."

-GOVERNING MAGAZINE

"In early 2008, EPIC launched "Privacy 08" ([privacy08.org](http://privacy08.org)) to promote public discussion about privacy in the 2008 Presidential election. EPIC also established a presence on Facebook and created a Facebook Cause to promote Privacy '08.

#### EPIC Bookstore — [bookstore.epic.org](http://bookstore.epic.org)

The EPIC Bookstore offers EPIC publications and a wide range of titles on privacy, free speech, computer security, and civil liberties. The Bookstore also showcases a growing list of featured titles from each issue of the EPIC Alert newsletter.

#### Global Internet Liberty Campaign (GILC) — [gilc.org](http://gilc.org)

There are no borders in cyberspace. Actions by individual governments and multinational organizations can have a profound effect on the rights of citizens around the world. The member organizations of GILC joined together to protect and promote fundamental human rights such as freedom of speech and the right of privacy on the net for users everywhere.

#### In Defense of Freedom (IDOF) — [indefenseoffreedom.org](http://indefenseoffreedom.org)

The IDOF coalition was established after September 11, 2001, to demonstrate public support for the protection of Constitutional values and to provide an organizing forum for individuals and associations pursuing issues arising from the government's response. The 10-point statement In Defense of Freedom, endorsed by more than 150 organizations, 300 law professors, and 40 experts in computer science, is available on the site.

#### Internet Free Expression Alliance (IFEA) — [ifea.net](http://ifea.net)

IFEA was established to ensure the continuation of the Internet as a forum for open, diverse and unimpeded expression and to maintain the vital role the Internet plays in providing an efficient and democratic means of distributing information around the world.



## EPIC SUPPORTERS

### Privacy International (PI) — [privacyinternational.org](http://privacyinternational.org)

PI is a human rights group formed in 1990 as a watchdog on surveillance by governments and corporations worldwide. PI has conducted campaigns in Europe, Asia and North America to counter abuses of privacy by way of information technology such as ID card systems, video surveillance, data matching, police information systems, telephone tapping, and medical records.

### The Privacy Site — [privacy.org](http://privacy.org)

The Privacy Site, founded in 2000 as a joint project of EPIC and Privacy International, contains the latest news, links, and resources on privacy issues, as well as action items to engage members of the public in personal privacy advocacy.

### The Public Voice — [thepublicvoice.org](http://thepublicvoice.org)

The Public Voice was launched to promote the participation of Non-Governmental Organizations (NGOs) in the deliberations of international organizations, such as the Organization for Economic Cooperation and Development (OECD), in matters concerning Internet policy. Public Voice conferences have been held in Ottawa, Paris, Hong Kong, Dubai, and Wroclaw.

### National Committee for Voting Integrity — [votingintegrity.org](http://votingintegrity.org)

The National Committee for Voting Integrity was established in 2003 to promote voter-verified balloting and to preserve privacy protections for elections in the United States. The National Committee is a non-partisan organization made up of leading technical experts, lawyers, journalists, and citizens.

### Privacy Coalition — [privacycoalition.org](http://privacycoalition.org)

The Privacy Coalition web site was launched in 2001 to serve as an organizing tool for a nonpartisan coalition of consumer, civil liberties, educational, family, library, labor, and technology organizations. Members of the Privacy Coalition have agreed to the Privacy Pledge, a framework of privacy protections endorsing limits on government surveillance and the promotion of Fair Information Practices.

### Major grants to support the work of EPIC have been received from:

- |                                    |                              |
|------------------------------------|------------------------------|
| Arca Foundation                    | Open Society Institute       |
| Bauman Foundation                  | Quixote Foundation           |
| BT Counterpane                     | Red Hat Center               |
| Carnegie Corporation               | Rockefeller Family Fund      |
| Earthlink                          | Rose Foundation              |
| Ford Foundation                    | Glushko-Samuelson Foundation |
| Fund for Constitutional Government | Scherman Foundation          |
| HKH Foundation                     | Simons Foundation            |
| W.K. Kellogg Foundation            | Sun Hill Foundation          |
| Irving Kohn Foundation             | Sun Microsystems             |
| Albert List Foundation             | Working Assets               |
| Lutz Foundation Trust              | Zero Knowledge Systems       |
| Markle Foundation                  |                              |
| Metromail Cy Pres Fund             |                              |
| Norman Foundation                  |                              |
| Omidyar Network                    |                              |

*Additional support is provided by contributions from individual donors, attorneys' fees, cy pres funds, and the sale of publications.*

*"Thank you for your stand on privacy as recently reflected on a C-SPAN program dealing with the NSA domestic spying issue."  
-N.B.*



**EPIC**  
**STATEMENT OF ACTIVITIES**  
**2004, 2005, 2006 AND 2007**

	2004	2005	2006	2007
<b>Support and Revenue</b>				
Contributions	\$ 380,205	\$ 78,473	\$ 195,488	\$ 227,540
Grants	840,473	606,250	577,500	449,750
Publications	20,319	13,624	9,976	15,450
Interest Income	45,768	49,833	77,519	89,643
Other	(5,171)	(17,165)	188,739	136,283
<b>Total Support and Revenue</b>	<b>\$ 1,332,044</b>	<b>\$ 731,065</b>	<b>\$ 1,049,222</b>	<b>\$ 918,666</b>
<b>Expenses</b>				
Program	\$ 933,864	\$ 897,076	\$ 699,312	\$ 608,118
Administration	66,831	58,511	83,456	134,632
Fundraising	25,461	46,493	58,755	60,198
<b>Total Expenses</b>	<b>\$ 1,025,976</b>	<b>\$ 1,002,080</b>	<b>\$ 841,523</b>	<b>\$ 802,948</b>
Change in Net Assets	\$ 306,068	\$ (271,015)	\$ 207,699	\$ 115,718
Net Assets, Jan 1	\$ 1,584,383	\$ 1,890,451	\$ 1,619,436	\$ 1,827,135
<b>Net Assets, Dec 31</b>	<b>\$ 1,890,451</b>	<b>\$ 1,619,436</b>	<b>\$ 1,827,135</b>	<b>\$ 1,942,853</b>

Based on report compiled by Friedman & Associates, CPA, Rockville, MD. 2007 audit by Kronzek, Fisher & Lopez, PLLC, Washington, D.C. The current EPIC form 990 is available at the EPIC web site and at [www.guidestar.org](http://www.guidestar.org).

**EPIC**  
**STATEMENT OF FINANCIAL POSITION**  
**DECEMBER 31, 2007**

<b>Assets</b>		
Current Assets	\$ 1,413,618	
Fixed Assets	13,466	
EPIC Trust	579,057	
<b>Total Assets</b>		<b>\$ 2,006,141</b>
<b>Liabilities</b>		
Accounts payable	\$ 63,288	
<b>Total</b>		<b>\$ 63,288</b>
<b>Net Assets</b>		
General	\$ 1,034,433	
Projects	329,363	
EPIC Trust	579,057	
<b>Total</b>		<b>\$ 1,942,853</b>
<b>Total Liabilities and Net Assets</b>		<b>\$ 2,006,141</b>

The EPIC Trust was established in memory of Paul Simons.



## EPIC BOARD & STAFF

### EPIC Staff 2006–2007

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### EPIC Advisory Board

EPIC works closely with a distinguished advisory board drawn from the information law, computer science, civil liberties and privacy communities.

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"I just wanted to praise the EPIC website and the valuable info you make available to the public.... At the end of the year, me and others plan on contributing a few dollars to your organization." -anon.



## SUPPORT EPIC

"As a former member of Congress and one who has spent much of his public life working to protect Constitutional values, I am very pleased to offer my strongest endorsement to the Electronic Privacy Information Center. EPIC is a powerful voice in Washington. I am constantly amazed by how much this dedicated group accomplishes. I urge you to join me and make a generous contribution to EPIC. Together we will help ensure that civil liberties and privacy are preserved in the Information Society." -Hon. John Anderson, former Presidential candidate

"EPIC does wonderful work. I admire their efforts to protect the privacy of Americans. Particularly at this moment when there is growing concern about unlawful surveillance within the United States, I urge you to support the work of EPIC." -James Bamford, Author, *The Puzzle Palace*, *Body of Secrets*, and *A Pretext for War*

If you'd like to support the work of the Electronic Privacy Information Center, contributions are welcome and fully tax-deductible. Checks should be made out to "EPIC" and sent to 1718 Connecticut Ave., NW, Suite 200, Washington, D.C. 20009. Or you can contribute online at [www.epic.org/donate/](http://www.epic.org/donate/). The GuideStar Database at [www.guidestar.org](http://www.guidestar.org) provides additional information about the work of EPIC. A complete Form 990 for the current year is also available online.



Private contractors snooped through your passport file at the State Department. Are you satisfied with the steps that have been taken since?