

Conference to explore cyberlaw challenges

By Jerry Crimmins
Law Bulletin staff writer

DePaul University College of Law next month will explore the latest legal challenges from "cloud computing," expanding social networks and the growing surrender of personal data to online companies.

More than 25 speakers, many of them law professors, will discuss "Cyberlaw 2.0: Legal Challenges of an Evolving Internet" on Oct. 15-16 at the school, 1 E. Jackson Blvd.

Asked what "cloud computing" is, DePaul law Professor Matthew J. Sag, one of the conference chairs, said it is "taking the storage and processing function away from your desktop and putting into something called a cloud," in essence shifting those functions to a larger computer or computer network.

Business and individuals both do this routinely today, he said.

"It's a cloud partly because you never really know where your data is or where the process is taking place, and you don't really care. The provider knows..." he said. "That's where the cloud metaphor seems particularly apt. Where's the rain coming from? Who knows?"

The two main legal issues, he said, are privacy and data security.

In a paper entitled, in part, "Whose Stuff Is It Anyway?" one speaker, Cindy Cohn, legal director for the Electronic Frontier Foundation, will discuss the "profound implications" for user privacy of putting what one considers private papers into "a cloud."

"We're now moving very quickly into an era where many previously private 'papers' as well as a huge trove of records ... are now being held by third parties, often wistfully described as 'in the cloud,'" Cohn said in an abstract.

"The law treats information about you held by third parties as fundamentally less private, especially as against the government and civil litigants," Cohn's abstract states.

In the U.S., according to Sag, "privacy is regulated by a patchwork of things. We don't have comprehensive data privacy laws like they do in Europe."

The U.S., he said, has strict rules on data privacy about health, financial services and children under 13.

This is "why if you tell Facebook you're under 13, they will not allow you to create an account.... The law makes it almost prohibitive to deal with the data of children, and for good reasons."

Asked what happens if a "cloud" provider loses data, Sag said the answer is "partly contractual and depends on the terms of service."

Another subject to be discussed at the conference is "the drive toward personalization of search, advertising and other Internet experiences," Sag said.

With Google, Microsoft and Yahoo, "the more they know about you, the more they can give you search results likely to be what you're looking for," he said.

Thus, search engines and online providers save voluminous information about users and their computer habits, including information given to them voluntarily by filling out forms.

"Who owns the record?" Sag asked rhetorically. "I would say the company owns it. They are the ones tracking you."

Sag also asked, "Can they go sell it to other people? Can they attach your name to it? Can they publish it in a newspaper? I would think they can't.

"You can only imagine the kinds of things that could be revealed about people in sensitive political situations, the kind of Web sites they go to," he said. "The law in this area is still very unsettled."

Regarding personal information that is given to a social network, such as Facebook, "if you die, then chances are most of these services just turn off your account" when it becomes inactive, Sag continued.

But "there have been cases of people trying to restore the accounts of relatives who died to retrieve photographs that are stored effectively in the cloud," he said. "I don't think there have been any lawsuits about it yet, but there have been instances."

Also regarding social networks, another speaker, Jason Schultz, professor of law at the Berkeley School of Law at the University of California, will discuss "The Growing Challenge of Online Obstinacy and Unauthorized Access in Social Networks."

"As popular social networks have evolved," Schultz' abstract says, "many have created insular worlds where private rules apply and outside access is limited at best.... A number of recent legal decisions highlight how these networks are attempting to keep user information and activity contained and prohibit outside access and aggregation."

Schultz will compare these decisions to similar trends in criminal law. He said he will argue that "following this trend will ultimately lead to a more regulated and less innovative Internet."

Other issues, Sag said, include potential copyright liability for online social networks that carry materials placed there by users.

The symposium is approved for 11 hours of continuing legal education credit, according to DePaul.

For more information, including the program, cost and registration, visit DePaul online.

Latino law students gather

Law students from across the U.S. are gathering at the DePaul University College of Law on Friday and Saturday for the 13th annual Latino/a Law Student Association Conference.

More than 250 people from 20 states are expected to participate, according to Nathaniel Hernandez, co-chair of the conference.

Cook County State's Attorney Anita M. Alvarez will deliver the keynote address at 7 p.m. Saturday during the conference dinner at the Empire Room of the Palmer House Hilton.

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