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US cyber security may draft ISPs in spy game Data retention part of White House plan

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An early draft of the White House's National Strategy to Secure Cyberspace envisions the same kind of mandatory customer data collection and retention by U.S. Internet service providers as was recently enacted in Europe, according to sources who have reviewed portions of the plan.

In recent weeks, the administration has begun doling out bits and pieces of a draft of the strategy to technology industry members and advocacy groups. A federal data retention law is suggested briefly in a section drafted in part by the U.S. Justice Department.

The comprehensive strategy is being assembled by the President's Critical Infrastructure Protection Board, headed by cyber security czar Richard Clarke, and is intended as a collaborative road map for further action by government agencies, private industry, and Congress.

While not binding, proposals that find their way into the final version of the National Strategy would likely have added weight in Congress, and could lead to legislation.

A controversial directive passed by the European Parliament last month allows the 15 European Union member countries to force ISPs to collect and keep detailed logs of each customer's traffic, so that law enforcement agencies could access it later.

Data to be gathered under the European plan includes the headers (from, to, cc and subject lines) of every e-mail each customer sends or receives, and every user's complete Web browsing history. The period of time that the data will have to be retained is up to each member country; specific legislative proposals range from 12 months to seven years, according to Cedric Laurant, a policy analyst at the Electronic Privacy Information Center (EPIC), which opposed the directive.

"Somebody could see their past for the last seven years be completely open," says Laurant, speaking of the European directive. "It violates freedom of speech and the basic principle of the presumption of innocence."

The draft of the U.S. plan does not specify how much data ISPs would be forced to collect, or how long they would have to store it. The White House did not return phone calls on the strategy, which is scheduled for release in September.

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