

## 《原註ならびに資料一覧》

### はじめに

- David J. Crandall et al. (8 Dec 2010), "Inferring social ties from geographic coincidences," *Proceedings of the National Academy of Sciences of the United States of America* 107, <http://www.pnas.org/content/107/52/22436.short>.
- ドイツの政治家マルテ・スピッツは、位置情報データの威力を明らかにするために、6か月間にわたる自分の立ち回り先をジャーナリストたちに公開した。Zeit Online (Mar 2011), "Tell-all telephone," *Zeit Online*, <http://www.zeit.de/datenschutz/malte-splitz-data-retention>.
- Manlio De Domenico, Antonio Lima, and Mirco Musolesi (18–19 Jun 2012), "Interdependence and predictability of human mobility and social interactions," *Nokia Mobile Data Challenge Workshop*, Newcastle, UK, <http://www.cs.bham.ac.uk/research/projects/nsi/mobility-prediction>.
- 携帯電話基地局のデータと通話内容の音声データを照らし合わせることで、被告人がしばしば自分の居場所について嘘を言っていたと裁判所を説得せられる場合もある。2002年に妻を殺害したスコット・ピーターソンに有罪判決がくだされた際には、この種の証拠が大きな意味をもった（ピーターソンの愛人アンバー・フレイが通話の盗聴に協力した）。Associated Press (27 Aug 2004), "Testimony in Peterson trial turns to evidence from computers," *USA Today*, [http://usatoday30.usatoday.com/news/nation/2004-08-27-peterson\\_x.htm](http://usatoday30.usatoday.com/news/nation/2004-08-27-peterson_x.htm).
- Evan Perez and Siobhan Gorman (15 Jun 2013), "Phones leave a telltale trail," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424127887324049504578545352803220058>. Trevor Hughes (7 Dec 2013), "Cellphone data aided in solving two Larimer County murders," *Coloradoan*, <http://archive.coloradoan.com/article/20131207/NEWS01/312070068/Cellphone-data-aided-solving-two-Larimer-County-murders>.
- ただし、警察はその正確性を誇大宣伝し、そうしたデータに基づいて無実の人も逮捕している。Economist (6 Sep 2014), "The two towers," <http://www.economist.com/news/united-states/21615622-junk-science-putting-innocent-people-jail-two-towers>. Mike Masnick (9 Sep 2014), "Turns out cell phone location data is not even close to accurate, but everyone falls for it," *Tech Dirt*, <https://www.techdirt.com/articles/20140908/04435128452/turns-out-cell-phone-location-data-is-not-even-close-to-accurate-everyone-falls-it.shtml>.
- Heather Murphy (22 Jan 2014), "Ominous text message sent to protesters in Kiev sends chills around the Internet," *The Lede*, *New York Times*, <http://thelede.blogs.nytimes.com/2014/01/22/ominous-text-message-sent-to-protesters-in-kiev-sends-chills-around-the-internet>.
- Michael Isikoff (18 Feb 2010), "FBI tracks suspects' cell phones without a warrant," *Newsweek*, <http://www.newsweek.com/fbi-tracks-suspects-cell-phones-without-warrant-75099>.
- Steve Olenksi (17 Jan 2013), "Is location based advertising the future of mobile marketing and

- mobile advertising?" *Forbes*, <http://www.forbes.com/sites/marketshare/2013/01/17/is-location-based-advertising-the-future-of-mobile-marketing-and-mobile-advertising>. John McDermott (20 Feb 2014), "Why the Web's biggest players are gobbling up location-based apps," *Digiday*, <http://digiday.com/platforms/apple-google-microsoft-yahoo-are-betting-on-mobile>.
- Anton Troianovski (21 May 2013), "Phone firms sell data on customers," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424127887323463704578497153556847658>. Rachel King (13 Jul 2013), "ACLU: AT&T customer privacy at risk," *CIO Journal*, *Wall Street Journal Blogs*, <http://blogs.wsj.com/cio/2013/07/13/aclu-att-customer-privacy-at-risk>.
- Hiawatha Bray (8 Jul 2013), "Cellphone data mined to create personal profiles," *Boston Globe*, <http://www.bostonglobe.com/business/2013/07/07/your-cellphone-yourself/eSvTKUcQNOE7D4bAcWPL/story.html>.
- Craig Timberg (24 Aug 2014), "For sale: Systems that can secretly track where cellphone users go around the globe," *Washington Post*, [http://www.washingtonpost.com/business/technology/for-sale-systems-that-can-secretly-track-where-cellphone-users-go-around-the-globe/2014/08/24/f0700e8a-f003-11e3-bf76-447a5df6411f\\_story.html](http://www.washingtonpost.com/business/technology/for-sale-systems-that-can-secretly-track-where-cellphone-users-go-around-the-globe/2014/08/24/f0700e8a-f003-11e3-bf76-447a5df6411f_story.html).
- Verint (2014), "About Verint," <http://www.verint.com/about>.
- Privacy International (2012), "Cobham sells monitoring centres, phone monitoring, technical surveillance and location monitoring technology. British export law doesn't specifically regulate these technologies, so they can easily end up in the wrong hands," <https://www.privacyinternational.org/sii/cobham>.
- 2011年の時点での顧客リストは、アルジェリア、オーストラリア、オーストリア、ベルギー、ブルネイ、チェコ、ジョージア（グルジア）、ガーナ、アイルランド、クウェート、リビア、ノルウェー、パキスタン、サウジアラビア、シンガポール、スロバキア、スペイン、スウェーデン、台湾、トルコ、イギリス、アメリカ。Cobham (2011), "Tactical C4I systems: Eagle-Close Combat Radio (CCR)," <https://s3.amazonaws.com/s3.documentcloud.org/documents/409237/115-cobham-tactical-c4i.pdf>.
- Craig Timberg (24 Aug 2014), "For sale: Systems that can secretly track where cellphone users go around the globe," *Washington Post*, [http://www.washingtonpost.com/business/technology/for-sale-systems-that-can-secretly-track-where-cellphone-users-go-around-the-globe/2014/08/24/f0700e8a-f003-11e3-bf76-447a5df6411f\\_story.html](http://www.washingtonpost.com/business/technology/for-sale-systems-that-can-secretly-track-where-cellphone-users-go-around-the-globe/2014/08/24/f0700e8a-f003-11e3-bf76-447a5df6411f_story.html).
- Tobias Engel (9 Jan 2009), "Locating mobile phones using Signalling System #7," *Chaos Computer Club*, <http://berlin.ccc.de/~tobias/25c3-locating-mobile-phones.pdf>.
- Kevin J. O'Brien (28 Oct 2012), "Data-gathering via apps presents a gray legal area," *New York Times*, <http://www.nytimes.com/2012/10/29/technology/mobile-apps-have-a-ravenous-ability-to-collect-personal-data.html>.

- 19 このような追跡用アプリは多数出回っている。そのなかでもとくに露骨なのが「ハロー・スパイ」だ。公式ウェブサイトに、「親のための道徳にかなった監視」、もしくは「自分の所有している携帯端末、あるいは監視について適切な同意を得ている携帯端末」の監視に用いるためのものという但し書きがあるが、「隠密モード」で機能させられることを自賛しており、サイトには浮気対策に関するコーナーまである。http://hellospy.com.
- 20 「ステルス・ジニー」というアプリの発売元の CEO は2014年、アメリカ国内での販売を理由に告発・逮捕された。Craig Timberg and Matt Zapatosly (29 Sep 2014), "Maker of StealthGenie, an app used for spying, is indicted in Virginia," *Washington Post*, [http://www.washingtonpost.com/business/technology/make-of-app-used-for-spying-indicted-in-virginia/2014/09/29/816d45b8-4805-11e4-a046-120a8a855cca\\_story.html](http://www.washingtonpost.com/business/technology/make-of-app-used-for-spying-indicted-in-virginia/2014/09/29/816d45b8-4805-11e4-a046-120a8a855cca_story.html).
- 21 Spencer E. Ange and Lauren Weber (22 Oct 2013), "Memo to workers: The boss is watching," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702303672404579151440488919138>.
- 22 Barton Gellman and Ashkan Soltani (4 Dec 2013), "NSA tracking cellphone locations worldwide, Snowden documents show," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-tracking-cellphone-locations-worldwide-snowden-documents-show/2013/12/04/5492873a-5cf2-11e3-bc56-c6ca94801fac\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-tracking-cellphone-locations-worldwide-snowden-documents-show/2013/12/04/5492873a-5cf2-11e3-bc56-c6ca94801fac_story.html). Ashkan Soltani and Barton Gellman (10 Dec 2013), "New documents show how the NSA infers relationships based on mobile location data," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2013/12/10/new-documents-show-how-the-nsa-infers-relationships-based-on-mobile-location-data>. James Glanz, Jeff Larson, and Andrew W. Lehren (27 Jan 2014), "Spy agencies tap data streaming from phone apps," *New York Times*, <http://www.nytimes.com/2014/01/28/world/spy-agencies-scur-phone-apps-for-personal-data.html>.
- 23 この真偽について、確かなことはわからない。Dana Priest (21 Jul 2013), "NSA growth fueled by need to target terrorists," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-growth-fueled-by-need-to-target-terrorists/2013/07/21/24c93cf4-f0b1-11e2-bed3-b9b6fe264871\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-growth-fueled-by-need-to-target-terrorists/2013/07/21/24c93cf4-f0b1-11e2-bed3-b9b6fe264871_story.html). Ryan Gallagher (22 Jul 2013), "NSA can reportedly track phones even when they're turned off," *Slate*, [http://www.slate.com/blogs/future\\_tense/2013/07/22/nsa\\_can\\_reportedly\\_track\\_cellphones\\_even\\_when\\_they\\_re\\_turned\\_off.html](http://www.slate.com/blogs/future_tense/2013/07/22/nsa_can_reportedly_track_cellphones_even_when_they_re_turned_off.html).
- 24 私が知るかぎり、この言葉を最初に使ったのはピーター・スワイヤーだ。Peter Swire and Kenesa Ahmad (28 Nov 2011), "Going dark" versus a "golden age for surveillance," Center for Democracy and Technology, <http://www.futureofprivacy.org/wp-content/uploads/Going-Dark-Versus-a-Golden-Age-for-Surveillance-Peter-Swire-and-Kenesa-A.pdf>.
- 25 Polly Sprenger (26 Jan 1999), "Sun on privacy: 'Get over it,'" *Wired*, <http://archive.wired.com/politics/law/news/1999/01/17538>.
- 26 US Joint Chiefs of Staff (11 Aug 2011), "Joint Operations," Joint Publication 3-0, [http://fas.org/irp/doddir/dod/jp3\\_0.pdf](http://fas.org/irp/doddir/dod/jp3_0.pdf).
- 27 Eric Schmidt and Jared Cohen (2013), *The New Digital Age: Reshaping the Future of People, Nations and Business*, Knopf, <http://www.newdigitalage.com>. [邦訳/『第五の権力』—Google には見えていない未来』(ダイヤモンド社)]
- 28 この取引について露骨に述べる人はいないが、誰もが「監視は安全のために不可欠だ」という趣旨のことを主張している。Patricia Zengerle and Tabassum Zakaria (18 Jun 2013), "NSA head, lawmakers defend surveillance programs," Reuters, <http://www.reuters.com/article/2013/06/18/us-usa-security-idUSBRE95H15020130618>. Al Jazeera (29 Oct 2013), "NSA chief defends spy program in face of protest from allies," Al Jazeera, <http://america.aljazeera.com/articles/2013/10/29/nsa-chief-defends-spy-program-amid-us-rift-with-europe.html>.
- 29 テクノロジー批評家のエフゲニー・モロゾフがこの点を指摘している。Evgeny Morozov (22 Oct 2013), "The real privacy problem," *MIT Technology Review*, <http://www.technologyreview.com/featurestory/520426/the-real-privacy-problem>.

## 第1部 私たちの超監視社会

### 第1章 情報化時代の「排ガス」

- 1 Peter Eckersley (Jul 2010), "How unique is your web browser?" *Proceedings of the 10th International Conference on Privacy Enhancing Technologies*, Berlin, <https://panopticklick.eff.org/browser-uniqueness.pdf>.
- 2 Paul A. Zandbergen (26 Jun 2009), "Accuracy of iPhone locations: A comparison of assisted GPS, WiFi and cellular positioning," *Transactions in GIS* 13, <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9671.2009.01152.x.abstract>. Paul A. Zandbergen and Sean J. Barbeau (Jul 2011), "Positional accuracy of assisted GPS data from high-sensitivity GPS-enabled mobile phones," *Journal of Navigation* 64, [http://www.paulzandbergen.com/files/Zandbergen\\_Barbeau\\_JON\\_2011.pdf](http://www.paulzandbergen.com/files/Zandbergen_Barbeau_JON_2011.pdf).
- 3 Ben Wojdyla (21 Feb 2012), "How it works: The computer inside your car," *Popular Mechanics*, <http://www.popularmechanics.com/cars/how-to/repair/how-it-works-the-computer-inside-your-car>.
- 4 Nate Cardozo (11 Feb 2013), "Mandatory black boxes in cars raise privacy questions," Electronic Frontier Foundation, <https://www.eff.org/press/releases/mandatory-black-boxes-cars-raise-privacy-questions>.
- 5 Lucas Mearian (23 Jul 2013), "Self-driving cars could create 1GB of data a second," *Computer World*, [http://www.computerworld.com/s/article/9240992/Self-driving-cars-could-create\\_1GB\\_of\\_data\\_a\\_second](http://www.computerworld.com/s/article/9240992/Self-driving-cars-could-create_1GB_of_data_a_second).
- 6 Benjamin Henne, Maximilian Koch, and Matthew Smith (3-7 Mar 2014), "On the awareness, control and privacy of shared photo metadata," Distributed Computing & Security Group, Leibniz University, presented at the Eighteenth International Conference for Financial Cryptography and Data Security, Barbados, [http://ifca.ai/fc14/papers/fc14\\_submission\\_117.pdf](http://ifca.ai/fc14/papers/fc14_submission_117.pdf).

- 7 この点は、デジタルカメラのメタデータに関して最もざっとする要素だ。Mathew Honan (19 Jan 2009), "I am here: One man's experiment with the location-aware lifestyle," *Wired*, [http://www.wired.com/gadgets/wireless/magazine/17-02/lp\\_guineapig](http://www.wired.com/gadgets/wireless/magazine/17-02/lp_guineapig).
- 8 次第に各国政府は、匿名での現金払いの選択肢をなくしはじめている。Adrienne Jeffries (27 Mar 2013), "Golden Gate Bridge's new cashless tollway promises convenience in exchange for privacy," *Verge*, <http://www.theverge.com/2013/3/27/4150702/golden-gate-bridges-new-cashless-tollway-promises-convenience-for-privacy>. Anh Do (20 Mar 2014), "Orange County's toll roads going cashless," *Los Angeles Times*, <http://www.latimes.com/local/lanow/la-me-ln-cashless-toll-roads-20140320-story.html>. Trevor Pettiford (13 Jun 2014), "Veterans Expressway tolls to start going cashless," *Bay News 9*, [http://www.baynews9.com/content/news/baynews9/news/article.html/content/news/articles/bn9/2014/6/13/veterans\\_expressway\\_.html](http://www.baynews9.com/content/news/baynews9/news/article.html/content/news/articles/bn9/2014/6/13/veterans_expressway_.html). Martine Powers (17 Jul 2014), "Starting Monday, no more cash at Tobin tolls," *Boston Globe*, <http://www.bostonglobe.com/metro/2014/07/16/starting-monday-more-cash-tobin-WVKMDlslfLULQYiGZCrEK/story.html>.
- 9 Nest (2012), "Nest Learning Thermostat," [http://certified.nest.com/resources/NEST\\_POS\\_brochure\\_r7\\_300.pdf](http://certified.nest.com/resources/NEST_POS_brochure_r7_300.pdf).
- 10 Eliza Barclay (4 May 2012), "The 'smart fridge' finds the lost lettuce, for a price," *The Salt: What's On Your Plate*, NPR, <http://www.npr.org/blogs/thesalt/2012/05/03/151968878/the-smart-fridge-finds-the-lost-lettuce-for-a-price>.
- 11 Ry Crist (8 Jan 2014), "Haier's new air conditioner is the first Apple-certified home appliance," *CNET*, [http://ces.cnet.com/8301-35306\\_1-57616915/haier-new-air-conditioner-is-the-first-apple-certified-home-appliance](http://ces.cnet.com/8301-35306_1-57616915/haier-new-air-conditioner-is-the-first-apple-certified-home-appliance).
- 12 Heather Kelley (15 Jan 2014), "Google wants to run your home with Nest," CNN, <http://www.cnn.com/2014/01/15/tech/innovation/google-connect-home-nest>.
- 13 US Department of Energy (2008), "The smart grid: An introduction," [http://energy.gov/sites/prod/files/oerprod/DocumentsandMedia/DOE\\_SG\\_Book\\_Single\\_Pages\(1\).pdf](http://energy.gov/sites/prod/files/oerprod/DocumentsandMedia/DOE_SG_Book_Single_Pages(1).pdf). US Department of Energy (2014), "What is the smart grid?" [https://www.smartgrid.gov/the\\_smart\\_grid](https://www.smartgrid.gov/the_smart_grid).
- 14 Gregory Ferenstein, "How health trackers could reduce sexual infidelity," *Tech Crunch*, <http://techcrunch.com/2013/07/05/how-health-trackers-could-reduce-sexual-infidelity>.
- 15 Fitabase (3 Dec 2013), "Privacy policy," <http://www.fitabase.com/Privacy>.
- 16 Sarah E. Needleman (14 Aug 2012), "New medical devices get smart," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10000872396390444318104577587141033340190>.
- 17 Sara M. Watson (10 Oct 2013), "The latest smartphones could turn us all into activity trackers," *Wired*, <http://www.wired.com/2013/10/the-trojan-horse-of-the-latest-iphone-with-the-m7-coprocessor-we-all-become-q5-activity-trackers>.
- 18 Thomas Goetz (17 Nov 2007), "23AndMe will decode your DNA for \$1,000. Welcome to the age of genomics," *Wired*, [http://www.wired.com/medtech/genetics/magazine/15-12/ff\\_genomics](http://www.wired.com/medtech/genetics/magazine/15-12/ff_genomics). Elizabeth Murphy (14 Oct 2013), "Inside 23andMe founder Anne Wojcicki's \$99 DNA revolution," *Fast Company*, <http://www.fastcompany.com/3018598/for-99-this-ceo-can-tell-you-what-might-kill-you-inside-23andme-founder-anne-wojcickis-dna-r>.
- 19 Charles Seife (27 Nov 2013), "23andMe is terrifying, but not for the reasons the FDA thinks," *Scientific American*, <http://www.scientificamerican.com/article/23andme-is-terrifying-but-not-for-reasons-fda>.
- 20 Rebecca Greenfield (25 Nov 2013), "Why 23andMe terrifies health insurance companies," *Fast Company*, <http://www.fastcompany.com/3022224/innovation-agents/why-23andme-terrifies-health-insurance-companies>.
- 21 Leo Kelion (6 Jan 2014), "CES 2014: Sony shows off life logging app and kit," *BBC News*, <http://www.bbc.com/news/technology-25633647>.
- 22 Alec Wilkinson (28 May 2007), "Remember this? A project to record everything we do in life," *New Yorker*, [http://www.newyorker.com/reporting/2007/05/28/070528fa\\_fact\\_wilkinson](http://www.newyorker.com/reporting/2007/05/28/070528fa_fact_wilkinson).
- 23 Jenna Wortham (8 Mar 2013), "Meet Memoto, the lifelogging camera," *New York Times Blogs*, <http://bits.blogs.nytimes.com/2013/03/08/meet-memoto-the-lifelogging-camera>.
- 24 Ken Hess (10 Jan 2014), "The Internet of Things outlook for 2014: Everything connected and communicating," *ZDNet*, <http://www.zdnet.com/the-internet-of-things-outlook-for-2014-everything-connected-and-communicating-7000024930>.
- 25 Georgina Stylianou (29 Apr 2013), "Idea to have sensors track everything in city," *Press (Christchurch)*, <http://www.stuff.co.nz/the-press/business/the-rebuild/8606956/Idea-to-have-sensors-track-everything-in-city>. Victoria Turk (Jul 2013), "City sensors: the Internet of Things is taking over our cities," *Wired*, <http://www.wired.co.uk/magazine/archive/2013/07/everything-is-connected/city-sensors>.
- 26 Sam Byford (5 Jan 2014), "Kolibri's smart toothbrush claims to track and improve your dental hygiene," *Verge*, <http://www.theverge.com/2014/1/5/5277426/kolibree-smart-toothbrush>.
- 27 Margaret Rhodes (23 Sep 2014), "Ex-Tesla and NASA engineers make a light bulb that's smarter than you," *Wired*, <http://www.wired.com/2014/09/ex-tesla-nasa-engineers-make-light-bulb-thats-smarter>.
- 28 チャールズ・ストロスは、そうしたテクノロジーの実用化がもつ意味を論じている。Charles Stross (25 Jun 2014), "YAPC::NA 2014 keynote: Programming Perl in 2034," *Charlie's Diary*, <http://www.wantipope.org/charlie/blog-static/2014/06/yapcna-2014-keynote-programmin.html>.
- 29 Valentina Palladino (8 Jan 2014), "AdhereTech's smart pill bottle knows when you take, and miss, your medication," *Verge*, <http://www.theverge.com/2014/1/8/5289022/adheretech-smart-pill-bottle>.
- 30 Econocom (19 Sep 2013), "When fashion meets the

- Internet of Things,” *emedia*, <http://blog.econocom.com/en/blog/when-fashion-meets-the-internet-of-things>. Michael Knigge (28 Aug 2014), “Tagging along: Is Adidas tracking soccer fans?” *Deutsche Welle*, <http://www.dw.de/tagging-along-is-adidas-tracking-soccer-fans/a-1788463>.
- 31 前に似たようなことがあった。1970年代にデジタル時計が普及しはじめたときは、時計単独の装置だった。目覚まし時計と腕時計があるだけだったのだ。しかし、価格が下がること、ほかの製品にも組み込まれるようになった。最初は電子レンジ、そのあとはコーヒーマシン、オーブン、サモスタット、ビデオレコーダー、テレビと、デジタル時計が一体化した製品が増えていった。同じことがインターネットと結びついたセンサーにも起きようとしている。
  - 32 Natasha Lomas (9 May 2013), “10BN+ wirelessly connected devices today, 30BN+ in 2020’s ‘Internet Of Everything,’” says ABI Research,” *Tech Crunch*, <http://techcrunch.com/2013/05/09/internet-of-everything>.
  - 33 Valentina Palladino (10 Jan 2014), “Invisible intelligence: How tiny sensors could connect everything we own,” *Verge*, <http://www.theverge.com/2014/1/10/5293778/invisible-intelligence-tiny-sensors-that-connect-everything>.
  - 34 Ben Hammersley (Jul 2013), “When the world becomes the Web,” *Wired*, <http://www.wired.co.uk/magazine/archive/2013/07/everything-is-connected/when-the-world-becomes-the-web>.
  - 35 ニューアーク・リパブリック国際空港（ニュージャージー州）には、すでに導入されている。Diane Cardwell (17 Feb 2014), “At Newark Airport, the lights are on, and they’re watching you,” *New York Times*, <http://www.nytimes.com/2014/02/18/business/at-newark-airport-the-lights-are-on-and-theyre-watching-you.html>.
  - 36 Olga Kharif (31 Oct 2013), “As drones evolve from military to civilian uses, venture capitalists move in,” *Washington Post*, [http://www.washingtonpost.com/business/as-drones-evolve-from-military-to-civilian-uses-venture-capitalists-move-in/2013/10/31/592ca862-419e-11e3-8b74-d89d714ca4dd\\_story.html](http://www.washingtonpost.com/business/as-drones-evolve-from-military-to-civilian-uses-venture-capitalists-move-in/2013/10/31/592ca862-419e-11e3-8b74-d89d714ca4dd_story.html).
  - 37 Paul McLeary (29 Jun 2014), “Powerful radar blimp to surveil Washington, Baltimore, out to sea,” *Defense News*, <http://www.defensenews.com/article/20140629/DEFREG02/306290012/Powerful-Radar-Blimp-Surveil-Washington-Baltimore-Out-Sea>.
  - 38 たとえば次を参照。Electronic Frontier Foundation (2014), “The government’s word games when talking about NSA domestic spying,” <https://www.eff.org/nsa-spying/wordgames>.
  - 39 この数字は、1ページに含まれるデータを2キロバイトとして計算したもの。この「1ページ=2キロバイト」という前提は合理的だが、5000億ページという数字は正確でない。実際には、多くのデータが音声、画像、写真だからだ。
  - 40 M. G. Siegler (4 Aug 2010), “Eric Schmidt: Every 2 days we create as much information as we did up to 2003,” *Tech Crunch*, <http://techcrunch.com/2010/08/04/schmidt-data>.
  - 41 Cisco (10 Jun 2014), “Cisco visual networking index: Forecast and methodology, 2013–2018,” [http://www.cisco.com/c/en/us/solutions/collateral/service-provider/ip-ngn-ip-next-generation-network/white\\_paper\\_c11-481360.html](http://www.cisco.com/c/en/us/solutions/collateral/service-provider/ip-ngn-ip-next-generation-network/white_paper_c11-481360.html).
  - 42 Chris M. Evans (18 Apr 2014), “IAAS Series: Cloud storage pricing: How low can they go?” *Architecting IT*, <http://blog.architecting.it/2014/04/18/iaas-series-cloud-storage-pricing-how-low-can-they-go>.
  - 43 K. Young (6 Sep 2012), “How much would it cost to store the entire Twitter Firehose?” *Mortar: Data Science at Scale*, <http://blog.mortardata.com/post/31027073689/how-much-would-it-cost-to-store-the-entire-twitter>.
  - 44 Brewster Kahle (2013), “Cost to store all US phonecalls made in a year so it could be datamined,” <https://docs.google.com/spreadsheets/cc?key=0AuqLWHQKlooOdGjRzshbVnhOWGleWHPcZFNVcURkX0E#gid=0>.
  - 45 James Bamford (15 Mar 2012), “The NSA is building the country’s biggest spy center (watch what you say),” *Wired*, [http://www.wired.com/threatlevel/2012/03/ff\\_nsadatcenter/all](http://www.wired.com/threatlevel/2012/03/ff_nsadatcenter/all).
  - 46 Forbes (19 Oct 2012), “The 5 largest data centers in the world,” *Forbes*, <http://www.forbes.com/pictures/fhg45ijg/range-international-information-hub>.
  - 47 Kashmir Hill (24 Jul 2013), “Blueprints of NSA’s ridiculously expensive data center in Utah suggest it holds less info than thought,” *Forbes*, <http://www.forbes.com/sites/kashmirhill/2013/07/24/blueprints-of-nsa-data-center-in-utah-suggest-its-storage-capacity-is-less-impressive-than-thought>.
  - 48 Siobhan Gorman (21 Oct 2013), “Contractors fight over delays to NSA data center,” *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702303672404579149902978119902>.
  - 49 Randall Munro (2013), “Google’s datacenters on punch cards,” *What If? XKCD*, <https://what-if.xkcd.com/63/>.
  - 50 Cyrus Farivar (15 Nov 2012), “How one law student is making Facebook get serious about privacy,” *Ars Technica*, <http://arstechnica.com/tech-policy/2012/11/how-one-law-student-is-making-facebook-get-serious-about-privacy>. Olivia Solon (28 Dec 2012), “How much data did Facebook have on one man? 1,200 pages of data in 57 categories,” *BBC News*, <http://www.bbc.co.uk/magazine/archive/2012/12/start/privacy-versus-facebook>.
  - 51 これを受けてシュレムスは、フェイスブックを相手取って集団訴訟を起こした。Liat Clark (1 Aug 2014), “Facebook hit with international class action lawsuit,” *Wired UK*, <http://www.wired.co.uk/news/archive/2014-08/01/facebook-class-action-lawsuit>.

## 第2章 監視されるデータ

- 1 スノーデン以前の内部告発者には、トーマス・ドレーク、マーク・クライン、ビル・ビーニーなどがいる。その後の内部告発者たちの素性はまだ明らかになっていない。Bruce Schneier (7 Aug 2014), “The US intelligence community has a third leaker,” *Schneier on Security*, [https://www.schneier.com/blog/archives/2014/08/the\\_us\\_intelligence.html](https://www.schneier.com/blog/archives/2014/08/the_us_intelligence.html).
- 2 Glenn Greenwald (5 Jun 2013), “NSA collecting phone records of millions of Verizon customers

- daily," *Guardian*, <http://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order>.
- 3 Barack Obama (7 Jun 2013), "Statement by the President," US Executive Office of the President, <http://www.whitehouse.gov/the-press-office/2013/06/07/statement-president>. James R. Clapper (7 Jun 2013), "DNI statement on recent unauthorized disclosures of classified information," Office of the Director of National Intelligence, <http://www.dni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information>. Ed O'Keefe (6 Jun 2013), "Transcript: Dianne Feinstein, Saxby Chambliss explain, defend NSA phone records program," *Washington Post*, <http://www.washingtonpost.com/blogs/post-politics/wp/2013/06/06/transcript-dianne-feinstein-saxby-chambliss-explain-defend-nsa-phone-records-program>.
  - 4 オバマ大統領がつねに、ある特定の言葉遣いをしていることに疑念をいだかずにいられないのは、私だけだろうか？ オバマは「誰もみなさんの電話を聞いてはいません」といった言い方をする。文字どおり解釈すれば、NSAが通話を録音し、それを文字に起こして分析し、しばしばそれを読んでいる可能性は残る。おそらく、実際にそうなのだろう。そして、学者肌の大統領は、あくまでも嘘はついていないと言い張れるのだ。
  - 5 この点については、以下の記事が素晴らしい。Dahlia Lithwick and Steve Vladeck (22 Nov 2013), "Taking the 'meh' out of metadata," *Slate*, [http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2013/11/nsa\\_and\\_metadata\\_how\\_the\\_government\\_can\\_spy\\_on\\_your\\_health\\_political\\_beliefs.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2013/11/nsa_and_metadata_how_the_government_can_spy_on_your_health_political_beliefs.html).
  - 6 Edward W. Felten (23 Aug 2013), "Declaration of Professor Edward W. Felten," *American Civil Liberties Union et al. v. James R. Clapper et al.*, United States District Court, Southern District of New York (Case 1:13-cv-03994-WHP), <https://www.aclu.org/files/pdfs/natsec/clapper/2013.08.26%20ACLU%20P1%20Brief%20-%20Declaration%20-%20Felten.pdf>.
  - 7 Yves-Alexandre de Montjoye et al. (2-5 Apr 2013), "Predicting people personality using novel mobile phone-based metrics," 6th International Conference on Social Computing, Behavioral-Cultural Modeling and Prediction, Washington, D.C., <http://realitycommons.media.mit.edu/download.php?file=deMontjoye2013predicting-citation.pdf>.
  - 8 IBM は、電話通話のメタデータを分析する方法の講座を開講している。IBM Corporation (2014), "9T225G: Telephone analysis using i2 Analyst's Notebook," [http://www-03.ibm.com/services/learning/content/ites/wss/zz/en?pageType=course\\_description&courseCode=9T225G&cc=..](http://www-03.ibm.com/services/learning/content/ites/wss/zz/en?pageType=course_description&courseCode=9T225G&cc=..).
  - 9 Jonathan Mayer and Patrick Mutchler (12 Mar 2014), "MetaPhone: The sensitivity of telephone metadata," *Web Policy*, <http://webpolicy.org/2014/03/12/metaphone-the-sensitivity-of-telephone-metadata>.
  - 10 NSA の「KEYSCORE」プログラムのスライドでは、「ウェブページの検索」のデータの収集について触れている。この点からも、NSA がこの種のデータをメタデータとみなしていることがわかる。Glenn Greenwald (31 Jul 2013), "XKeyscore: NSA tool collects 'nearly everything a user does on the internet,'" *Guardian*, <http://www.theguardian.com/world/2013/jul/31/nsa-top-secret-program-online-data>.
  - 11 "I should I tell my girlfriend" でも結果は似たようなものだ。
  - 12 Arwa Mahdawi (22 Oct 2013), "Google's autocomplete spells out our darkest thoughts," *Guardian*, <http://www.theguardian.com/commentisfree/2013/oct/22/google-autocomplete-unwomen-ad-discrimination-algorithms>.
  - 13 Derek Thompson (1 Oct 2010), "Google's CEO: 'The laws are written by lobbyists,'" *Atlantic*, <http://www.theatlantic.com/technology/archive/2010/10/googles-ceo-the-laws-are-written-by-lobbyists/63908>.
  - 14 ツイッターの書き込みを手がかりに、ユーザーの就寝時間と起床時間を割り出せる。Amit Agarwal (2013), "Sleeping Time," *Digital Inspiration*, <http://sleepingtime.org>.
  - 15 フェイスブック上の人間関係に関する2つの研究が浮き彫りにしているように、政治的傾向や性的指向、その他の個人的特徴を明らかにするのは簡単だ。Carter Jernigan and Behram R. T. Mistree (5 Oct 2009), "Gaydar: Facebook friendships expose sexual orientation," *First Monday* 14, <http://firstmonday.org/article/view/2611/2302>. Michal Kosinski, David Stillwell, and Thore Graepel (11 Mar 2013), "Private traits and attributes are predictable from digital records of human behavior," *Proceedings of the National Academy of Sciences of the United States of America (Early Edition)*, <http://www.pnas.org/content/early/2013/03/06/1218772110.abstract>.
  - 16 MIT メディアラボの「イマージョン」というツールを用いれば、電子メールのメタデータから人間関係を割り出せる。MIT Media Lab (2013), "Immersion: A people-centric view of your email life," <https://immersion.media.mit.edu>.
  - 17 Brian Lam (19 Jun 2013), "Phew, NSA is just collecting metadata. (You should still worry)," *Wired*, <http://www.wired.com/2013/06/phew-it-was-just-metadata-not-think-again>.
  - 18 Edward W. Felten (23 Aug 2013), "Declaration of Professor Edward W. Felten," *American Civil Liberties Union et al. v. James R. Clapper et al.*, United States District Court, Southern District of New York (Case 1:13-cv-03994-WHP), <https://www.aclu.org/files/pdfs/natsec/clapper/2013.08.26%20ACLU%20P1%20Brief%20-%20Declaration%20-%20Felten.pdf>.
  - 19 Alan Rusbridger (21 Nov 2013), "The Snowden leaks and the public," *New York Review of Books*, <http://www.nybooks.com/articles/archives/2013/nov/21/snowden-leaks-and-public>.
  - 20 David Cole (10 May 2014), "We kill people based on metadata," *New York Review of Books*, <http://www.nybooks.com/blogs/nyrblog/2014/may/10/we-kill-people-based-metadata>.
  - 21 John O. Koehler (1999), *Stasi: The Untold Story of the East German Secret Police*, Westview Press,

- http://books.google.com/books?id=waxWwY1t8C.
- 22 Mary DeRosa (2005), "Section 206: Roving surveillance authority under FISA: A summary," *Patriot Debates*, <http://apps.americanbar.org/natsecurity/patriotdebates/section-206>.
- 23 デーヴィッド・ライアンがこの点を指摘している。David Lyon (2003), *Surveillance after September 11*, Polity, <http://www.polity.co.uk/book.asp?ref=0745631819>.
- 24 BrickHouse Security (2014), "iPhone / Android Spy Stick," *Skymall*, <https://www.skymall.com/iphone-%2F-android-spy-stick/28033GRP.html>.
- 25 Keyloggers.com (2014), "Top keyloggers of 2014 comparison and reviews," <http://www.keyloggers.com>.
- 26 Stealth Genie (2014), "Live call intercept," <http://www.stealthgenie.com/features/live-call-intercept.html>.
- 27 Amazon.com (2014), "DJI Phantom 2 Ready to Fly Quadcopter - With Zennuse H3-2D Camera Gimbal: \$959.00 (list \$999)," Amazon.com, <http://www.amazon.com/DJI-Phantom-Ready-Fly-Quadcopter/dp/B00H7HPU54>.
- 28 鳥や昆虫に似た空飛ぶセンサーの試作品も登場している。宙を漂う埃の粒子ほどの大きさの機器も登場するかもしれない。Elisabeth Bumiller and Thom Shanker (19 Jun 2011), "War evolves with drones, some tiny as bugs," *New York Times*, <http://www.nytimes.com/2011/06/20/world/20drones.html>. John W. Whitehead (15 Apr 2013), "Roaches, mosquitoes, and birds: The coming micro-drone revolution," Rutherford Institute, [https://www.rutherford.org/publications\\_resources/john\\_whiteheads\\_commentary/roaches\\_mosquitoes\\_and\\_birds\\_the\\_coming\\_micro\\_drone\\_revolution](https://www.rutherford.org/publications_resources/john_whiteheads_commentary/roaches_mosquitoes_and_birds_the_coming_micro_drone_revolution).
- 29 Ashkan Soltani (9 Jan 2014), "The cost of surveillance," <http://ashkansoltani.org/2014/01/09/the-cost-of-surveillance>. Kevin S. Bankston and Ashkan Soltani (9 Jan 2014), "Tiny constables and the cost of surveillance: Making cents out of *United States v. Jones*," *Yale Law Journal* 123, <http://yalelawjournal.org/forum/tiny-constables-and-the-cost-of-surveillance-making-cents-out-of-united-states-v-jones>.
- 30 Carrie Johnson (21 Mar 2012), "FBI still struggling with Supreme Court's GPS ruling," *NPR Morning Edition*, <http://www.npr.org/2012/03/21/14901887/fbi-still-struggling-with-supreme-courts-gps-ruling>.
- 31 Shawn Musgrave (5 Mar 2014), "A vast hidden surveillance network runs across America, powered by the repo industry," *BetaBoston/Boston Globe*, <http://betaboston.com/news/2014/03/05/a-vast-hidden-surveillance-network-runs-across-america-powered-by-the-repo-industry>. Shawn Musgrave (5 Mar 2014), "Massive license plate location database just like Instagram, Digital Recognition Network insists," *BetaBoston/Boston Globe*, <http://betaboston.com/news/2014/03/05/massive-license-plate-location-database-just-like-instagram-digital-recognition-network-insists>.
- 32 Vigilant Video (23 Feb 2009), "Site specific preparation sheet for LEARN V.4.0 server installation," [https://www.aclu.org/files/FilesPDFs/ALPR/texas/alprpra\\_portharthurPD\\_portarthurtx%20%287%29.pdf](https://www.aclu.org/files/FilesPDFs/ALPR/texas/alprpra_portharthurPD_portarthurtx%20%287%29.pdf).
- 33 Cyrus Farivar (27 Feb 2012), "Your car, tracked: The rapid rise of license plate readers," *Ars Technica*, <http://arstechnica.com/tech-policy/2012/09/your-car-tracked-the-rapid-rise-of-license-plate-readers>. Catherine Crump (18 Jul 2013), "You are being tracked: How license plate readers are being used to record Americans' movements," American Civil Liberties Union, <https://www.aclu.org/files/assets/071613-aclu-alprreport-opt-v05.pdf>.
- 34 Craig Timberg and Ellen Nakashima (16 Jun 2013), "State photo-ID databases become troves for police," *Washington Post*, [http://www.washingtonpost.com/business/technology/state-photo-id-databases-become-troves-for-police/2013/06/16/f0f14bd4-ced5-11e2-8845-d970ccb04497\\_story.html](http://www.washingtonpost.com/business/technology/state-photo-id-databases-become-troves-for-police/2013/06/16/f0f14bd4-ced5-11e2-8845-d970ccb04497_story.html).
- 35 Josh Hicks (18 Feb 2014), "Homeland Security wants to build national database using license plate scanners," *Washington Post*, <http://www.washingtonpost.com/blogs/federal-eye/wp/2014/02/18/homeland-security-wants-to-build-national-database-using-license-plate-scanners>. Dan Froomkin (17 Mar 2014), "Reports of the death of a national license-plate tracking database have been greatly exaggerated," *Intercept*, <https://firstlook.org/thintercept/2014/03/17/1756license-plate-tracking-database>.
- 36 James Bridle (18 Dec 2013), "How Britain exported next-generation surveillance," *Medium*, <https://medium.com/matter-archive/how-britain-exported-next-generation-surveillance-d15b5801b79e>. Jennifer Lynch and Peter Bibring (6 May 2013), "Automated license plate readers threaten our privacy," Electronic Frontier Foundation, <https://www EFF.org/deeplooks/2013/05/alpr>.
- 37 警察もそのデータを手入している。Hélène Mulholland (2 Apr 2012), "Boris Johnson plans to give police access to congestion charge cameras," *Guardian*, <http://www.theguardian.com/politics/2012/apr/02/boris-johnson-police-congestion-charge>.
- 38 Dan Froomkin (17 Mar 2014), "Reports of the death of a national license-plate tracking database have been greatly exaggerated," *Intercept*, <https://firstlook.org/thintercept/2014/03/17/1756license-plate-tracking-database>.
- 39 US Federal Bureau of Investigation (15 Sep 2014), "FBI announces full operational capability of the next generation identification system," <http://www.fbi.gov/news/pressrel/press-releases/fbi-announces-full-operational-capability-of-the-next-generation-identification-system>.
- 40 William Maclean (2 Oct 2014), "Dubai detectives to get Google Glass to fight crime," Reuters, <http://www.reuters.com/article/2014/10/02/us-emirates-dubai-google-police-idUSKCN0HR0W320141002>.
- 41 Glenn Greenwald (5 Jun 2013), "NSA collecting phone records of millions of Verizon customers daily," *Guardian*, <http://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order>.
- 42 Brandon Griggs (20 Aug 2013), "New Google Maps

- can help you avoid traffic." CNN, <http://www.cnn.com/2013/08/20/tech/mobile/google-waze-mobile-maps>.
- 43 Alexandra Alter (19 Jul 2012), "Your e-Book is reading you," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702304870304577490950051438304>.
  - 44 ネットフリックス、アマゾン、フールー (Hulu) などの動画配信サービスにも同じことは言える。
  - 45 Jennifer 8. Lee (21 Mar 2002), "Welcome to the database lounge," *New York Times*, <http://www.nytimes.com/2002/03/21/technology/welcome-to-the-database-lounge.html>. Katie R. Holloman and D. Evan Ponder (2007), "Clubs, bars, and the driver's license scanning system," in *Privacy in a Transparent World*, ed. Amy Albert, Ethica Publishing, <http://www.ethicapublishing.com/7CH5.htm>.
  - 46 Buzzfeed (10 Apr 2014), "How privileged are you?" <http://www.buzzfeed.com/regajha/how-privileged-are-you>.
  - 47 Caitlin Dewey (26 Jun 2014), "The scary, eye-opening truth of Internet tracking — on Buzzfeed quizzes, and everywhere else," *Washington Post*, <http://www.washingtonpost.com/news/the-intersect/wp/2014/06/26/the-scary-eye-opening-truth-of-internet-tracking-on-buzzfeed-quizzes-and-everywhere-else>.
  - 48 Marco D. Heusch (28 Oct 2013), "Privacy threats when seeking online health information," *JAMA Internal Medicine*, <http://archinte.jamanetwork.com/article.aspx?articleid=1710119>.
  - 49 Ron Nixon (3 Jul 2013), "U.S. Postal Service logging all mail for law enforcement," *New York Times*, <http://www.nytimes.com/2013/07/04/us/monitoring-of-snail-mail.html>.
  - 50 Ms. Smith (18 Jun 2012), "The future of drone surveillance: Cyborg insect drones," *Network World*, <http://www.networkworld.com/article/2222611/microsoft-subnet/the-future-of-drone-surveillance--swarms-of-cyborg-insect-drones.html>.
  - 51 Ravi Subban and Dattatreya P. Mankame (2014), "Human face recognition biometric techniques: Analysis and review," *Recent Advances in Intelligent Informatics: Advances in Intelligent Systems and Computing* 235, [http://link.springer.com/chapter/10.1007%2F978-3-319-01778-5\\_47](http://link.springer.com/chapter/10.1007%2F978-3-319-01778-5_47).
  - 52 Chaochao Lu and Xiaou Tang (15 Apr 2014), "Surpassing human-level face verification performance on LFW with GaussianFace," arXiv:1404.3840 [cs.CV], <http://arxiv.org/abs/1404.3840>.
  - 53 Barry Fox (5 Feb 2007), "Invention: Covert iris scanner," *New Scientist*, <http://www.newscientist.com/article/dn11110-invention-covert-iris-scanner.html>.
  - 54 Zhaoxiang Zhang, Maodi Hu, and Yunhong Wang (2011), "A survey of advances in biometric gait recognition," *Biometric Recognition*, Lecture Notes in Computer Science 7098, Springer-Verlag, [http://link.springer.com/chapter/10.1007%2F978-3-642-25449-9\\_19](http://link.springer.com/chapter/10.1007%2F978-3-642-25449-9_19).
  - 55 Katherine Albrecht (2008), "RFID tag: You're it," *Scientific American* (Sep 2008): 72–77, <http://www.scientificamerican.com/article/how-rfid-tags-could-be-used>. University of Washington College of Engineering (22 Feb 2008), "University launches RFID people tracking experiment," *RFID Journal*, <http://www.rfidjournal.com/articles/view?6924>. Christopher Zara (8 Jan 2013), "Disney World's RFID tracking bracelets are a slippery slope, warns privacy advocate," *International Business Times*, <http://www.ibtimes.com/disney-worlds-rfid-tracking-bracelets-are-slippery-slope-warns-privacy-advocate-1001790>.
  - 56 Quentin Hardy (7 Mar 2013), "Technology turns to tracking people offline," *New York Times*, <http://bits.blogs.nytimes.com/2013/03/07/technology-turns-to-tracking-people-offline>.
  - 57 Stephanie Clifford and Quentin Hardy (15 Jul 2013), "Attention, shoppers: Store is tracking your cell," *New York Times*, <http://www.nytimes.com/2013/07/15/business/attention-shopper-stores-are-tracking-your-cell.html>. Brian Fung (19 Oct 2013), "How stores use your phone's WiFi to track your shopping habits," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2013/10/19/how-stores-use-your-phones-wifi-to-track-your-shopping-habits>. Latanya Sweeney (12 Feb 2014), "My phone at your service," US Federal Trade Commission, <http://www.ftc.gov/news-events/blogs/techftc/2014/02/my-phone-your-service>.
  - 58 Bram Bonne et al. (4–7 Jun 2013), "Wi-FiPi: Involuntary tracking of visitors at mass events," 14th International Symposium and Workshops on World of Wireless, Mobile and Multimedia Networks, Madrid, <http://ieeexplore.ieee.org/xpl/articleDetails.jsp?amnumber=6583443>.
  - 59 Jim Edwards (9 Jan 2014), "Ford exec retracts statements about tracking drivers with the GPS in their cars," *Business Insider*, <http://www.businessinsider.com/ford-jim-farley-retracts-statements-tracking-drivers-gps-2014-1>.
  - 60 Curt Magleby (3 Feb 2014), Letter to the Honorable Al Franken, United States Senate, re: Collection of location information, <http://www.franken.senate.gov/files/letter/140212FordResponse.pdf>.
  - 61 US Government Accountability Office (6 Dec 2013), "In-car location-based services: Companies are taking steps to protect privacy, but some risks may not be clear to consumers," Report to the Chairman, Subcommittee on Privacy, Technology and the Law, Committee on the Judiciary, US Senate, GAO-14-81, <http://www.gao.gov/products/GAO-14-81>.
  - 62 British Broadcasting Corporation (10 Mar 2008), "Camera 'looks' through clothing," *BBC News*, <http://news.bbc.co.uk/2/hi/technology/7287135.stm>. Rocco Parascandola (23 Jan 2013), "NYPD Commissioner says department will begin testing a new high-tech device that scans for concealed weapons," *New York Daily News*, <http://www.nydailynews.com/new-york/nypd-readies-scan-and-frisk-article-1.1245663>. Carter M. Armstrong (17 Aug 2012), "The truth about terahertz," *IEEE Spectrum*, <http://spectrum.ieee.org/aerospace/military/the-truth-about-terahertz>.
  - 63 Larry Hardesty (4 Aug 2014), "Extracting audio from



- visual information," *MIT News*, <http://newsoffice.mit.edu/2014/algorithm-recovers-speech-from-vibrations-0804>. Abe Davis et al. (10-14 Aug 2014), "The visual microphone: Passive recovery of sound from video," 41st International Conference on Computer Graphics and Interactive Techniques (SIGGRAPH 2014), Vancouver, British Columbia, [http://people.csail.mit.edu/mrub/papers/VisualMic\\_SIGGRAPH2014.pdf](http://people.csail.mit.edu/mrub/papers/VisualMic_SIGGRAPH2014.pdf).
- 64 Erik Kain (30 Dec 2013), "The NSA reportedly has total access to the Apple iPhone," *Forbes*, <http://www.forbes.com/sites/erikkain/2013/12/30/the-nsa-reportedly-has-total-access-to-your-iphone>.
- 65 Shaun Waterman (9 Mar 2009), "DHS wants to use human body odor as biometric identifier, clue to deception," UPI, [http://www.upi.com/Top\\_News/Special/2009/03/09/DHS-wants-to-use-human-body-odor-as-biometric-identifier-clue-to-deception/UPI-20121236627329](http://www.upi.com/Top_News/Special/2009/03/09/DHS-wants-to-use-human-body-odor-as-biometric-identifier-clue-to-deception/UPI-20121236627329).
- 66 Pranav Dixit (19 Aug 2014), "Banks now know who you are from how you type," *Gizmodo*, <http://gizmodo.com/your-phone-can-now-identify-you-based-on-how-you-type-1623733346>.
- 67 「計量文献学」と呼ばれる。Sadia Afroz et al. (18-21 May 2014), "Doppelgänger finder: Taking stylometry to the underground," IEEE Symposium on Security & Privacy, Oakland, California, <http://www.cs.gmu.edu/~mccoy/papers/oakland2014-underground.pdf>.
- 68 Raphael Satter (13 Oct 2014), "Voiceprints being harvested by the millions," Associated Press, [http://www.washingtonpost.com/business/technology/millions-of-voiceprints-quietly-being-harvested/2014/10/13/b34c291a-52af-11e4-b86d-184ac281388d\\_story.html](http://www.washingtonpost.com/business/technology/millions-of-voiceprints-quietly-being-harvested/2014/10/13/b34c291a-52af-11e4-b86d-184ac281388d_story.html). Raphael Satter (13 Oct 2014), "Banks harvest callers' voiceprints to fight fraud," Associated Press, [http://www.washingtonpost.com/world/europe/banks-harvest-callers-voiceprints-to-fight-fraud/2014/10/13/715c6e56-52ad-11e4-b86d-184ac281388d\\_story.html](http://www.washingtonpost.com/world/europe/banks-harvest-callers-voiceprints-to-fight-fraud/2014/10/13/715c6e56-52ad-11e4-b86d-184ac281388d_story.html).
- 69 Nicola Clark (17 Mar 2014), "Airlines use digital technology to get even more personal," *New York Times*, <http://www.nytimes.com/2014/03/18/business/airlines-use-digital-technology-to-get-even-more-personal.html>.
- 70 Andrew Hough (10 Mar 2010), "Minority Report' digital billboard 'watches consumers shop,'" *Telegraph*, <http://www.telegraph.co.uk/technology/news/7411249/Minority-Report-digital-billboard-watches-consumers-shop.html>.
- 71 Clint Boulton (11 Oct 2013), "Snackmaker modernizes the impulse buy with sensors, analytics," *Wall Street Journal Blogs*, <http://blogs.wsj.com/cio/2013/10/11/snackmaker-modernizes-the-impulse-buy-with-sensors-analytics>.
- 72 次の作品は、これらのアイデアを用いた見事なSF短編だ。Ken Liu (Dec 2012), "The perfect match," *Lightspeed Magazine*, <http://www.lightspeedmagazine.com/fiction/the-perfect-match>.
- 73 Bryan Acohido (15 Nov 2011), "Facebook tracking is under scrutiny," *USA Today*, <http://usatoday30.usatoday.com/tech/news/story/2011-11-15/facebook-privacy-tracking-data/51225112.1>.
- 74 Cotton Delo (22 Feb 2013), "Facebook to partner with Axiom, Epsilon to match store purchases with user profiles," *Advertising Age*, <http://adage.com/article/digital/facebook-partner-axiom-epsilon-match-store-purchases-user-profiles/239967>.
- 75 私はユーザーの個人データを集めない「ダック・ダック・ゴー」という検索エンジンを使っている。<https://duckduckgo.com>.
- 76 Jonathan Mayer (17 Feb 2012), "Safari trackers," *Web Policy*, <http://webpolicy.org/2012/02/17/safari-trackers>.
- 77 Benjamin Mako Hill (11 May 2014), "Google has most of my email because it has all of yours," *Copyrightious*, <http://mako.cc/copyrightious/google-has-most-of-my-email-because-it-has-all-of-yours>.
- 78 Mun Wong (4 May 2011), "Top 5 cities with the largest surveillance camera networks," *VinTech Journal*, <http://www.vintechjournal.com/journal/uncategorized/top-5-cities-with-the-largest-surveillance-camera-networks>. David Barrett (10 Jul 2013), "One surveillance camera for every 11 people in Britain, says CCTV survey," *Telegraph*, <http://www.telegraph.co.uk/technology/10172298/One-surveillance-camera-for-every-11-people-in-Britain-says-CCTV-survey.html>. Thales Group (11 Apr 2014), "Mexico City, the world's most ambitious urban security programme," <https://www.thalesgroup.com/en/worldwide/security/case-study/mexico-city-worlds-most-ambitious-urban-security-programme>.
- 79 Seagate Technology LLC (2012), "Video surveillance storage: How much is enough?" <http://m.seagate.com/files/staticfiles/docs/pdf/whitepaper/video-surveillance-storage-tp571-3-1202-us.pdf>.
- 80 Jeremy Bentham (1791), *The Panopticon, or the Inspection-House*, T. Payne, <http://cartome.org/panopticon2.htm>.
- 81 Oscar H. Gandy Jr. (1993), *The Panoptic Sort: A Political Economy of Personal Information*, Westview Press, <http://books.google.com/books?id=wreFAAAAMAAJ>. [邦訳／『個人情報と権力——統括選別の政治経済学』（同文館出版）；Tom Brignall III (2002), "The new panopticon: The Internet viewed as a structure of social control," Tennessee Tech University, <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan003570.pdf>.
- 82 Ellen Nakashima (16 Jan 2007), "Enjoying technology's conveniences but not escaping its watchful eyes," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/15/AR2007011501304.html>.

### 第3章 分析されるデータ

- 1 Charles Duhigg (16 Feb 2012), "How companies learn your secrets," *New York Times*, <http://www.nytimes.com/2012/02/19/magazine/shopping-habits.html>.
- 2 Gregory Piatetsky (8 Dec 2013), "3 stages of Big Data," *KD Nuggets*, <http://www.kdnuggets.com/2013/12/3-stages-big-data.html>.
- 3 Michael Scherer (7 Nov 2012), "Inside the secret world of the data crunchers who helped Obama win," *Time*, <http://swampland.time.com/2012/11/07/inside-the-secret-world-of-quants-and-data-crunchers->



- who-helped-obama-win.
- 4 2つの例を挙げよう。Lars Backstrom et al. (5 Jan 2012), "Four degrees of separation," arXiv:1111.4570 [cs.SI], <http://arxiv.org/abs/1111.4570>. Russell B. Clayton (Jul 2014), "The third wheel: The impact of Twitter use on relationship infidelity and divorce," *Cyberpsychology, Behavior, and Social Networking* 17, <http://www.cs.vu.nl/~eliens/sg/local/cyber/twiter-infidelity.pdf>.
  - 5 実験では、同性愛者男性と異性愛者男性を88%の確率で、アフリカ系アメリカ人と白人のアメリカ人を95%の確率で、民主党員と共和党員を85%の確率で正しく識別できた。Michal Kosinski, David Stillwell, and Thore Graepel (11 Mar 2013), "Private traits and attributes are predictable from digital records of human behavior," *Proceedings of the National Academy of Sciences of the United States of America, Early Edition*, <http://www.pnas.org/content/early/2013/03/06/1218772110>.
  - 6 Sara M. Watson (14 Mar 2012), "I didn't tell Facebook I'm engaged, so why is it asking about my fiancé?" *Atlantic*, <http://www.theatlantic.com/technology/archive/2012/03/i-didnt-tell-facebook-im-engaged-so-why-is-it-asking-about-my-fiance/254479>.
  - 7 Katie Heaney (19 Mar 2013), "Facebook knew I was gay before my family did," *BuzzFeed*, <http://www.buzzfeed.com/katieheaney/facebook-knew-i-was-gay-before-my-family-did>.
  - 8 Geoffrey A. Fowler (13 Oct 2012), "When the most personal secrets get outed on Facebook," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB1000872396390444165804578008740578200224>.
  - 9 2014年のある時期、同性愛者の出会い系アプリ「グラインダー」では、システム上の欠陥により、世界中で同性愛者の居場所が誰にでもわかるようになっていた。そこには、ウガンダやロシア、イランなど、同性愛者に身の危険が及びかねない国も含まれていた。John Aravosis (26 Aug 2014), "Popular gay dating app Grindr faces creepy security breach allegations," *America Blog*, <http://americablog.com/2014/08/grindr-users-unwittingly-giving-away-exact-location.html>.
  - 10 Sara M. Watson (16 Sep 2014), "Ask the decoder: Stalked by socks," *Al Jazeera*, <http://america.aljazeera.com/articles/2014/9/16/the-decoder-stalkedbysocks.html>.
  - 11 Sylvan Lane (13 Aug 2014), "16 creepiest targeted Facebook ads," *Mashable*, <http://mashable.com/2014/08/13/facebook-ads-creepy>.
  - 12 Guy Gugliotta (19 Jun 2006), "Data mining still needs a clue to be effective," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/18/AR2006061800524.html>. Phillip Segal (28 Mar 2011), "Data mining is dumbed down intelligence," *Ethical Investigator*, <http://www.ethicalinvestigator.com/internet/data-mining-is-dumbed-down-intelligence>. Ogi Ogas (8 Feb 2013), "Beware the big errors of 'Big Data,'" *Wired*, <http://www.wired.com/2013/02/big-data-means-big-errors-people>.
  - 13 Barton Gellman and Ashkan Soltani (18 Mar 2014), "NSA surveillance program reaches 'into the past' to retrieve, replay phone calls," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-surveillance-program-reaches-into-the-past-to-retrieve-replay-phone-calls/2014/03/18/226d2646-ade9-11e3-a49e-76ad6210f19\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-surveillance-program-reaches-into-the-past-to-retrieve-replay-phone-calls/2014/03/18/226d2646-ade9-11e3-a49e-76ad6210f19_story.html).
  - 14 US Department of Justice (16 Dec 2009), "Credit Suisse agrees to forfeit \$536 million in connection with violations of the International Emergency Economic Powers Act and New York State law," <http://www.justice.gov/opa/pr/2009/December/09-ag-1358.html>. Office of the District Attorney, New York County (10 Dec 2012), "Standard Chartered Bank reaches \$327 million settlement for illegal transactions," <http://manhattanda.org/node/3440>. print. Office of the District Attorney, New York County (30 Jun 2014), "BNP Paribas Bank pleads guilty, pays \$8.83 billion in penalties for illegal transactions," <http://manhattanda.org/node/4884>. print.
  - 15 Scott Rosenfield (23 Jul 2013), "Top 3 finishers in 1998 Top secret positive," *Outside Online*, <http://www.outsideonline.com/news-from-the-field/Top-3-Finishers-in-1998-Top-Test-Positive.html>.
  - 16 Glenn Greenwald (21 Jul 2013), "XKeyscore: NSA tool collects 'nearly everything a user does on the internet,'" *Guardian*, <http://www.theguardian.com/world/2013/jul/31/nsa-top-secret-program-online-data>. US National Security Agency (8 Jan 2007), "XKEYSCORE (training slides)," <https://www.eff.org/document/2013-07-31-guard-xkeyscore-training-slides> (page 2).
  - 17 James Ball (30 Sep 2013), "NSA stores metadata of millions of web users for up to a year, secret files show," *Guardian*, <http://www.theguardian.com/world/2013/sep/30/nsa-americans-metadata-year-documents>.
  - 18 Ryan Devereaux, Glenn Greenwald, and Laura Poitras (19 May 2014), "Data pirates of the Caribbean: The NSA is recording every cell phone call in the Bahamas," *Intercept*, <https://firstlook.org/theintercept/article/2014/05/19/data-pirates-caribbean-nsa-recording-every-cell-phone-call-bahamas>. Julian Assange (23 May 2014), "WikiLeaks statement on the mass recording of Afghan telephone calls by the NSA," *WikiLeaks*, <https://wikileaks.org/WikiLeaks-statement-on-the-mass.html>.
  - 19 David Kravets (17 Jan 2014), "Obama revamps NSA phone metadata spying program," *Wired*, <http://www.wired.com/2014/01/obama-nsa>.
  - 20 暗号化されたSSL通信すべてがここに含まれるのかは、私にはわからない。私の推測では、NSAは多くのSSLをリアルタイムで解読する能力を持っている。Matthew Green (2 Dec 2013), "How does the NSA break SSL?" *A Few Thoughts on Cryptographic Engineering*, <http://blog.cryptophyengineering.com/2013/12/how-does-nsa-break-ssl.html>.
  - 21 Barton Gellman and Ashkan Soltani (4 Dec 2013), "NSA tracking cellphone locations worldwide, Snowden documents show," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-tracking-cellphone-locations-worldwide-snowden-documents-show/2013/12/04/5492873a-5cf2-11e3-bc56-c6ca94801fac\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-tracking-cellphone-locations-worldwide-snowden-documents-show/2013/12/04/5492873a-5cf2-11e3-bc56-c6ca94801fac_story.html).

- 22 James Bamford (15 Mar 2012), "The NSA is building the country's biggest spy center (watch what you say)," *Wired*, <http://www.wired.com/threatlevel/2012/03/f/nsadatacenter/all>.
- 23 Kevin Poulsen (27 Jan 2014), "If you used this secure webmail site, the FBI has your inbox," *Wired*, <http://www.wired.com/2014/01/tormail>.
- 24 Cyrus Farivar (27 Feb 2012), "Your car, tracked: The rapid rise of license plate readers," *Ars Technica*, <http://arstechnica.com/tech-policy/2012/09/your-car-tracked-the-rapid-rise-of-license-plate-readers>. Steve Orr (26 Jul 2014), "New York knows where your license plate goes," *Democrat and Chronicle*, <http://www.democratandchronicle.com/story/news/2014/07/26/new-york-license-plate-readers/13179727>.
- 25 Declan McCullagh (19 Mar 2013), "Cops: U.S. law should require logs of your text messages," *CNET*, [http://news.cnet.com/8301-13578\\_3-57575039-38/cops-u.s-law-should-require-logs-of-your-text-messages](http://news.cnet.com/8301-13578_3-57575039-38/cops-u.s-law-should-require-logs-of-your-text-messages).
- 26 Philip Bump (17 Jul 2013), "The NSA admits it analyzes more people's data than previously revealed," *Atlantic Wire*, <http://www.thewire.com/politics/2013/07/nsa-admits-it-analyzes-more-peoples-data-previously-revealed/67287>.
- 27 Amy Davidson (16 Dec 2013), "The domino's hypothetical: Judge Leon vs. the N.S.A.," *New Yorker*, <http://www.newyorker.com/news/amy-davidson/the-dominos-hypothetical-judge-leon-vs-the-n-s-a>.
- 28 ジョナサン・メイヤーらは、このデータを分析することの難しさを指摘している。Jonathan Mayer and Patrick Muchler (9 Dec 2013), "MetaPhone: The NSA three-hop," *Web Policy*, <http://webpolicy.org/2013/12/09/metaphone-the-nsa-three-hop>.
- 29 Barton Gellman and Laura Poitras (10 Jul 2013), "NSA slides explain the PRISM data-collection program," *Washington Post*, <http://www.washingtonpost.com/wp-srv/special/politics/prism-collection-documents>.
- 30 Shane Harris (17 Jul 2013), "Three degrees of separation is enough to have you watched by the NSA," *Foreign Policy*, [http://complex.foreignpolicy.com/posts/2013/07/17/3\\_degrees\\_of\\_separation\\_is\\_enough\\_to\\_have\\_you\\_watched\\_by\\_the\\_nsa](http://complex.foreignpolicy.com/posts/2013/07/17/3_degrees_of_separation_is_enough_to_have_you_watched_by_the_nsa).
- 31 Tony Bradley (17 Jan 2014), "NSA reform: What President Obama said, and what he didn't," *Forbes*, <http://www.forbes.com/sites/tonybradley/2014/01/17/nsa-reform-what-president-obama-said-and-what-he-didnt>.
- 32 James Risen and Laura Poitras (20 Sep 2013), "NSA gathers data on social connections of U.S. citizens," *New York Times*, <http://www.nytimes.com/2013/09/29/us/nsa-examines-social-networks-of-us-citizens.html>.
- 33 Vauhini Vara (23 Aug 2007), "Facebook gets personal with ad targeting plan," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB118783296519606151>.
- 34 グーグルやマイクロソフトは、児童ポルノの証拠を見つければ警察に通報する。Matthew Sparkes (4 Aug 2014), "Why Google scans your emails for child porn," *Telegraph*, <http://www.telegraph.co.uk/technology/google/11010182/Why-Google-scans-your-emails-for-child-porn.html>. Leo Kellion (6 Aug 2014), "Microsoft tip leads to child porn arrest in Pennsylvania," *BBC News*, [www.bbc.co.uk/go/em/fr/-/news/technology-28682686](http://www.bbc.co.uk/go/em/fr/-/news/technology-28682686).
- 35 プライバシー・市民的自由監督委員会によれば、改正外国情報監視法 (FAA) 第702条に基づくNSAのデータ収集活動では、キーワードによるデータ収集はおこなっていないという。ただし、NSAの監視を根拠づける法令はこの条文だけではないし、抜け道も多い。Privacy and Civil Liberties Oversight Board (2 Jul 2014), "Report on the surveillance program operated pursuant to Section 702 of the Foreign Intelligence Surveillance Act," <http://www.pclob.gov/All%20Documents/Report%20on%20the%20Section%20702%20Program/PCLOB-Section-702-Report.pdf>. Jennifer Granick (11 Feb 2014), "Eight questions PCLOB should ask about Section 702," *Just Security*, <https://justsecurity.org/7001/questions-pclob-section-702>.
- 36 Jacob Appelbaum et al. (3 Jul 2014), "NSA targets the privacy-conscious," *Panorama*, [http://daserste.ndr.de/panorama/aktuell/nsa230\\_page-1.html](http://daserste.ndr.de/panorama/aktuell/nsa230_page-1.html).
- 37 Marcy Wheeler (15 Oct 2013), "About that May 2007 FISC opinion," *Empty Wheel*, <http://www.emptywheel.net/2013/10/15/about-that-may-2007-fisc-opinion>.
- 38 Marcy Wheeler (16 May 2014), "The 'automated query' at the telecoms will include 'correlations,'" *Empty Wheel*, <http://www.emptywheel.net/2014/05/16/the-automated-query-at-the-telecoms-will-include-correlations>. Marcy Wheeler (28 Jun 2014), "NSA's new-and-improved call chaining process, now with no calls required," *Empty Wheel*, <http://www.emptywheel.net/2014/06/28/nsa-new-and-improved-call-chaining-process-now-with-no-calls-required>.
- 39 「CO-TRAVELLER」と呼ばれるプログラムだ。Barton Gellman and Ashkan Soltani (4 Dec 2013), "NSA tracking cellphone locations worldwide, Snowden documents show," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-tracking-cellphone-locations-worldwide-snowden-documents-show/2013/12/04/5492873a-5cf2-11e3-bc56-c6ca94801fac\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-tracking-cellphone-locations-worldwide-snowden-documents-show/2013/12/04/5492873a-5cf2-11e3-bc56-c6ca94801fac_story.html).
- 40 US National Security Administration (2012), "Summary of DNR and DNI Co-Travel analytics," [https://www.eff.org/files/2013/12/11/20131210-wapo-cotraveler\\_overview.pdf](https://www.eff.org/files/2013/12/11/20131210-wapo-cotraveler_overview.pdf).
- 41 Julian Sanchez (11 Oct 2013), "Other uses of the NSA call records database: Fingerprinting burners?" *Just Security*, <http://justsecurity.org/2013/10/11/nsa-call-records-database-fingerprinting-burners>.
- 42 Barton Gellman and Ashkan Soltani (4 Dec 2013), "NSA tracking cellphone locations worldwide, Snowden documents show," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-tracking-cellphone-locations-worldwide-snowden-documents-show/2013/12/04/5492873a-5cf2-11e3-bc56-c6ca94801fac\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-tracking-cellphone-locations-worldwide-snowden-documents-show/2013/12/04/5492873a-5cf2-11e3-bc56-c6ca94801fac_story.html).
- 43 主に「CO-TRAVELLER」プログラムによる。あなたが主に用いている携帯電話とつねに同じネットワ

- ーク上にある携帯電話が見つければ、それもあなたの携帯電話である可能性が高い。US Department of Justice (13 Feb 2012), "Criminal complaint," *United States of America v. Jose Aguijo, et al.*, (Case number under seal), United States District Court, Northern District of Illinois, Eastern Division, [http://www.justice.gov/usao/iln/pr/chicago/2013/pr0222\\_01d.pdf](http://www.justice.gov/usao/iln/pr/chicago/2013/pr0222_01d.pdf).
- 44 Hiawatha Bray (30 Apr 2014), "How location-based apps will shape the future of shopping," *Discover*, <http://blogs.discovermagazine.com/crux/2014/04/30/how-location-based-apps-will-shape-the-future-of-shopping>.
  - 45 Lauren Johnson (9 Jun 2014), "Why Microsoft is wrapping location-based ads around retail stores: Tests significantly lifted foot traffic," *Advertising Week*, <http://www.adweek.com/news/technology/why-microsoft-wrapping-location-based-ads-around-retail-stores-158189>.
  - 46 Hiawatha Bray (8 Jul 2013), "Cellphone data mined to create personal profiles," *Boston Globe*, <http://www.bostonglobe.com/business/2013/07/07/your-cellphone-yourself/eSvTK1UCqNOE7D4qbAcWPL/story.html>.
  - 47 Ali Winston (17 Jun 2014), "Plans to expand scope of license-plate readers alarm privacy advocates," Center for Investigative Reporting, <http://cironline.org/reports/plans-expand-scope-license-plate-readers-alarm-privacy-advocates-6451>.
  - 48 次の記事は、それを実行しようという F B I の計画について論じている。Electronic Privacy Information Center (Dec 2013), "The FBI's Next Generation Identification program: Big Brother's ID system?" *Spotlight on Surveillance*, <https://epic.org/privacy/surveillance/spotlight/ngi.html>.
  - 49 2003年にロンドンで導入されたとき、このカードを用いた追跡が実行されるのではないかという懸念の声が上がった。Aaron Scullion (25 Sep 2003), "Smart cards track commuters," *BBC News*, <http://news.bbc.co.uk/2/hi/technology/3121652.stm>.
  - 50 Greg Weston, Glenn Greenwald, and Ryan Gallagher (30 Jan 2014), "CSEC used airport Wi-Fi to track Canadian travellers: Edward Snowden documents," *CBC News*, <http://www.cbc.ca/news/politics/csec-used-airport-wi-fi-to-track-canadian-travellers-edward-snowden-documents-1.2517881>.
  - 51 Alessandro Acquisti, Ralph Gross, and Fred Stutzman (4 Aug 2011), "Faces of Facebook: Privacy in the age of augmented reality," Black Hat 2011, Las Vegas, Nevada, <http://www.heinz.cmu.edu/~acquisti/face-recognition-study-FAQ/acquisti-faces-BLACKHAT-draft.pdf>.
  - 52 Scott Ellart (7 Dec 1999), "System and method for converting data between data sets (US 5999937 A)," US Patent and Trademark Office, <http://www.google.com/patents/US5999937>.
  - 53 Cotton Delo (22 Feb 2013), "Facebook to partner with Acxiom, Epsilon to match store purchases with user profiles," *Advertising Age*, <http://adage.com/article/digital/facebook-partner-acxiom-epsilon-match-store-purchases-user-profiles/239967>.
  - 54 Caroline Cooper and Claire Gordon (2 Apr 2014), "The people making money off your drinking habits and STDs," Al Jazeera, <http://america.aljazeera.com/watch/shows/america-tonight/articles/2014/4/2/the-people-makingmoneyoffyourdrinkinghabitsandstds.html>.
  - 55 Max Fisher (19 Feb 2013), "Chinese hackers outed themselves by logging into their personal Facebook accounts," *Washington Post*, <http://www.washingtonpost.com/blogs/worldviews/wp/2013/02/19/chinese-hackers-outed-themselves-by-logging-into-their-personal-facebook-accounts>.
  - 56 Paul Roberts (7 Mar 2012), "Chats, car crushes and cut 'n paste sowed seeds of LulzSec's demise," *Threatpost*, <http://threatpost.com/chats-car-crushes-and-cut-n-paste-sowed-seeds-lulzsecs-demise-030712/76298>.
  - 57 Chris Soghoian (13 Nov 2012), "Surveillance and security lessons from the Petraeus scandal," American Civil Liberties Union, <https://www.aclu.org/blog/technology-and-liberty-national-security/surveillance-and-security-lessons-petraeus-scandal>.
  - 58 Dan Oakes (12 Apr 2012), "Hacking case's body of evidence," *Sydney Morning Herald*, <http://www.smh.com.au/technology/technology-news/hacking-cases-body-of-evidence-20120412-1tswbh.html>.
  - 59 Ronen Bergman et al. (17 Jan 2011), "An eye for an eye: The anatomy of Mossad's Dubai operation," *Der Spiegel*, <http://www.spiegel.de/international/world/an-eye-for-an-eye-the-anatomy-of-mossad-s-dubai-operation-a-739908.html>.
  - 60 Paul Ohm (13 Aug 2009), "Broken promises of privacy: Responding to the surprising failure of anonymization," *UCLA Law Review* 57, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1450006](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1450006).
  - 61 Michael Barbaro and Tom Zeller Jr. (9 Aug 2006), "A face is exposed for AOL Search No. 4417749," *New York Times*, <http://www.nytimes.com/2006/08/09/technology/09aol.html>.
  - 62 Arvind Narayanan and Vitaly Shmatikov (18–20 May 2008), "Robust de-anonymization of large sparse datasets," 2008 IEEE Symposium on Security and Privacy, Oakland, California, <http://dl.acm.org/citation.cfm?id=1398064> and [http://www.cs.utexas.edu/~shmat/shmat\\_oak08netflix.pdf](http://www.cs.utexas.edu/~shmat/shmat_oak08netflix.pdf).
  - 63 1990年代半ば、マサチューセッツ州団体保険委員会は、研究に資するために、州職員の病院データを公開した。氏名、住所、社会保障番号は消去されていたが、コンピュータ科学者のラターニャ・スウィニー（当時はMITの大学院生）は、生年月日と郵便番号を有権者登録データベースと照合することにより、非匿名化に成功した。Latanya Sweeney (Jun 1997), "Weaving technology and policy together to maintain confidentiality," *Journal of Law, Medicine and Ethics* 25, <http://online.library.wiley.com/doi/10.1111/j.1748-720X.1997.tb01885.x/abstract>.
  - 64 Latanya Sweeney (2000), "Simple demographics often identify people uniquely," Carnegie Mellon University, Data Privacy Working Paper 3, <http://dataprivacylab.org/projects/identifiability/paper1.pdf>.
  - 65 Philippe Golle (30 Oct 2006), "Revisiting the uniqueness of simple demographics in the US population," 5th ACM Workshop on Privacy in the Electronic Society (WPES'06), Alexandria, Virginia,

- <http://crypto.stanford.edu/~pgolle/papers/census.pdf>.
- 66 Melissa Gymrek et al. (18 Jan 2013), "Identifying personal genomes by surname inference," *Science* 339, <http://www.sciencemag.org/content/339/6117/321.abstract>. John Bohannon et al. (18 Jan 2013), "Genealogy databases enable naming of anonymous DNA donors," *Science* 339, <http://www.sciencemag.org/content/339/6117/262>.
  - 67 Adam Tanner (11 Oct 2013), "Anonymous sex survey takers get identified in data dive," *Forbes*, <http://www.forbes.com/sites/adamtanner/2013/10/11/decoding-the-secrets-of-sex-data>.
  - 68 Arvind Narayanan and Vitaly Shmatikov (Jun 2010), "Myths and fallacies of 'personally identifiable information,'" *Communications of the ACM* 53, <http://dl.acm.org/citation.cfm?id=1743558>.
  - 69 Ryan Gallagher (25 Aug 2014), "The surveillance engine: How the NSA built its own secret Google," *Intercept*, <https://firstlook.org/theintercept/2014/08/25/icreach-nsa-cia-secret-google-crisscross-proton>.
  - 70 Yves-Alexandre de Montjoye et al. (4 Feb 2013), "Unique in the crowd: The privacy bounds of human mobility," *Scientific Reports* 3, Article 1376, <http://www.nature.com/srep/2013/130325/srep01376/full/srep01376.html>.
  - 71 データの匿名化が不可能だと言うつもりはない。しかし、正しくそれをおこなうのは非常に難しく、簡単に過ちを犯してしまう。秘密性の高いデータをランダムな数字に置き換えれば事足りると思っている人が多いが、実際にはそれでは不十分だ。たいてい、まったく効果がない。
  - 72 以下は、アメリカ国土安全保障省の例だ。Mary Ellen Callahan (Mar 2012), "Handbook for safeguarding sensitive personally identifiable information," US Department of Homeland Security, [http://www.dhs.gov/sites/default/files/publications/privacy/Guidance/handbookfor safeguardingsensitivePII\\_march\\_2012\\_webversion.pdf](http://www.dhs.gov/sites/default/files/publications/privacy/Guidance/handbookfor safeguardingsensitivePII_march_2012_webversion.pdf).
- #### 第4章 監視ビジネス
- 1 Casey Houser (16 Oct 2013), "Use your flashlight app for trick-or-treating," *Gazelle*, <https://www.gazelle.com/thehorn/2013/10/16/use-your-flashlight-app-for-trick-or-treating>.
  - 2 Cecilia Kang (5 Dec 2013), "Flashlight app kept users in the dark about sharing location data," *Washington Post*, [http://www.washingtonpost.com/business/technology/flashlight-app-kept-users-in-the-dark-about-sharing-location-data-ftc/2013/12/05/1be26fa6-5dc7-11e3-be07-006c776266ed\\_story.html](http://www.washingtonpost.com/business/technology/flashlight-app-kept-users-in-the-dark-about-sharing-location-data-ftc/2013/12/05/1be26fa6-5dc7-11e3-be07-006c776266ed_story.html).
  - 3 Jason Hong (30 Nov 2012), "Analysis of Brightest Flashlight Free for Android," *Jason Hong's Confabulations*, <http://confabulator.blogspot.com/2012/11/analysis-of-brightest-flashlight-free.html>.
  - 4 US Federal Trade Commission (5 Dec 2013), "Android Flashlight app developer settles FTC charges it deceived consumers: 'Brightest Flashlight' app shared users' location, device ID without consumers' knowledge," <http://www.ftc.gov/news-events/press-releases/2013/12/android-flashlight-app-developer-settles-ftc-charges-it-deceived>.
  - 5 監視が強制されるケースもある。製品の保証を受けるためには、私的な情報をメーカーに提供しなくてはならない場合が多い。
  - 6 私がある観光地の情報をグーグルで検索したところ、ほとんど、その観光地に関するオンライン旅行代理店トラベロシティの広告を見せられはじめた。私はトラベロシティのアカウントをもっていないのに、である。
  - 7 Peter Eckersley (21 Sep 2009), "How online tracking companies know most of what you do online (and what social networks are doing to help them)," Electronic Frontier Foundation, <https://www.eff.org/deepinks/2009/09/online-trackers-and-social-networks>.
  - 8 Samuel Gibbs (28 Oct 2013), "Mozilla's Lightbeam Firefox tool shows who's tracking your online movements," *Guardian*, <http://www.theguardian.com/technology/2013/oct/28/mozilla-lightbeam-tracking-privacy-cookies>.
  - 9 Alexis Madrigal (29 Feb 2012), "I'm being followed: How Google — and 104 other companies — are tracking me on the web," *Atlantic*, <http://www.theatlantic.com/technology/archive/2012/02/im-being-followed-how-google-151-and-104-other-companies-151-are-tracking-me-on-the-web/253758>.
  - 10 Julia Angwin (30 Jul 2010), "The Web's new gold mine: Your secrets," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052748703940904575390573512989404>.
  - 11 Scott Thurm and Yukari Iwatani Kane (18 Dec 2010), "Your apps are watching you," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB100014240527487043680045760277518670393730>.
  - 12 Andrew Cunningham (5 Jul 2013), "Samsung and Jay-Z give the Internet a master's class in how not to make an app," *Ars Technica*, <http://arstechnica.com/gadgets/2013/07/samsung-and-jay-z-give-the-internet-a-masters-class-in-how-not-to-make-an-app>.
  - 13 Frances Zhang, Fuming Shih, and Daniel Weitzner (4–8 Nov 2013), "No surprises: measuring intrusiveness of smartphone applications by detecting objective context deviations," 12th ACM Workshop on Privacy in the Electronic Society (WPES'13), Berlin, Germany, <http://dl.acm.org/citation.cfm?id=2517864>.
  - 14 Douglas Rushkoff (6 Jul 2012), "Will your Internet provider be spying on you?" CNN, <http://www.cnn.com/2012/07/06/opinion/rushkoff-online-monitoring>. David Kravets (25 Feb 2013), "ISPs now monitoring for copyright infringement," *Wired*, <http://www.wired.com/2013/02/copyright-scofflaws-beware>.
  - 15 Casey Johnston (3 Dec 2012), "How to get targeted ads on your TV? Try a camera in your set-top box," *Ars Technica*, <http://arstechnica.com/technology/2012/12/how-to-get-targeted-ads-on-your-tv-a-camera-in-your-set-top-box>. Christopher Zara (26 Jul 2013), "Is your cable box spying on you? Behavior-detecting devices from Verizon, Microsoft and others worry privacy advocates," *International Business Times*, <http://www.ibtimes.com/your-cable-box-spying-you-behavior-detecting-devices-verizon>.

- microsoft-others-worry-privacy-1361587.
- 16 監視とプライバシーについて論じるとき、フィクションの世界の比喩を用いることが多いのは興味深い。オーウェルの『1984』、カフカの『変身』、『指輪物語』にちなんで「サウロンの目のよう」と言ったりする。Bruce Schneier (18 Apr 2014), "Metaphors of surveillance," *Schneier on Security*, [https://www.schneier.com/blog/archives/2014/04/metaphors\\_of\\_su.html](https://www.schneier.com/blog/archives/2014/04/metaphors_of_su.html).
- 17 Peter Eckersley (Jul 2010), "How unique is your web browser?" *Proceedings of the 10th International Conference on Privacy Enhancing Technologies*, <https://panoptickick.eff.org/browser-uniqueness.pdf>. Keaton Mowery and Hovav Shacham (24 May 2012), "Pixel perfect: Fingerprinting canvas in HTML5," Web 2.0 Security and Privacy, San Francisco, California, <http://cseweb.ucsd.edu/~hovav/papers/ms12.html>. Julia Angwin (21 Jul 2014), "Meet the online tracking device that is virtually impossible to block," *Pro Publica*, <http://www.propublica.org/article/meet-the-online-tracking-device-that-is-virtually-impossible-to-block>. Gunes Acar et al. (10 Aug 2014), "The web never forgets: persistent tracking mechanisms in the wild," ACM Conference on Computer and Communications Security (CCS 2014), Scottsdale, Arizona, <https://securehomes.esat.kuleuven.be/~gacar/persistent/index.html>.
- 18 Google (5 Jul 2014), Post re: Removal of Google+ username restrictions, <https://plus.google.com/+googleplus/posts/V5XhYQYJqy>.
- 19 実名登録により危険にさらされる恐れのあるユーザーからの批判を受けて、フェイスブックは方針を再検討している。Facebook (2014), "What names are allowed on Facebook?" <https://www.facebook.com/help/112146705538576>. Reed Albergotti (2 Oct 2014), "Facebook changes real-name policy after uproar from drag queens," *Wall Street Journal*, <http://online.wsj.com/articles/facebook-changes-real-name-policy-after-uproar-from-drag-queens-1412223040>.
- 20 いくらかは人々の意識が変わってきた。多くの人は、スマートフォンのアプリを利用するために少額の支払いをすることに慣れはじめている。将来は、もっと大きな金額を支払うことにも抵抗が薄まるかもしれない。しかし、インターネット・ビジネスの監視の側面は変わっていない。私たちは、料金を支払って利用しているアプリに監視されているのだ。
- 21 Kristina Shampianer, Nina Mazar, and Dan Ariely (Dec 2007), "Zero as a special price: The true value of free products," *Marketing Science* 26, <http://web.mit.edu/ariely/www/MIT/Papers/zero.pdf>.
- 22 Scott Bradner (3 Aug 2010), "The price of free Internet: A piece of your soul," *Network World*, <http://www.networkworld.com/columnists/2010/080310bradner.html>.
- 23 Kurt Opsahl (28 Apr 2010), "Facebook's eroding privacy policy: A timeline," Electronic Frontier Foundation, <https://www.eff.org/deeplinks/2010/04/facebook-timeline>.
- 24 Matt McKeon (15 May 2010), "The evolution of privacy on Facebook," <http://mattmckeon.com/facebook-privacy>.
- 25 Associated Press (2 Apr 2013), "Timeline: A look at developments linked to Google privacy concerns," *CTV News*, <http://www.ctvnews.ca/sci-tech/timeline-a-look-at-developments-linked-to-google-privacy-concerns-1.1220927>.
- 26 Rich Mogull (25 Jun 2014), "Why Apple really cares about your privacy," *Macworld*, <http://www.macworld.com/article/2366921/why-apple-really-cares-about-your-privacy.html>.
- 27 Charles Arthur (18 Sep 2014), "Apple's Tim Cook attacks Google and Facebook over privacy flaws," *Guardian*, <http://www.theguardian.com/technology/2014/sep/18/apple-tim-cook-google-facebook-privacy-surveillance>.
- 28 Jay Greene (18 Mar 2014), "Amazon easing into \$1 billion sideline business: ad sales," *Union Bulletin*, <http://union-bulletin.com/news/2014/mar/18/amazon-easing-1b-sideline-business-ad-sales>. Nadia Tuma and Laura Simpson (23 Jan 2014), "Why Amazon's data store doesn't scare people — but Facebook's does," *Advertising Age*, <http://adage.com/article/guest-columnists/americans-scared-amazon-s-data-store/290953>.
- 29 Amy Harmon (24 Aug 2001), "As public records go online, some say they're too public," *New York Times*, <http://www.nytimes.com/2001/08/24/nyregion/as-public-records-go-online-some-say-they-re-too-public.html>. Mark Ackerman (26 Aug 2013), "Sales of public data to marketers can mean big \$\$ for governments," *CBS Denver*, <http://denver.cbslocal.com/2013/08/26/sales-of-public-data-to-marketers-can-mean-big-for-governments>.
- 30 以下は、アクシオムについての素晴らしい記事だ。Natasha Singer (16 Jun 2012), "Mapping, and sharing, the consumer genome," *New York Times*, <http://www.nytimes.com/2012/06/17/technology/axiom-the-quiet-giant-of-consumer-database-marketing.html>.
- 31 世界プライバシー・フォーラムの推計によれば、データブローカーの数は約4000社に上るといふ。Pam Dixon (18 Dec 2013), "Testimony of Pam Dixon, Executive Director, World Privacy Forum, before the U.S. Senate Committee on Commerce, Science, and Transportation: What information do data brokers have on consumers, and how do they use it?" *World Privacy Forum*, <http://www.worldprivacyforum.org/2013/12/testimony-what-information-do-data-brokers-have-on-consumers>.
- 32 Craig Timberg (27 May 2014), "Brokers use 'billions' of data points to profile Americans," *Washington Post*, [http://www.washingtonpost.com/business/technology/brokers-use-billions-of-data-points-to-profile-americans/2014/05/27/b4207b96-e5b2-11e3-a86b-362fd5443d19\\_story.html](http://www.washingtonpost.com/business/technology/brokers-use-billions-of-data-points-to-profile-americans/2014/05/27/b4207b96-e5b2-11e3-a86b-362fd5443d19_story.html).
- 33 さまざまな企業が収集している膨大な量の監視データについて、ウォール・ストリート・ジャーナル紙が秀逸な連載記事を載せている。Wall Street Journal, "What They Know" series index, <http://online.wsj.com/public/page/what-they-know-digital-privacy.html>.
- 34 US Senate Committee on Commerce, Science, and Transportation, Office of Oversight and Investigations, Majority Staff (18 Dec 2013), "A

- review of the data broker industry: Collection, use, and sale of consumer data for marketing purposes," Staff report for Chairman Rockefeller, [http://consumeral.org/wp-content/uploads/2013/12/senate\\_2013\\_data\\_broker\\_report.pdf](http://consumeral.org/wp-content/uploads/2013/12/senate_2013_data_broker_report.pdf).
- 35 Lois Beckett (13 Sep 2013), "Everything we know about what data brokers know about you," *Pro Publica*, <https://www.propublica.org/article/everything-we-know-about-what-data-brokers-know-about-you>.
- 36 Natasha Singer (5 Sep 2013), "Acxiom lets consumers see data it collects," *New York Times*, <http://www.nytimes.com/2013/09/05/technology/acxiom-lets-consumers-see-data-it-collects.html>.
- 37 Charles Duigg (20 May 2007), "Bilking the elderly, with a corporate assist," *New York Times*, <http://www.nytimes.com/2007/05/20/business/20tele.html>.
- 38 US Senate Committee on Commerce, Science, and Transportation, Office of Oversight and Investigations, Majority Staff (18 Dec 2013), "A review of the data broker industry: Collection, use, and sale of consumer data for marketing purposes," Staff report for Chairman Rockefeller, [http://consumeral.org/wp-content/uploads/2013/12/senate\\_2013\\_data\\_broker\\_report.pdf](http://consumeral.org/wp-content/uploads/2013/12/senate_2013_data_broker_report.pdf).
- 39 Joseph Turow (7 Feb 2012), "A guide to the digital advertising industry that's watching your every click," *Atlantic*, <http://www.theatlantic.com/technology/archive/2012/02/a-guide-to-the-digital-advertising-industry-thats-watching-your-every-click/252667>.
- 40 この言葉を最初に言ったのが誰なのかははっきりしない。Jonathan Zittrain (21 Mar 2012), "Meme patrol: 'When something online is free, you're not the customer, you're the product,'" *The Future of the Internet and How to Stop It*, <http://blogs.law.harvard.edu/futureoftheinternet/2012/03/21/meme-patrol-when-something-online-is-free-youre-not-the-customer-youre-the-product>.
- 41 Nelson Wyatt (7 Nov 2013), "Former U.S. vice-president Al Gore predicts lawmakers will rein in surveillance," *Vancouver Sun*, <http://www.vancouver.sun.com/news/Formers+vicepresident+Gore+predicts+lawmakers+will+rein+in/9129866/story.html>.
- 42 Laurence Green (5 Jul 2010), "Why creativity will buy you more success than money," *Telegraph*, <http://www.telegraph.co.uk/finance/businessclub/7872084/Why-creativity-will-buy-you-more-success-than-money.html>.
- 43 理屈の上ではそうだが、実際はそれほどうまくいかない」と主張する論者もいる。Douglas Rushkoff (2013), *Present Shock: When Everything Happens Now*, Current, <http://www.rushkoff.com/present-shock>.
- 44 Real Green Systems (2014), "Measurement Assistant: An online measuring software application combining aerial photography and measuring tools," [https://www.realgreen.com/measurement\\_assistant.html](https://www.realgreen.com/measurement_assistant.html).
- 45 Nathan Abse (Oct 2012), "Big data delivers on campaign promise: Microtargeted political advertising in Election 2012," Interactive Advertising Bureau, [http://www.iab.net/media/file/Innovations\\_In\\_Web\\_Marketing\\_and\\_Advertising\\_delivery.pdf](http://www.iab.net/media/file/Innovations_In_Web_Marketing_and_Advertising_delivery.pdf).
- 46 Michael Scherer (7 Nov 2012), "Inside the secret world of the data crunchers who helped Obama win," *Time*, <http://swampland.time.com/2012/11/07/inside-the-secret-world-of-quants-and-data-crunchers-who-helped-obama-win>. Sasha Issenberg (19 Dec 2012), "How President Obama's campaign used big data to rally individual voters," *MIT Technology Review*, <http://www.technologyreview.com/featuredstory/509026/how-obamas-team-used-big-data-to-rally-voters>.
- 47 Ed Pilkington and Amanda Michel (17 Feb 2012), "Obama, Facebook and the power of friendship: The 2012 data election," *Guardian*, <http://www.theguardian.com/world/2012/feb/17/obama-digital-data-machine-facebook-election>. Tanzina Vega (20 Feb 2012), "Online data helping campaigns customize ads," *New York Times*, <http://www.nytimes.com/2012/02/21/us/politics/campaigns-use-microtargeting-to-attract-supporters.html>.
- 48 データの誤りを本人が修正できるようにしているデータブローカーも増えている。修正されれば、販売するデータの品質が高まるからだ。こうした修正は業者の商売を助ける効果をもつが、業者側は消費者に権利を認めたという言い方をしている。
- 49 写真共有サイトのシャッターフライは2014年、子どもが生まれたばかりの人たちにお祝い電子メールを送った。しかし、一部に誤りが含まれていて、メディアで大きく取り上げられた。Kashmir Hill (14 May 2014), "Shutterfly congratulates a bunch of people without babies on their 'new arrivals,'" *Forbes*, <http://www.forbes.com/sites/kashmirhill/2014/05/14/shutterfly-congratulates-a-bunch-of-people-without-babies-on-their-new-arrivals>.
- 50 誤った人物に見せた広告が目的を達したエピソードはいろいろ紹介されているが、そのかなりの割合は、自分にピッタリと合わせた広告の影響を受けたときより、ビントのはずれた広告の影響を受けたときのほうが自覚しやすいために、目立ったすぎない。
- 51 Jalal Mahmud, Jeffrey Nichols, and Clemens Drews (7 Mar 2014), "Home location identification of Twitter users," arXiv:1403.2345 [cs.SI], <http://arxiv.org/abs/1403.2345>.
- 52 たとえば、次のエッセーはインターネット広告の有効性に疑念を投げかけている。Derek Thompson (13 Jun 2014), "A dangerous question: Does Internet advertising work at all?" *Atlantic*, <http://www.theatlantic.com/business/archive/2014/06/a-dangerous-question-does-internet-advertising-work-at-all/372704>.
- 53 2014年、事務用品小売りのオフィスマックスがマイク・シーイーという人物に送ったダイレクトメールの宛先に、[Mike Seay/Daughter Killed in Car Crash/Or Current Business]と記されていた。マイクが娘を自動車事故で亡くしたことがデータベースに記されていて、そのために起きた誤りだった。データブローカーの集めているデータがいかにプライバシーに踏み込んでいるかを浮き彫りにしている事例と言えるだろう。Amy Merrikk (23 Jan 2014), "A death in the database," *New Yorker*, <http://www.newyorker.com/online/blogs/currency/2014/01/ashley-seay-officemax-car-crash-death-in-the>

- database.html.
- 54 Blase Ur et al. (2 Apr 2012), "Smart, useful, scary, creepy: Perceptions of online behavioral advertising," CyLab, Carnegie Mellon University, Pittsburgh, Pennsylvania, [https://www.cylab.cmu.edu/research/techreports/2012/tr\\_cylab12007.html](https://www.cylab.cmu.edu/research/techreports/2012/tr_cylab12007.html).
  - 55 Farhad Manjoo (23 Aug 2012), "The uncanny valley of Internet advertising," *Slate*, [http://www.slate.com/articles/technology/technology/2012/08/the\\_uncanny\\_valley\\_of\\_internet\\_advertising\\_why\\_do\\_creepy\\_targeted\\_ads\\_follow\\_me\\_everywhere\\_i\\_go\\_on\\_the\\_web\\_.html](http://www.slate.com/articles/technology/technology/2012/08/the_uncanny_valley_of_internet_advertising_why_do_creepy_targeted_ads_follow_me_everywhere_i_go_on_the_web_.html). Sara M. Watson (16 Jun 2014), "Data doppelgängers and the uncanny valley of personalization," *Atlantic*, <http://www.theatlantic.com/technology/archive/2014/06/data-doppelgangers-and-the-uncanny-valley-of-personalization/372780>.
  - 56 Mike Masnick (11 Mar 2008), "Where's the line between personalized advertising and creeping people out?" *Tech Dirt*, <http://www.techdirt.com/articles/20080311/121305499.shtml>.
  - 57 Sara M. Watson (16 Sep 2014), "Ask the decoder: Stalked by socks," Al Jazeera, <http://america.aljazeera.com/articles/2014/9/16/the-decoder-stalkedbysocks.html>.
  - 58 Blase Ur et al. (2 Apr 2012), "Smart, useful, scary, creepy: Perceptions of online behavioral advertising," CyLab, Carnegie Mellon University, Pittsburgh, Pennsylvania, [https://www.cylab.cmu.edu/research/techreports/2012/tr\\_cylab12007.html](https://www.cylab.cmu.edu/research/techreports/2012/tr_cylab12007.html).
  - 59 Evan Selinger (22 Aug 2012), "Why do we love to call new technologies 'creepy'?" *Slate*, [http://www.slate.com/articles/technology/future\\_tense/2012/08/facial\\_recognition\\_software\\_targeted\\_advertising\\_we\\_love\\_to\\_call\\_new\\_technologies\\_creepy\\_.html](http://www.slate.com/articles/technology/future_tense/2012/08/facial_recognition_software_targeted_advertising_we_love_to_call_new_technologies_creepy_.html). Omer Tene and Jules Polonetsky (16 Sep 2013), "A theory of creepy: Technology, privacy, and shifting social norms," *Yale Journal of Law & Technology*, <http://yjolt.org/theory-creepy-technology-privacy-and-shifting-social-norms>.
  - 60 Mike Isaac (2 Nov 2011), "New Google 'transparency' feature aims to reduce ad-targeting creepiness," *Wired*, <http://www.wired.com/2011/11/google-ad-transparency-target>. Todd Essig (27 Feb 2012), "'Big Data' got you creeped out? Transparency can help," *Forbes*, <http://www.forbes.com/sites/toddesig/2012/02/27/big-data-got-you-creeped-out-transparency-can-help>.
  - 61 Charles Duhigg (19 Feb 2012), "How companies learn your secrets," *New York Times*, <http://www.nytimes.com/2012/02/19/magazine/shopping-habits.html>.
  - 62 Kashmir Hill (21 Aug 2013), "Use of ad blocking is on the rise," *Forbes*, <http://www.forbes.com/sites/kashmirhill/2013/08/21/use-of-ad-blocking-is-on-the-rise>.
  - 63 Victor Luckerson (7 Mar 2014), "Twitter's ad prices are in free fall," *Time*, <http://time.com/16032/twitter-ad-prices-decline>. Brian Womack (16 Apr 2014), "Google revenue falls short of estimates, ad prices drop," *Bloomberg Business Week*, <http://www.businessweek.com/news/2014-04-16/google-revenue-falls-short-of-estimates-as-ad-prices-decline-1>.
  - 64 Emily Steel (12 Jun 2013), "Companies scramble for consumer data," *Financial Times*, <http://link.ft.com/r/S4XZQQ/Z8K812/9ZND5E/972MV7/VTD3N8/SN/h>. Ken Figueredo (19 Jun 2013), "Prices and value of consumer data," *More with Mobile*, <http://www.more-with-mobile.com/2013/06/prices-and-value-of-consumer-data.html>.
  - 65 Tristan Louis (31 Aug 2013), "How much is a user worth?" *Forbes*, <http://www.forbes.com/sites/tristanlouis/2013/08/31/how-much-is-a-user-worth>.
  - 66 Tim Hwang and Adi Kamdar (9 Oct 2013), "The theory of peak advertising and the future of the web," Peakads.org, [http://peakads.org/images/Peak\\_Ads.pdf](http://peakads.org/images/Peak_Ads.pdf). Tim Hwang (19 Mar 2014), "The Peak Advertising Institute," *Knight News Challenge*, <https://www.newschallenge.org/challenge/2014/feedback-review/the-peak-advertising-institute>.
  - 67 Doc Searls (23 Mar 2009), "After the advertising bubble bursts," *Doc Searls Weblog*, <http://blogs.law.harvard.edu/doc/2009/03/23/after-the-advertising-bubble-bursts>.
  - 68 Moshe Yudkowsky (2005), *The Pebble and the Avalanche: How Taking Things Apart Creates Revolutions*, Berrett-Koehler Publishers, <http://www.pebbleandavalanche.com>.
  - 69 Mark Graham (2008), "Warped geographies of development: The Internet and theories of economic development," *Geography Compass* 2/3, <http://www.geospaace.co.uk/files/compass.pdf>.
  - 70 Mike Masnick (19 Jun 2013), "Hollywood's new talking point: Gatekeepers are awesome," *Tech Dirt*, <https://www.techdirt.com/articles/20130613/18243923466/hollywoods-new-talking-point-gatekeepers-are-awesome.shtml>.
  - 71 Alina M. Chircu and Robert J. Kauffman (1998), "Analyzing market transformation in the presence of Internet-driven disintermediation: The case of online travel reservation providers," Management Information Systems Research Center, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.96.4820&rep=rep1&type=pdf>.
  - 72 Tim Williams (3 Jun 2013), "The disintermediation of the advertising agency business," *LinkedIn*, <http://www.linkedin.com/today/post/article/20130603205503-2042198-the-disintermediation-of-the-agency-business>.
  - 73 Eric Schmidt and Jared Cohen (2013), *The New Digital Age: Reshaping the Future of People, Nations and Business*, Knopf, <http://www.newdigitalage.com>. <http://www.newdigitalage.com>. [邦訳／「第五の権力——Googleには見えている未来」(ダイヤモンド社)]
  - 74 Carl Shapiro and Hal Varian (1998), *Information Rules: A Strategic Guide to the Network Economy*, Harvard Business Review Press, <http://www.informulas.com>. [邦訳／「ネットワーク経済の法則——アトム型産業からビット型産業へ」(IDGコミュニケーションズ)]
  - 75 comScore (21 Jun 2014), "comScore releases June 2014 U.S. search engine rankings," <https://www.comscore.com/Insights/Market-Rankings/comScore-Releases-June-2014-US-Search-Engine-Rankings>.
  - 76 Maeve Duggan and Aaron Smith (30 Dec 2013),



- "Social media update 2013," Pew Research Internet Project, <http://www.pewinternet.org/2013/12/30/social-media-update-2013>.
- 77 Troy (12 May 2013), "Highlights from the U.S. Book Consumer Annual Review," *AALB.com's Discussion Forum*, <http://aalbc.com/tc/index.php/topic/2051-highlights-from-the-us-book-consumer-annual-review>.
- 78 Trefis Team (24 Jul 2014), "Comcast earnings grow 15% on good broadband growth," *Forbes*, <http://www.forbes.com/sites/greatspeculations/2014/07/24/comcast-earnings-grow-15-on-good-broadband-growth>.
- 79 Matthew Fordahl (2 Feb 2001), "eBay to hide members' e-mail addresses," *ABC News*, <http://abcnews.go.com/Technology/story?id=98958>.
- 80 eBay (1 Oct 2011), "E-mail addresses and some links no longer permitted in listings," <http://pages.ebay.com/sellerinformation/news/links2011.html>.
- 81 eBay (2 Oct 2012), "Sellers: E-mail addresses and some URLs no longer allowed in member-to-member messages," <http://announcements.ebay.com/2012/10/sellers-e-mail-addresses-and-some-urls-no-longer-allowed-in-member-to-member-messages>.
- 82 Steven Levy (22 Apr 2014), "Inside the science that delivers your scary-smart Facebook and Twitter feeds," *Wired*, <http://www.wired.com/2014/04/perfect-facebook-feed>.
- 83 Nate Anderson (24 Jul 2008), ".06% opt out: NebuAd hides link in 5,000-word privacy policy," *Ars Technica*, <http://arstechnica.com/uncategorized/2008/07/06-opt-out-nebuad-hides-link-in-5000-word-privacy-policy>.
- 84 Bruce Schneier (26 Nov 2012), "When it comes to security, we're back to feudalism," *Wired*, <http://www.wired.com/2012/11/feudal-security>.
- 85 Rachel King (15 Oct 2012), "Consumers actually really like cloud storage, report says," *ZDNet*, <http://www.zdnet.com/consumers-actually-really-like-cloud-storage-report-says-7000005784>.
- 86 クラウド・コンピューティングについて基礎的な知識を得るには、次の資料が優れている。Michael Armbrust et al. (10 Feb 2009), "Above the clouds: A Berkeley view of cloud computing," Technical Report No. UCB/EECS-2009-28, Electrical Engineering and Computer Sciences, University of California at Berkeley, <http://www.eecs.berkeley.edu/Pubs/TechRpts/2009/EECS-2009-28.pdf>.
- 87 グーグルとマイクロソフトは、児童ポルノの証拠を見つければ通報している。Robert Macpherson (4 Aug 2014), "Google defends child porn tip-offs to police," *Yahoo! News*, <http://news.yahoo.com/google-defends-child-porn-tip-offs-police-025343404.html>.
- 88 Leo Kelion (6 Aug 2014), "Microsoft tip leads to child porn arrest in Pennsylvania," *BBC News*, <http://www.bbc.com/news/technology-28682686>.
- 89 Jonathan Zittrain (2009), "Tethered appliances, software as service, and perfect enforcement," in *The Future of the Internet and How to Stop It*, Yale University Press, [http://dash.harvard.edu/bitstream/handle/1/4455262/Zittrain\\_Future%20of%20the%20Internet.pdf](http://dash.harvard.edu/bitstream/handle/1/4455262/Zittrain_Future%20of%20the%20Internet.pdf).
- 90 Meg Albus (5 Sep 2013), "Don't get rejected by Apple!" *PBS Producer Exchange*, <https://projects.pbs.org/confluence/pages/viewpage.action?pageId=34046325>.
- 90 Brad Stone (18 Jul 2009), "Amazon erases Orwell books from Kindle," *New York Times*, <http://www.nytimes.com/2009/07/18/technology/companies/18amazon.html>.
- 91 Sam Grobart (14 Nov 2013), "Software makers' subscription drive," *Business Week*, <http://www.businessweek.com/articles/2013-11-14/2014-outlook-software-makers-subscription-drive>.
- 92 David Pogue (17 Sep 2013), "Adobe's software subscription model means you can't own your software," *Scientific American*, <http://www.scientificamerican.com/article/adobe-software-subscription-model-means-you-cant-own-your-software>.
- 93 ほかの企業に比べて、グーグルはデータの引き揚げを認める度合いが大きい。
- 94 Henry Farrell (Fall 2013), "The tech intellectuals," *Democracy 30*, <http://www.democracyjournal.org/30/the-tech-intellectuals.php>.
- 95 こうしたサービスや機器が不可欠なもので、それなしで生きることが不可能だ、と言うつもりはない。私はフェイスブックのアカウントをもっていない。携帯電話をもっていない人々もいるし、ある人はオンラインショッピングをいっさい利用しない。選択権は私たちにある。しかし、これらのものを1つも利用せずに生きるの、私生活の面でも職業生活の面でも非常に難しいかもしれない。
- 96 Jessica Goldstein (29 Apr 2014), "Meet the woman who did everything in her power to hide her pregnancy from Big Data," *Think Progress*, <http://thinkprogress.org/culture/2014/04/29/3432050/can-you-hide-from-big-data>.

## 第5章 国家の監視と統制

- 1 Barton Gellman and Ashkan Soltani (14 Oct 2013), "NSA collects millions of e-mail address books globally," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-collects-millions-of-e-mail-address-books-globally/2013/10/14/8e58b5be-34f9-11e3-80c6-7e6dd8d22d8f\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-collects-millions-of-e-mail-address-books-globally/2013/10/14/8e58b5be-34f9-11e3-80c6-7e6dd8d22d8f_story.html).
- Barton Gellman and Ashkan Soltani (30 Oct 2013), "NSA infiltrates links to Yahoo, Google data centers worldwide, Snowden documents say," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-infiltrates-links-to-yahoo-google-data-centers-worldwide-snowden-documents-say/2013/10/30/e51d661e-4166-11e3-8b74-d89d714ca4dd\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-infiltrates-links-to-yahoo-google-data-centers-worldwide-snowden-documents-say/2013/10/30/e51d661e-4166-11e3-8b74-d89d714ca4dd_story.html).
- Barton Gellman and Laura Poitras (7 Jun 2013), "U.S., British intelligence mining data from nine U.S. Internet companies in broad secret program," *Washington Post*, [http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497\\_story.html](http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497_story.html).
- 2 US Executive Office of the President (24 Oct 1952), Memorandum to Secretary of State and Secretary of Defense re: Communications Intelligence Agency, US National Security Agency, [http://www.nsa.gov/public\\_info/files/truman/truman\\_memo.pdf](http://www.nsa.gov/public_info/files/truman/truman_memo.pdf); Thomas

- L. Burns (1990), "The origins of the National Security Agency 1940-1952 (U)," Center for Cryptologic History, US National Security Agency, [http://www.nsa.gov/public\\_info/files/cryptologic\\_histories/origins\\_of\\_nsa.pdf](http://www.nsa.gov/public_info/files/cryptologic_histories/origins_of_nsa.pdf).
- 3 一部の政治学者は、[secret]と[mystery]の違い、[puzzle]と[mystery]の違いを論じている。Joseph S. Nye Jr. (Jul/Aug 1994), "Peering into the future," *Foreign Affairs*, <http://www.foreignaffairs.com/articles/50102/joseph-s-nye-jr/peering-into-the-future>. Gregory F. Treverton (Sep 2001), "Reshaping national intelligence for an age of information," Research Brief 5, European Union Center for California, <http://eucenter.scrippscollege.edu/files/2011/06/Treverton-05.pdf>.
- 4 Dan Geer (9 Oct 2013), "Tradeoffs in cyber security," <http://geertinho.net/geer.unc9x13.txt>.
- 5 NSAの監視活動を規制する1978年の外国情報監視法 (FISA) では、アメリカ国内での標的を「外国勢力の工作員」に限定していた。しかし、2008年の改正外国情報監視法 (FAA) では、外国人をすべて対象にできるものとされた。
- 6 Dana Priest (21 Jul 2013), "NSA growth fueled by need to target terrorists," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-growth-fueled-by-need-to-target-terrorists/2013/07/21/24c93cf4-f0b1-11e2-bed3-b9b6fe264871\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-growth-fueled-by-need-to-target-terrorists/2013/07/21/24c93cf4-f0b1-11e2-bed3-b9b6fe264871_story.html).
- 7 これは、NSAが1984年に実際におこなっていたことだ。William J. Broad (8 Nov 1998), "A tale of daring American submarine espionage," *New York Times*, <http://www.nytimes.com/1998/11/08/us/a-tale-of-daring-american-submarine-espionage.html>.
- 8 Google (2014), "Data center locations," <https://www.google.com/about/datacenters/inside/locations/index.html>.
- 9 Barton Gellman and Greg Miller (29 Aug 2013), "U.S. spy network's successes, failures and objectives detailed in 'black budget' summary," *Washington Post*, [http://www.washingtonpost.com/world/national-security/black-budget-summary-details-us-spy-networks-successes-failures-and-objectives/2013/08/29/7e57bb78-10ab-11e3-8cdd-bcdc09410972\\_story.html](http://www.washingtonpost.com/world/national-security/black-budget-summary-details-us-spy-networks-successes-failures-and-objectives/2013/08/29/7e57bb78-10ab-11e3-8cdd-bcdc09410972_story.html). Ewan MacAskill and Jonathan Watts (29 Aug 2013), "US intelligence spending has doubled since 9/11, top secret budget reveals," *Guardian*, <http://www.theguardian.com/world/2013/aug/29/us-intelligence-spending-double-9-11-secret-budget>.
- 10 Ryan Singel (10 Oct 2007), "NSA's lucky break: How the U.S. became switchboard to the world," *Wired*, [http://web.archive.org/web/20071019223411/http://www.wired.com/politics/security/news/2007/10/domestic\\_taps](http://web.archive.org/web/20071019223411/http://www.wired.com/politics/security/news/2007/10/domestic_taps). Christopher Mims (8 Jun 2013), "Why the NSA has access to 80% of online communication even if Google doesn't have a 'backdoor,'" *Quartz*, <http://qz.com/92369/why-nsa-has-access-to-80-of-online-communication-even-if-google-doesnt-have-a-backdoor>.
- 11 Ewen MacAskill and James Ball (2 Nov 2013), "Portrait of the NSA: no detail too small in quest for total surveillance," *Guardian*, <http://www.theguardian.com/world/2013/nov/02/nsa-portrait-total-surveillance>. Glenn Greenwald (2014), *No Place to Hide: Edward Snowden, the NSA and the US Surveillance State*, Macmillan, chap. 3. <http://leaksource.info/2014/07/31/glenn-greenwalds-no-place-to-hide-nsa-documents-excerpts>. [邦訳／『暴露——スノーデンが私に託したファイル』(新潮社)]
- 12 この点について、確かなことは私にもわからない。内部告発者のビル・ビニーは、NSAによる大々的な通話録音を指摘しているが、証拠は示していない。Antony Loewenstein (10 Jul 2014), "The ultimate goal of the NSA is total population control," *Guardian*, <http://www.theguardian.com/commentisfree/2014/jul/11/the-ultimate-goal-of-the-nsa-is-total-population-control>.
- 13 Ryan Devereaux, Glenn Greenwald, and Laura Poitras (19 May 2014), "Data pirates of the Caribbean: The NSA is recording every cell phone call in the Bahamas," *Intercept*, <http://theintercept.com/article/2014/05/19/data-pirates-caribbean-nsa-recording-every-cell-phone-call-bahamas>. Julian Assange (23 May 2014), "WikiLeaks statement on the mass recording of Afghan telephone calls by the NSA," *WikiLeaks*, <http://wikileaks.org/WikiLeaks-statement-on-the-mass.html>.
- 14 Dana Priest (21 Jul 2013), "NSA growth fueled by need to target terrorists," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-growth-fueled-by-need-to-target-terrorists/2013/07/21/24c93cf4-f0b1-11e2-bed3-b9b6fe264871\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-growth-fueled-by-need-to-target-terrorists/2013/07/21/24c93cf4-f0b1-11e2-bed3-b9b6fe264871_story.html).
- 15 Robert O'Harrow Jr., Dana Priest, and Marjorie Censer (10 Jun 2013), "NSA leaks put focus on intelligence apparatus's reliance on outside contractors," *Washington Post*, [http://www.washingtonpost.com/business/nsa-leaks-put-focus-on-intelligence-apparatus-reliance-on-outside-contractors/2013/06/10/e940c4ba-d20e-11e2-9f1a-1a7cdee20287\\_story.html](http://www.washingtonpost.com/business/nsa-leaks-put-focus-on-intelligence-apparatus-reliance-on-outside-contractors/2013/06/10/e940c4ba-d20e-11e2-9f1a-1a7cdee20287_story.html). Jonathan Fahey and Adam Goldman (10 Jun 2013), "Leak highlights key role of private contractors," Associated Press, <http://bigstory.ap.org/article/leak-highlights-key-role-private-contractors>.
- 16 Barton Gellman and Greg Miller (29 Aug 2013), "Black budget' summary details U.S. spy network's successes, failures and objectives," *Washington Post*, [http://www.washingtonpost.com/world/national-security/black-budget-summary-details-us-spy-networks-successes-failures-and-objectives/2013/08/29/7e57bb78-10ab-11e3-8cdd-bcdc09410972\\_story.html](http://www.washingtonpost.com/world/national-security/black-budget-summary-details-us-spy-networks-successes-failures-and-objectives/2013/08/29/7e57bb78-10ab-11e3-8cdd-bcdc09410972_story.html).
- 17 Barton Gellman and Greg Miller (29 Aug 2013), "Black budget' summary details U.S. spy network's successes, failures and objectives," *Washington Post*, [http://www.washingtonpost.com/world/national-security/black-budget-summary-details-us-spy-networks-successes-failures-and-objectives/2013/08/29/7e57bb78-10ab-11e3-8cdd-bcdc09410972\\_story.html](http://www.washingtonpost.com/world/national-security/black-budget-summary-details-us-spy-networks-successes-failures-and-objectives/2013/08/29/7e57bb78-10ab-11e3-8cdd-bcdc09410972_story.html).
- 18 Steven Aftergood (Mar 2014), "Intelligence budget data," Federation of American Scientists Intelligence Resource Program, <http://fas.org/irp/budget/index>.

- html.
- 19 「イラクとアフガニスタンにおける作戦は、技術的情報収集とコミュニケーション・テクノロジーに関する意思決定に計り知れない影響を及ぼさずらう」。Richard A. Clarke et al. (12 Dec 2013), "Liberty and security in a changing world: Report and recommendations of The President's Review Group on Intelligence and Communications Technologies," US Executive Office of the President, p. 187, [http://www.whitehouse.gov/sites/default/files/docs/2013-12-12\\_rg\\_final\\_report.pdf](http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf).
- 20 関係者は「トゥエルブ・トリプルスリー」と呼ぶ。US Executive Office of the President (4 Dec 1981), "Executive Order 12333 — United States intelligence activities," *Federal Register*, <http://www.archives.gov/federal-register/codification/executive-order/12333.html>. Alex Abdo (29 Sep 2014), "New documents shed light on one of the NSA's most powerful tools," *Free Future*, <https://www.aclu.org/blog/national-security/new-documents-shed-light-one-nasas-most-powerful-tools>.
- 21 Mark Jaycox (5 Nov 2013), "Three leaks, three weeks, and what we've learned about the US government's other spying authority: Executive Order 12333," Electronic Frontier Foundation, <https://www.eff.org/deeplinks/2013/10/three-leaks-three-weeks-and-what-weve-learned-about-governments-other-spying>.
- 22 US Congress (2001), "USA Patriot Act Section 215," <http://www.gpo.gov/fdsys/pkg/BILLS-107hr3162enr/pdf/BILLS-107hr3162enr.pdf>.
- 23 Marcy Wheeler (14 Aug 2014), "George W. Bush's false heroes: The real story of a secret Washington sham," *Salon*, [http://www.salon.com/2014/08/14/george\\_w\\_bushs\\_false\\_heroes\\_the\\_real\\_story\\_of\\_a\\_secret\\_washington\\_sham](http://www.salon.com/2014/08/14/george_w_bushs_false_heroes_the_real_story_of_a_secret_washington_sham).
- 24 2007年に成立した「米国保護法 (PAA)」という法律もあった。この法律はのちに失効し、役割はFAAに引き継がれたが、PAAの下で認められた権限は維持されることになった。そうした権限がいくつあるかは不明なので、この法律の役割がどの程度大きいかわからない。James Risen (6 Aug 2007), "Bush signs law to widen reach for wiretapping," *New York Times*, <http://www.nytimes.com/2007/08/06/washington/06nsa.html>. Ryan Singel (6 Aug 2007), "Analysis: New law gives government six months to turn Internet and phone systems into permanent spying architecture," *Wired*, <http://www.wired.com/2007/08/analysis-new-la>.
- 25 スノーデン文書の一つに、その手続きが記されている。US National Security Agency (8 Jan 2007), "Minimization procedures used by the National Security Agency in connection with acquisitions of foreign intelligence information pursuant to Section 702 of the Foreign Intelligence Surveillance Act, as amended," <http://www.theguardian.com/world/interactive/2013/jun/20/exhibit6-b-nsa-procedures-document>.
- 26 Jennifer Granick (25 Aug 2014), "Intercept reporting raises broader metadata minimization question," *Just Security*, <http://justsecurity.org/14327/intercept-reporting-raises-broader-metadata-minimization-question>. Marcy Wheeler (26 Aug 2014), "SPCMA and ICReACH," *Empty Wheel*, <http://www.emptywheel.net/2014/08/26/spcma-and-icreach>.
- 27 Barton Gellman, Julie Tate, and Ashkan Soltani (5 Jul 2014), "In NSA-intercepted data, those not targeted far outnumber the foreigners who are," *Washington Post*, [http://www.washingtonpost.com/world/national-security/in-nsa-intercepted-data-those-not-targeted-far-outnumber-the-foreigners-who-are/2014/07/05/8139adf8-045a-11e4-8572-4b1b969b6322\\_story.html](http://www.washingtonpost.com/world/national-security/in-nsa-intercepted-data-those-not-targeted-far-outnumber-the-foreigners-who-are/2014/07/05/8139adf8-045a-11e4-8572-4b1b969b6322_story.html).
- 28 Nadia Kayyali (21 May 2014), "How the NSA is transforming law enforcement," *Gizmodo*, <http://gizmodo.com/how-the-nsa-is-transforming-law-enforcement-1579438984>.
- 29 Ryan Gallagher (25 Aug 2014), "The surveillance engine: How the NSA built its own secret Google," *Intercept*, <https://firstlook.org/theintercept/2014/08/25/icreach-nsa-cia-secret-google-crisscross-protom>.
- 30 権限を最も大きく拡大したのは、2005年の米国爱国者法改正再授權法だった。しかし、一部条項は違憲とされた。
- 31 John Villaseñor (30 Dec 2013), "What you need to know about the third-party doctrine," *Atlantic*, <http://www.theatlantic.com/technology/archive/2013/12/what-you-need-to-know-about-the-third-party-doctrine/282721>.
- 32 IMSI とは「International Mobile Subscriber Identity (国際移動体加入者識別番号)」の略で、携帯電話ユーザーに割り振られた固有の番号だ。携帯電話を利用する際に電話がこの番号を発信するので、そのユーザーの所在地がわかる。
- 33 「ステイングレイ」は商品名ではあるが、IMSI キャッチャー全般を指す言葉として用いられるようになっている。ほかには、「アンバージャック」という商品もある。
- 34 Joel Hruska (17 Jun 2014), "Stingray, the fake cell phone tower cops and carriers use to track your every move," *Extreme Tech*, <http://www.extremetech.com/mobile/184597-stingray-the-fake-cell-phone-tower-cops-and-providers-use-to-track-your-every-move>.
- 35 Lauren Walker (23 Sep 2014), "New documents reveal information about police cellphone tracking devices," *Newsweek*, <http://www.newsweek.com/new-documents-reveal-information-about-police-cell-phone-tracking-devices-272746>.
- 36 Kim Zetter (19 Jun 2014), "Emails show feds asking Florida cops to deceive judges," *Wired*, <http://www.wired.com/2014/06/feds-told-cops-to-deceive-courts-about-stingray>.
- 37 Nathan Freed Wessler (3 Jun 2014), "U.S. Marshals seize local cops' cell phone tracking files in extraordinary attempt to keep information from public," *Free Future*, <https://www.aclu.org/blog/national-security-technology-and-liberty/us-marshals-seize-local-cops-cell-phone-tracking-files>. Kim Zetter (3 Jun 2014), "U.S. Marshals seize cops' spying records to keep them from the ACLU," *Wired*, <http://www.wired.com/2014/06/feds-seize-stingray-documents>.
- 38 National Counterterrorism Center (2007), "Terrorist Identities Datamart Environment (TIDE)," <https://>

- web.archive.org/web/20140712154829/http://www.nctc.gov/docs/Tide\_Fact\_Sheet.pdf. Richard A. Best Jr. (19 Dec 2011), "The National Counterterrorism Center (NCTC): Responsibilities and potential congressional concerns," Congressional Research Service, <http://fas.org/sgp/crs/intel/R41022.pdf>. Matt Sledge (16 Feb 2013), "National Counterterrorism Center's 'terrorist information' rules outlined in document," *Huffington Post*, [http://www.huffingtonpost.com/2013/02/15/national-counterterrorism-center-nctc-terrorist-information\\_n\\_2697190.html](http://www.huffingtonpost.com/2013/02/15/national-counterterrorism-center-nctc-terrorist-information_n_2697190.html).
- 39 Eric Schmitt and Michael S. Schmidt (24 Apr 2013), "2 U.S. agencies added Boston bomb suspect to watch lists," *New York Times*, <http://www.nytimes.com/2013/04/25/us/tamerlan-tsarnaev-bomb-suspect-was-on-watch-lists.html>.
- 40 Karen DeYoung (25 Mar 2007), "Terror database has quadrupled in four years," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/24/AR2007032400944.html>.
- 41 Julia Angwin (13 Dec 2013), "U.S. terrorism agency to tap a vast database of citizens," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424127887324478304578171623040640006>.
- 42 Jeremy Scahill and Ryan Devereaux (5 Aug 2014), "Watch commander: Barack Obama's secret terrorist-tracking system, by the numbers," *Intercept*, <https://firstlook.org/theintercept/article/2014/08/05/watch-commander>.
- 43 US Department of Justice (2014), "Organized Crime Drug Enforcement Task Forces," <http://www.justice.gov/criminal/taskforces/ocdef.html>.
- 44 US Executive Office of the President (2009), "The Comprehensive National Cybersecurity Initiative," <http://www.whitehouse.gov/issues/foreign-policy/cybersecurity/national-initiative>.
- 45 Robert Beckhussen (5 Apr 2013), "The ATF wants 'massive' online database to find out who your friends are," *Wired*, <http://www.wired.com/2013/04/atf-database>.
- 46 Lisa Myers, Douglas Pasternak, and Rich Gardella (14 Dec 2005), "Is the Pentagon spying on Americans?" *NBC News*, [http://www.nbcnews.com/1/10454316/ns/nbc\\_nightly\\_news\\_with\\_brian\\_williams-nbc\\_news\\_investigates/pentagon-spying-americans](http://www.nbcnews.com/1/10454316/ns/nbc_nightly_news_with_brian_williams-nbc_news_investigates/pentagon-spying-americans). Marcy Wheeler (24 Jul 2007), "Cunningham, CIFA, and Cheney, a new chronology," *Empty Wheel*, <http://www.emptywheel.net/2007/07/24/cunningham-cifa-and-cheney-a-new-chronology>.
- 47 2014年、連邦上訴裁判所はこうした監視を違法と判断。それにより得られた証拠に基づいて児童ポルノ所持で有罪とされた男性の有罪判決を破棄した。Victoria Cavaliere (18 Sep 2014), "U.S. court rules Navy wrongfully monitored computers in child porn probe," Reuters, <http://www.reuters.com/article/idUSKBN0HD2EU20140918>.
- 48 Robert Mueller (15 Nov 2004), "The FBI: Improving intelligence for a safer America," address delivered to the Town Hall Los Angeles, Los Angeles, California, <http://www.fbi.gov/news/speeches/the-fbi-improving-intelligence-for-a-safer-america>. US Department of Homeland Security (4 Sep 2012), "Fusion centers handout," <http://www.dhs.gov/sites/default/files/publications/Fusion%20Centers%20Handout.pdf>. US House of Representatives (Jul 2013), "Majority staff report on the national network of fusion centers," Committee on Homeland Security, <http://homeland.house.gov/sites/homeland.house.gov/files/documents/CHS%20SLFC%20Report%202013%20FINAL.pdf>.
- 49 Torin Monahan (2010), "The future of security? Surveillance operations at Homeland Security fusion centers," *Social Justice* 37, [http://www.socialjusticejournal.org/archive/120\\_37\\_2-3/120\\_07Monahan.pdf](http://www.socialjusticejournal.org/archive/120_37_2-3/120_07Monahan.pdf).
- 50 Priscilla M. Regan, Torin Monahan, and Krista Craven (3 Dec 2013), "Constructing the suspicious: Data production, circulation, and interpretation by DHS Fusion Centers," *Administration and Society*, <http://aas.sagepub.com/content/early/2013/11/29/0095399713513141.abstract>.
- 51 Michael German and Jay Stanley (Dec 2007), "What's wrong with fusion centers?" American Civil Liberties Union, [https://www.aclu.org/files/pdfs/privacy/fusioncenter\\_20071212.pdf](https://www.aclu.org/files/pdfs/privacy/fusioncenter_20071212.pdf). Sharon Bradford Franklin et al. (6 Sep 2012), "Recommendations for fusion centers: Preserving privacy and civil liberties while protecting against crime and terrorism," Constitution Project, <http://www.constitutionproject.org/pdf/fusioncenterreport.pdf>.
- 52 Colin Moynihan (22 May 2014), "Officials cast wide net in monitoring Occupy protests," *New York Times*, <http://www.nytimes.com/2014/05/23/us/officials-cast-wide-net-in-monitoring-occupy-protests.html>. Mara Verheyden-Hilliard and Carl Messineo (5 May 2014), "Out of the shadows: The hidden role of the Fusion Centers in the nationwide spying operation against the Occupy movement and peaceful protest in America," Partnership for Civil Justice, <http://www.justiceonline.org/one-nation-under-surveillance/out-of-the-shadows-pcjf-report.pdf>.
- 53 US Federal Bureau of Investigation (2010), "Protecting America from terrorist attack: Our Joint Terrorism Task Forces," [http://www.fbi.gov/about-us/investigate/terrorism/terrorism\\_jtfs](http://www.fbi.gov/about-us/investigate/terrorism/terrorism_jtfs). US Department of Homeland Security (19 Dec 2013), "Fusion Centers and Joint Terrorist Task Forces," <http://www.dhs.gov/fusion-centers-and-joint-terrorism-task-forces>.
- 54 American Civil Liberties Union (Sep 2013), "Unleashed and unaccountable: The FBI's unchecked abuse of authority," <http://www.aclu.org/sites/default/files/assets/unleashed-and-unaccountable-fbi-report.pdf>. Roberto Scalese (10 Apr 2014), "ACLU sues FBI, US attorney for Todashev, Task Force records," *Boston Globe*, <http://www.boston.com/news/local/massachusetts/2014/04/10/aclu-sues-fbi-attorney-for-todashev-task-force-records/MYWzetzg75Zy3DlPLB1nry0/story.html>.
- 55 American Civil Liberties Union of Colorado (20 Aug 2010), "New documents confirm: FBI's Joint Terrorism Task Force targets peaceful activists for harassment, political surveillance," <http://aclu.co.org/new-documents-confirm-fbis-joint-terrorism-task>

- force-targets-peaceful-activists-for-harassment-political-surveillance. Kevin Goszola (4 Jul 2014), "FBI, JTTF and US Marshals are reportedly visiting political activists about thirty year-old case," *Dissenter*, <http://dissenter.firedoglake.com/2014/07/04/fbi-jtft-us-marshals-service-are-reportedly-visiting-political-activists-about-thirty-year-old-case>.
- 56 Spencer Ackerman (23 Sep 2011), "New evidence of anti-Islam bias underscores deep challenges for FBI's reform pledge," *Wired*, <http://www.wired.com/2011/09/fbi-islam-domination/all>.
- 57 Adam Gabbatt (1 Aug 2013), "New York woman visited by police after researching pressure cookers online," *Guardian*, <http://www.theguardian.com/world/2013/aug/01/new-york-police-terrorism-pressure-cooker>. Carlos Miller (23 May 2014), "Terrorist Task Force cop visits man at home for photographing police buildings," *Photography Is Not a Crime*, <http://photographyisnotacrime.com/2014/05/23/terrorist-task-force-cop-visits-man-home-photographing-police-buildings>. Steve Annear (11 Jul 2014), "ACLU files lawsuit after feds eye photographer's 'suspicious' behavior," *Boston Magazine*, <http://www.bostonmagazine.com/news/blog/2014/07/11/aclu-james-prigoff-terrorism-task-force-lawsuit>.
- 58 Duncan Campbell (3 Jun 2014), "Revealed: GCHQ's beyond top secret Middle Eastern Internet spy base," *Register*, [http://www.theregister.co.uk/2014/06/03/revealed\\_beyond\\_top\\_secret\\_british\\_intelligence\\_middleeast\\_internet\\_spy\\_base](http://www.theregister.co.uk/2014/06/03/revealed_beyond_top_secret_british_intelligence_middleeast_internet_spy_base).
- 59 Nicky Hager and Stefania Maurizi (5 Nov 2013), "Cyprus: The home of British/American Internet surveillance in the Middle East," *L'Espresso*, <http://espresso.repubblica.it/inchieste/2013/11/04/news-the-history-of-british-intelligence-operations-in-cyprus-1.139978>. Richard Norton-Taylor (28 Nov 2013), "Secret memos show efforts of MI5, MI6 and GCHQ to maintain Cyprus base," *Guardian*, <http://www.theguardian.com/uk-news/2013/nov/29/intelligence-mi5-mi6-gchq-cyprus-national-archives>.
- 60 Sven Becker et al. (18 Jun 2014), "New NSA revelations: Inside Snowden's Germany file," *Der Spiegel*, <http://www.spiegel.de/international/germany/new-snowden-revelations-on-nsa-spying-in-germany-a-975441.html>. Hubert Gude et al. (18 Jun 2014), "Spying together: Germany's deep cooperation with the NSA," *Der Spiegel*, <http://www.spiegel.de/international/germany/the-german-bnd-and-american-nsa-cooperate-more-closely-than-thought-a-975445.html>.
- 61 Jacques Follorou and Glenn Greenwald (21 Oct 2013), "France in the NSA's crosshair: Phone networks under surveillance," *Le Monde*, [http://www.lemonde.fr/technologies/article/2013/10/21/france-in-the-nsa-s-crosshair-phone-networks-under-surveillance\\_3499741\\_651865.html](http://www.lemonde.fr/technologies/article/2013/10/21/france-in-the-nsa-s-crosshair-phone-networks-under-surveillance_3499741_651865.html). Jacques Follorou and Franck Johannes (4 Jul 2013), "Revelations on the French Big Brother," *Société*, [http://www.lemonde.fr/societe/article/2013/07/04/revelations-on-the-french-big-brother\\_3442665\\_3224.html](http://www.lemonde.fr/societe/article/2013/07/04/revelations-on-the-french-big-brother_3442665_3224.html).
- 62 Ryan Gallagher (18 Jun 2014), "How secret partners expand NSA's surveillance dragnet," *Intercept*, <https://firstlook.org/theintercept/article/2014/06/18/nsa-surveillance-secret-cable-partners-revealed-rampart-a>.
- 63 Jason Om (30 Oct 2013), "Spy expert says Australia operating as 'listening post' for US agencies including the NSA," *ABC News Australia*, <http://www.abc.net.au/news/2013-10-30/australia-acting-as-listening-post-for-us-spy-agencies/5056534>.
- 64 Glenn Greenwald and Ryan Gallagher (15 Sep 2014), "New Zealand launched mass surveillance project while publicly denying it," *Intercept*, <https://firstlook.org/theintercept/2014/09/15/new-zealand-gcsb-speargun-mass-surveillance>.
- 65 Craig Timberg (6 Jun 2014), "Vodafone reveals that governments are collecting personal data without limits," *Washington Post*, [http://www.washingtonpost.com/business/technology/governments-collecting-personal-data-without-limit-says-vodafone/2014/06/06/f00cfc1a-edb4-11e3-9b2d-114aded544bc\\_story.html](http://www.washingtonpost.com/business/technology/governments-collecting-personal-data-without-limit-says-vodafone/2014/06/06/f00cfc1a-edb4-11e3-9b2d-114aded544bc_story.html).
- 66 Michael R. Gordon (7 Feb 2014), "Indonesia takes aim at Australia over spying on talks," *New York Times*, <http://www.nytimes.com/2014/02/18/world/asia/indonesia-takes-aim-at-australia-over-spying-but-not-the-us.html>.
- 67 Andrei Soldatov and Irina Borogan (Fall 2013), "Russia's surveillance state," *World Policy Journal*, <http://www.worldpolicy.org/journal/fall2013/Russia-surveillance>. James A. Lewis (18 Apr 2014), "Reference note on Russian communications surveillance," Center for Strategic and International Studies, <http://csis.org/publication/reference-note-russian-communications-surveillance>.
- 68 Andrei Soldatov and Irina Borogan (21 Dec 2012), "In ex-Soviet states, Russian spy tech still watches you," *Wired*, <http://www.wired.com/2012/12/russias-hand/all>.
- 69 Owen Matthews (12 Feb 2014), "Russia tests 'total surveillance' at the Sochi Olympics," *Newsweek*, <http://www.newsweek.com/2014/02/14/russia-tests-total-surveillance-sochi-olympics-245494.html>. Joshua Kopstein (13 Feb 2014), "Sochi's other legacy," *New Yorker*, <http://www.newyorker.com/tech/elements/sochis-other-legacy>.
- 70 Gus Hosein (2010), "Privacy as a political right," *Index on Censorship* 39, [https://www.privacyinternational.org/reports/privacy-as-a-political-right/surveillance-of-political-movements#footnote5\\_5pc3bb7](https://www.privacyinternational.org/reports/privacy-as-a-political-right/surveillance-of-political-movements#footnote5_5pc3bb7).
- 71 James A. Lewis (2006), "The architecture of control: Internet surveillance in China," Center for Strategic and International Studies, [http://csis.org/files/media/csis/pubs/0706\\_cn\\_surveillance\\_and\\_information\\_technology.pdf](http://csis.org/files/media/csis/pubs/0706_cn_surveillance_and_information_technology.pdf).
- 72 Australian (4 Mar 2011), "China mobile phone tracking system attacked as 'Big Brother' surveillance," *Australian*, <http://www.theaustralian.com.au/news/world/china-mobile-phone-tracking-system-attacked-as-big-brother-surveillance/story-e6frg6so-1226015917086>.
- 73 Frank Langfitt (29 Jan 2013), "In China, beware: A camera may be watching you," *NPR Morning*

- Edition*, <http://www.npr.org/2013/01/29/170469038/in-china-beware-a-camera-may-be-watching-you>.
- 74 Calum MacLeod (3 Jan 2013), "China surveillance targets crime — and dissent," *USA Today*, <http://www.usatoday.com/story/news/world/2013/01/03/china-security/1802177>.
- 75 Vernon Silver (8 Mar 2013), "Cracking China's Skype surveillance software," *Bloomberg Business Week*, <http://www.businessweek.com/articles/2013-03-08/skypes-been-hijacked-in-china-and-microsoft-is-o-dot-k-dot-with-it>.
- 76 John Markoff (1 Oct 2008), "Surveillance of Skype messages found in China," *New York Times*, <http://www.nytimes.com/2008/10/02/technology/internet/02skype.html>.
- 77 John Ribeiro (13 Jan 2011), "RIM allows India access to consumer BlackBerry messaging," *CIO*, [http://www.cio.com/article/654438/RIM\\_Allows\\_India\\_Access\\_to\\_Consumer\\_BlackBerry\\_Messaging](http://www.cio.com/article/654438/RIM_Allows_India_Access_to_Consumer_BlackBerry_Messaging).
- Amol Sharma (28 Oct 2011), "RIM facility helps India in surveillance efforts," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052970204505304577001592335138870>. First Post (31 Dec 2012), "Telecos agree to real-time intercept for BlackBerry messages," *First Post*, <http://tech.firstpost.com/news-analysis/telecos-agree-to-real-time-intercept-for-blackberry-messages-212476.html>.
- 78 Alexei Anishchuk (25 Apr 2011), "BlackBerry firm seeks security 'balance' in Russia," Reuters, <http://www.reuters.com/article/2011/04/25/us-blackberry-russia-idUSTRE7301ZL20110425>.
- 79 Al Jazeera (4 Aug 2010), "Saudi ban on BlackBerry from Friday," Al Jazeera, <http://www.aljazeera.com/news/middleeast/2010/08/20100844243386999.html>.
- 80 Josh Halliday (18 Apr 2011), "UAE to tighten BlackBerry restrictions," *Guardian*, <http://www.theguardian.com/technology/2011/apr/18/uae-blackberry-e-mails-secure>.
- 81 Jakarta Post (15 Sep 2011), "Government asks RIM to open access to wiretap BlackBerry users," *Jakarta Post*, <http://www.thejakartapost.com/news/2011/09/15/government-asks-rim-open-access-wiretap-blackberry-users.html>.
- 82 R. Jai Krishna (8 Aug 2012), "India sees resolution to BlackBerry dispute," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10000872396390443404004577576614174157698>. British Broadcasting Corporation (11 Jul 2013), "India is 'ready to use' BlackBerry message intercept system," *BBC News*, <http://www.bbc.com/news/technology-23265091>.
- 83 James Ball and Benjamin Gottlieb (25 Sep 2012), "Iran tightens online control by creating own network," *Guardian*, <http://www.theguardian.com/world/2012/sep/25/iran-state-run-internet>.
- 84 H. J. Albrecht (2003), "Albrecht 2003 — Rechtswirklichkeit und Effizienz der Überwachung der Telekommunikation nach den §§ 100a, 100b StPO und anderer verdeckter Ermittlungsmaßnahmen: Abschlussbericht," Max Planck Institute for Foreign and International Criminal Law, [http://www.gesmat.bundesgerichtshof.de/gesetzesmaterialien/16\\_wp/telekueberw/rechtswirklichkeit\\_%20abschlussbericht.pdf](http://www.gesmat.bundesgerichtshof.de/gesetzesmaterialien/16_wp/telekueberw/rechtswirklichkeit_%20abschlussbericht.pdf).
- 85 Winston Maxwell and Christopher Wolf (23 May 2012), "A global reality: Governmental access to data in the cloud: A comparative analysis of ten international jurisdictions," Hogan Lovells, [http://www.cil.cnrs.fr/CIL/IMG/pdf/Hogan\\_Lovells\\_White\\_Paper\\_Government\\_Access\\_to\\_Cloud\\_Data\\_Paper\\_1\\_.pdf](http://www.cil.cnrs.fr/CIL/IMG/pdf/Hogan_Lovells_White_Paper_Government_Access_to_Cloud_Data_Paper_1_.pdf).
- 86 David Stout (9 Jul 2014), "Thailand's junta arrests an editor over a Facebook comment," *Time*, <http://time.com/2968680/thailand-junta-editor-facebook-thanapol-eawsakul-fah-diew-khan>.
- 87 British Broadcasting Corporation (20 Nov 2012), "India woman arrested over Facebook post in 'shock,'" *BBC News*, <http://www.bbc.com/news/world-asia-india-20405457>. Agence France-Presse (19 Nov 2012), "Indians arrested for Facebook post on Mumbai shutdown," *South China Morning Post*, <http://www.scmp.com/news/asia/article/1086094/indians-arrested-facebook-post-mumbai-shutdown>.
- 88 Asia News Network (4 Jun 2013), "Woman detained for allegedly insulting Malaysian king on Facebook," *Straits Times*, <http://news.asiaonline.com/News/Latest+News/Science+and+Tech/Story/AlStory20130604-427357.html>.
- 89 このハッキングの背後には別の国が存在し、イランはそれに便乗しただけという可能性もある。Hans Hoogstraaten et al. (13 Aug 2012), "Black Tulip: Report of the investigation into the DigiNotar Certificate Authority breach," Project PR-110202, Fox-IT BV, <http://www.rijksoverheid.nl/bestanden/documenten-en-publicaties/rapporten/2012/08/13/black-tulip-update/black-tulip-update.pdf>.
- 90 Somini Sangupta (11 Sep 2011), "Hacker rattles security circles," *New York Times*, <http://www.nytimes.com/2011/09/12/technology/hacker-rattles-internet-security-circles.html>.
- 91 Gregg Keizer (6 Sep 2011), "Hackers spied on 300,000 Iranians using fake Google certificate," *Computer World*, [http://www.computerworld.com/s/article/9219731/Hackers\\_spied\\_on\\_300\\_000\\_Iransians\\_using\\_fake\\_Google\\_certificate](http://www.computerworld.com/s/article/9219731/Hackers_spied_on_300_000_Iransians_using_fake_Google_certificate).
- 92 Information Warfare Monitor (29 Mar 2009), "Tracking GhostNet: Investigating a cyber espionage network," Citizen Lab, Munk Centre for International Studies, University of Toronto, <http://www.infowar-monitor.net/ghostnet>.
- 93 Ellen Nakashima (28 May 2012), "Newly identified computer virus, used for spying, is 20 times size of Stuxnet," *Washington Post*, [http://www.washingtonpost.com/world/national-security/newly-identified-computer-virus-used-for-spying-is-20-times-size-of-stuxnet/2012/05/28/gJQAWa3VxU\\_story.html](http://www.washingtonpost.com/world/national-security/newly-identified-computer-virus-used-for-spying-is-20-times-size-of-stuxnet/2012/05/28/gJQAWa3VxU_story.html).
- 94 Dan Goodin (14 Jan 2013), "Massive espionage malware targeting governments undetected for 5 years," *Ars Technica*, <http://arstechnica.com/security/2013/01/red-Oct-computer-espionage-network-may-have-stolen-terabytes-of-data>.
- 95 Peter Apps and Jim Finkle (7 Mar 2014), "Suspected Russian spyware Turla targets Europe, United States," Reuters, <http://www.reuters.com/article/2014/03/07/us-russia-cyberespionage-insight-idUSBREA260YI20140307>.

- 96 Kaspersky Lab (10 Feb 2014), "Unveiling 'Caretto': The masked APT," *Securelist*, [http://www.securelist.com/en/downloads/vlpdfs/unveilingthemas\\_k\\_v1.0.pdf](http://www.securelist.com/en/downloads/vlpdfs/unveilingthemas_k_v1.0.pdf).
- 97 Ellen Nakashima (29 May 2014), "Iranian hackers target U.S. officials," *Washington Post*, [http://www.washingtonpost.com/world/national-security/iranian-hackers-are-targeting-us-officials-through-social-networks-report-says/2014/05/28/7cb86672-e6ad-11e3-8f90-73e071f3d637\\_story.html](http://www.washingtonpost.com/world/national-security/iranian-hackers-are-targeting-us-officials-through-social-networks-report-says/2014/05/28/7cb86672-e6ad-11e3-8f90-73e071f3d637_story.html).
- 98 Matthew M. Aid (10 Jun 2013), "Inside the NSA's ultra-secret China hacking group," *Foreign Policy*, [http://www.foreignpolicy.com/articles/2013/06/10/inside\\_the\\_nsa\\_s\\_ultra\\_secret\\_china\\_hacking\\_group](http://www.foreignpolicy.com/articles/2013/06/10/inside_the_nsa_s_ultra_secret_china_hacking_group).
- 99 Bruce Schneier (4 Oct 2013), "Attacking Tor: How the NSA targets users' online anonymity," *Guardian*, <http://www.theguardian.com/world/2013/oct/04/tor-attacks-nsa-users-online-anonymity>.
- 100 これらのプログラムには、さらに隠された暗号名がつけられている。そしてなにより興味深いのは、次のNSAの最高機密文書がスノーデン以外の人物からリークされたものらしいということだ。Leaksource (30 Dec 2013), "NSA's ANT Division catalog of exploits for nearly every major software/hardware/firmware," <http://leaksource.info/2013/12/30/nsas-ant-division-catalog-of-exploits-for-nearly-every-major-software-hardware-firmware>.
- Der Spiegel (29 Dec 2013), "Inside TAO: Documents reveal top NSA hacking unit," *Der Spiegel*, <http://www.spiegel.de/international/world/the-nsa-uses-powerful-toolbox-in-effort-to-spy-on-global-networks-a-940969.html>. Jacob Appelbaum, Judith Horchert, and Christian Stöcker (29 Dec 2013), "Shopping for spy gear: Catalog advertises NSA toolbox," *Der Spiegel*, <http://www.spiegel.de/international/world/catalog-reveals-nsa-has-backdoors-for-numerous-devices-a-940994.html>.
- 101 Matthew M. Aid (15 Oct 2013), "The NSA's new code breakers," *Foreign Policy*, [http://www.foreignpolicy.com/articles/2013/10/15/the\\_nsa\\_s\\_new\\_codebreakers](http://www.foreignpolicy.com/articles/2013/10/15/the_nsa_s_new_codebreakers).
- 102 73know a lot about China: This describes one of the Chinese military hacking units. Mandiant (18 Feb 2013), "APT1: Exposing one of China's cyber espionage units," [http://intelreport.mandiant.com/Mandiant\\_APT1\\_Report.pdf](http://intelreport.mandiant.com/Mandiant_APT1_Report.pdf).
- 103 Kim Zetter (13 Jan 2010), "Google hackers targeted source code of more than 30 companies," *Wired*, <http://www.wired.com/2010/01/google-hack-attack>.
- 104 Greg Weston (16 Feb 2011), "Foreign hackers attack Canadian government," *CBC News*, <http://www.cbc.ca/news/politics/foreign-hackers-attack-canadian-government-1.982618>.
- 105 Nicole Perleth (31 Jan 2013), "Hackers in China attacked the Times for last 4 months," *New York Times*, <http://www.nytimes.com/2013/01/31/technology/chinese-hackers-infiltrate-new-york-times-computers.html>.
- 106 Riva Richmond (2 Apr 2011), "The RSA hack: How they did it," *New York Times*, <http://bits.blogs.nytimes.com/2011/04/02/the-rsa-hack-how-they-did-it>. Kelly Jackson Higgins (29 Mar 2012), "China hacked RSA, U.S. official says," *Information Week*, <http://www.darkreading.com/attacks-breaches/china-hacked-rsa-us-official-says/d-d-id/1137409>; Ellen Nakashima (19 May 2014), "U.S. announces first charges against foreign country in connection with cyberspying," *Washington Post*, [http://www.washingtonpost.com/world/national-security/us-to-announce-first-criminal-charges-against-foreign-country-for-cyberspying/2014/05/19/586c9992-df45-11e3-810f-764fe508b82d\\_story.html](http://www.washingtonpost.com/world/national-security/us-to-announce-first-criminal-charges-against-foreign-country-for-cyberspying/2014/05/19/586c9992-df45-11e3-810f-764fe508b82d_story.html).
- 107 Julian E. Barnes (4 Mar 2008), "Chinese hacking worries Pentagon," *Los Angeles Times*, <http://articles.latimes.com/2008/mar/04/world/fg-uschina4>. Ellen Nakashima (27 May 2013), "Confidential report lists U.S. weapons system designs compromised by Chinese cyberspies," *Washington Post*, [http://www.washingtonpost.com/world/national-security/confidential-report-lists-us-weapons-system-designs-compromised-by-chinese-cyberspies/2013/05/27/a42c3e1c-c2dd-11e2-8c3b-0b5e9247e8ca\\_story.html](http://www.washingtonpost.com/world/national-security/confidential-report-lists-us-weapons-system-designs-compromised-by-chinese-cyberspies/2013/05/27/a42c3e1c-c2dd-11e2-8c3b-0b5e9247e8ca_story.html).
- 108 中国政府が背後にいたかどうかはわからないが、状況証拠はその可能性を強く示唆している。Andy Greenberg (1 Apr 2013), "Evidence mounts that Chinese government hackers spread Android malware," *Forbes*, <http://www.forbes.com/sites/andygreenberg/2013/04/01/evidence-mounts-that-chinese-government-hackers-spread-android-malware>.
- 109 Ellen Nakashima and Lisa Rein (11 Jul 2014), "Chinese hack aims at federal workers' data," *Washington Post*, [http://www.washingtonpost.com/world/national-security/chinese-hackers-go-after-us-workers-personal-data/2014/07/10/92db92e8-0846-11e4-8a6a-19355c7e870a\\_story.html](http://www.washingtonpost.com/world/national-security/chinese-hackers-go-after-us-workers-personal-data/2014/07/10/92db92e8-0846-11e4-8a6a-19355c7e870a_story.html).
- 110 Peter Schweizer (Jan/Feb 1996), "The growth of economic espionage: America is target number one," *Foreign Affairs*, <http://www.foreignaffairs.com/articles/51617/peter-schweizer/the-growth-of-economic-espionage-america-is-target-number-one>.
- 111 David E. Sanger (20 May 2014), "With spy charges, U.S. treads fine line in fighting Chinese espionage," *New York Times*, <http://www.nytimes.com/2014/05/20/us/us-treads-fine-line-in-fighting-chinese-espionage.html>. Jack Goldsmith (25 Mar 2013), "Why the USG complaints against Chinese economic cyber-snooping are so weak," *Lawfare*, <http://www.lawfareblog.com/2013/03/why-the-usg-complaints-against-chinese-economic-cyber-snooping-are-so-weak>.
- 112 O Globo (8 Sep 2013), "NSA documents show United States spied Brazilian oil giant," *O Globo*, <http://g1.globo.com/fantastico/noticia/2013/09/nsa-documents-show-united-states-spied-brazilian-oil-giant.html>.
- 113 Der Spiegel (15 Sep 2013), "Follow the money: NSA spies on international payments," *Der Spiegel*, <http://www.spiegel.de/international/world/spiegel-exclusive-nsa-spies-on-international-bank-transactions-a-922276.html>.
- 114 Kenneth W. Dam and Herbert S. Lin, eds. (1996), *Cryptography's Role in Securing the Information Society*, National Academies Press, [http://www.nap.edu/catalog.php?record\\_id=5131](http://www.nap.edu/catalog.php?record_id=5131).
- 115 Morgan Marquis-Boire et al. (24 Jun 2014), "Police story: Hacking Team's government surveillance



- malware," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2014/06/backdoor-hacking-teams-tradecraft-android-implant>. William Anderson (24 Jun 2014), "Hacking Team 2.0: The story goes mobile," *Securelist*, <http://securelist.com/blog/research/63693/hackingteam-2-0-the-story-goes-mobile>.
- 116 Bill Marczak et al. (12 Feb 2014), "Hacking Team and the targeting of Ethiopian journalists," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2014/02/hacking-team-targeting-ethiopian-journalists>. Craig Timberg (12 Feb 2014), "Foreign regimes use spyware against journalists, even in U.S.," *Washington Post*, [http://www.washingtonpost.com/business/technology/foreign-regimes-use-spyware-against-journalists-even-in-us/2014/02/12/9501a20e-9043-11e3-84e1-27626c5ef5fb\\_story.html](http://www.washingtonpost.com/business/technology/foreign-regimes-use-spyware-against-journalists-even-in-us/2014/02/12/9501a20e-9043-11e3-84e1-27626c5ef5fb_story.html).
  - 117 Andrew Jacobs, Miguel Helft, and John Markoff (13 Jan 2010), "Google, citing attack, threatens to exit China," *New York Times*, <http://www.nytimes.com/2010/01/13/world/asia/13beijing.html>. David E. Sanger (6 May 2013), "U.S. blames China's military directly for cyberattacks," *New York Times*, <http://www.nytimes.com/2013/05/07/world/asia/us-accuses-chinas-military-in-cyberattacks.html>.
  - 118 New York Times (7 May 2013), "China and cyberwar (editorial)," *New York Times*, <http://www.nytimes.com/2013/05/08/opinion/china-and-cyberwar.html>. David E. Sanger and Elisabeth Bumiller (31 May 2011), "Pentagon to consider cyberattacks acts of war," *New York Times*, <http://www.nytimes.com/2011/06/01/us/politics/01cyber.html>.
  - 119 Barack Obama (17 Jan 2014), "Obama's speech on N.S.A. phone surveillance," *New York Times*, <http://www.nytimes.com/2014/01/18/us/politics/obamas-speech-on-nsa-phone-surveillance.html>.
  - 120 Michael S. Schmidt, Keith Bradsher, and Christine Hauser (8 Oct 2012), "U.S. panel cites risks in Chinese equipment," *New York Times*, <http://www.nytimes.com/2012/10/09/us/us-panel-calls-huawei-and-zte-national-security-threat.html>.
  - 121 US National Security Agency (24 Jun 2008), "SOUFFLETROUGH: ANT product data," <http://leaksource.files.wordpress.com/2013/12/nsa-ant-souffletrough.jpg>. US National Security Agency (24 Jun 2008), "FEED-TROUGH: ANT product data," <http://leaksource.files.wordpress.com/2013/12/nsa-ant-feedthrough.jpg>. US National Security Agency (24 Jun 2008), "JETPLOW: ANT product data," <http://leaksource.files.wordpress.com/2013/12/nsa-ant-jetpLOW.jpg>. US National Security Agency (24 Jun 2008), "HEADWATER: ANT product data," <http://leaksource.files.wordpress.com/2013/12/nsa-ant-headwater.jpg>. US National Security Agency (24 Jun 2008), "HALLUXWATER: ANT product data," <http://leaksource.files.wordpress.com/2013/12/nsa-ant-halluxwater.jpg>.
  - 122 Jeremy Hsu (26 Mar 2014), "U.S. suspicions of China's Huawei based partly on NSA's own spy tricks," *IEEE Spectrum*, <http://spectrum.ieee.org/tech-talk/computing/hardware/us-suspicions-of-chinas-huawei-based-partly-on-nsas-own-spy-tricks>.
  - 123 軍事用語では、スパイ活動のためのハッキングは「Computer Network Exfiltration(CNE)」, ダメー ジを与えるためのハッキングは「Computer Network Attack(CAN)」と 呼ぶ。Alexander Klimburg and Heli Tirmaa-Klaar (15 Apr 2011), "Cybersecurity and cybepower: Concepts, conditions and capabilities for cooperation for action within the EU," Directorate-General for External Policies of the Union, [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/433828/EXPO-SEDE\\_ET\(2011\)433828\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/433828/EXPO-SEDE_ET(2011)433828_EN.pdf). Alexander Klimburg (2 Sep 2014), "Shades of cyber grey: Espionage and attack in cyberspace," *Fletcher Forum of World Affairs*, <http://www.fletcherforum.org/2014/09/02/klimburg>.
  - 124 しかし、それは「サイバー戦争」ではない。政治的 論議では、「サイバー戦争」という言葉が多用され すぎている。次の著作が参考になる。Thomas Rid (2013), *Cyber War Will Not Take Place*, Oxford University Press, <http://thomasrid.org/no-cyber-war>.
  - 125 James Bamford (13 Aug 2014), "Edward Snowden: The untold story," *Wired*, <http://www.wired.com/2014/08/edward-snowden>.
  - 126 軍にサイバー戦争部門を設けている国は、もっと多 いかもしれない。George Mason University School of Public Policy (Feb 2014), "Cyber security export markets 2014," Virginia Economic Development Partnership, <http://exportvirginia.org/wp-content/uploads/2014/02/Report-on-Cyber-Security-Preface.pdf>.
  - 127 Joshua Davis (21 Aug 2007), "Hackers take down the most wired country in Europe," *Wired*, [https://web.archive.org/web/20071019223411/http://www.wired.com/politics/security/magazine/15-09/ff\\_estonia](https://web.archive.org/web/20071019223411/http://www.wired.com/politics/security/magazine/15-09/ff_estonia).
  - 128 John Markoff (13 Aug 2008), "Before the gunfire, cyberattacks," *New York Times*, <http://www.nytimes.com/2008/08/13/technology/13cyber.html>.
  - 129 Matthew Weaver (8 Jul 2009), "Cyberattackers target South Korea and US," *Guardian*, <http://www.theguardian.com/world/2009/jul/08/south-korea-cyber-attack>.
  - 130 Charles Clover (11 Mar 2009), "Kremlin-backed group behind Estonia cyber blitz," *Financial Times*, <http://www.ft.com/cms/s/0/57536d5a-0ddc-11de-8ea3-0000779fd2ac.html>.
  - 131 David Kushner (26 Feb 2013), "The real story of Stuxnet," *IEEE Spectrum*, <http://spectrum.ieee.org/telecom/security/the-real-story-of-stuxnet>. Kim Zetter (2014), *Countdown to Zero Day: Stuxnet and the Launch of the World's First Digital Weapon*, Crown Publishers, <http://books.google.com/books?pid=iBTPnQEACAAJ>.
  - 132 William J. Broad, John Markoff, and David E. Sanger (15 Jan 2011), "Israeli test on worm called crucial in Iran nuclear delay," *New York Times*, <http://www.nytimes.com/2011/01/16/world/middleeast/16stuxnet.html>.
  - 133 Nicole Perlroth (23 Oct 2012), "In cyberattack on Saudi firm, U.S. sees Iran firing back," *New York*

- Times*, <http://www.nytimes.com/2012/10/24/business/global/cyberattack-on-saudi-oil-firm-disquiets-us.html>. Reuters (9 Dec 2012), "Aramco says cyberattack was aimed at production," *New York Times*, <http://www.nytimes.com/2012/12/10/business/global/saudi-aramco-says-hackers-took-aim-at-its-production.html>.
- 134 Derek S. Revere (Summer 2008), "Counterterrorism and intelligence cooperation," *Journal of Global Change and Governance* 1, <http://www.globalaffairsjournal.com/archive/Summer08/REVERON.pdf>.
- 135 Ross Anderson (23–24 Jun 2014), "Privacy versus government surveillance: Where network effects meet public choice," 13th Annual Workshop on the Economics of Information Security, Pennsylvania State University, <http://weis2014.econinfocsec.org/papers/Anderson-WEIS2014.pdf>.
- 136 Nick Perry and Paisley Dodds (16 Jul 2013), "5-nation spy alliance too vital for leaks to harm," Associated Press, <http://bigstory.ap.org/article/experts-say-us-spy-alliance-will-survive-snowden>.
- 137 Henrik Moltke and Sebastian Gjerding (4 Nov 2013), "Denmark part of NSA inner circle," *Information*, <http://www.information.dk/477405>.
- 138 Der Spiegel (22 Jul 2013), "Key partners': Secret links between Germany and the NSA," *Der Spiegel*, <http://www.spiegel.de/international/world/german-intelligence-worked-closely-with-nsa-on-data-surveillance-a-912355.html>. Hubert Gude et al. (18 Jun 2014), "Spying together: Germany's deep cooperation with the NSA," *Der Spiegel*, <http://www.spiegel.de/international/germany/the-german-bnd-and-american-nsa-cooperate-more-closely-than-thought-a-975445.html>; Ewen MacAskill and James Ball (2 Nov 2013), "Portrait of the NSA: No detail too small in quest for total surveillance," *Guardian*, <http://www.theguardian.com/world/2013/nov/02/nsa-portrait-total-surveillance>.
- 139 Jay Solomon and Siobhan Gorman (21 May 2009), "Pakistan, India and U.S. begin sharing intelligence," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB124287405244442187>.
- 140 Ellen Knickmeyer and Siobhan Gorman (9 May 2012), "Behind foiled jet plot, stronger Saudi ties," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702304543904577394373945627482>. Glenn Greenwald and Murtaza Hussain (25 Jul 2014), "The NSA's new partner in spying: Saudi Arabia's brutal state police," *Intercept*, <https://firstlook.org/theintercept/2014/07/25/nsas-new-partner-spying-saudi-arabias-brutal-state-police>.
- 141 Edward Snowden (7 Mar 2014), "Statement to the European Parliament," European Parliament, <http://www.europarl.europa.eu/document/activities/cont/201403/20140307/ATT80674/20140307/ATT80674EN.pdf>.
- 142 Andy Müller-Maguhn et al. (31 Aug 2014), "A two-faced friendship: Turkey is 'partner and target' for the NSA," *Der Spiegel*, <http://www.spiegel.de/international/documents-show-nsa-and-gchq-sped-on-partner-turkey-a-989011.html>. Laura Poitras et al. (31 Aug 2014), "How the NSA helped Turkey kill Kurdish rebels," *Intercept*, <https://firstlook.org/theintercept/2014/08/31/nsaturkeysiegel>.
- 143 David E. Sanger (1 May 2014), "U.S. and Germany fail to reach a deal on spying," *New York Times*, <http://www.nytimes.com/2014/05/02/world/europe/us-and-germany-fail-to-reach-a-deal-on-spying.html>. Mark Landler (2 May 2014), "Merkel signals that tension persists over U.S. spying," *New York Times*, <http://www.nytimes.com/2014/05/03/world/europe/merkel-says-gaps-with-us-over-surveillance-remain.html>. Andy Müller-Maguhn et al. (14 Sep 2014), "Treasure map: The NSA breach of Telekom and other German firms," *Der Spiegel*, <http://www.spiegel.de/international/world/snowden-documents-indicate-nsa-has-breached-deutsche-telekom-a-991503.html>.
- 144 多くの論者がみるところ、アメリカとイギリスは、自国の国内法による制約を迂回する方便として互いの国民を監視している。自国民のデータがその監視の過程で「偶発的」に入手されたものだとみずからが思えば、この行為は合法とされる。
- 145 Justin Elliott and Theodor Meyer (23 Oct 2013), "Claim on 'attacks thwarted' by NSA spreads despite lack of evidence," *Pro Publica*, <http://www.propublica.org/article/claim-on-attacks-thwarted-by-nsa-spreads-despite-lack-of-evidence>.
- 146 Glenn Greenwald, Laura Poitras, and Ewen MacAskill (11 Sep 2013), "NSA shares raw intelligence including Americans' data with Israel," *Guardian*, <http://www.theguardian.com/world/2013/sep/11/nsa-americans-personal-data-israel-documents>.
- 147 ただし、政治的計算がなくなったわけではない。中国政府は、ウイグル人テロリストに悩まされており、その脅威に対処するためにアメリカが協力してくれば間違いないと歓迎するだろう。しかし、アメリカは協力しない。ウイグル人のテロが続けば、中国を弱体化させる一要素になるからだ。Chien-peng Chung (2002), "China's 'war on terror': September 11 and Uighur separatism," *Foreign Affairs*, <http://www.foreignaffairs.com/articles/58030/chien-peng-chung/chinas-war-on-terror-september-11-and-uighur-separatism>. Elizabeth van Wie Davis (Jan 2008), "Uyghur Muslim ethnic separatism in Xinjiang, China," Asia-Pacific Center for Security Studies, <http://www.apcss.org/college/publications/uyghur-muslim-ethnic-separatism-in-xinjiang-china>.
- 148 John Laughland (8 Sep 2004), "The Chechens' American friends," *Guardian*, <http://www.theguardian.com/world/2004/sep/08/usa.russia>. Simon Shuster (19 Sep 2011), "How the war on terrorism did Russia a favor," *Time*, <http://content.time.com/time/world/article/0,8599,2093529,00.html>. James Gordon Meek (19 Feb 2014), "The secret battles between US forces and Chechen terrorists," *ABC News*, <http://abcnews.go.com/Blotter/secret-battles-us-forces-chechen-terrorists/story?id=22580688>.
- 149 Tom Winter (25 Mar 2014), "Russia warned U.S. about Tsarnaev, but spelling issue let him escape," *NBC News*, <http://www.nbcnews.com/storyline/boston-bombing-anniversary/russia-warned-u-s-about-tsarnaev-spelling-issue-let-him-n60836>.

- 150 Laura Smith-Spart and Nick Patten Walsh (4 Feb 2014), "United States reveals 'specific' threats to Olympic Games," CNN, <http://www.cnn.com/2014/02/04/world/europe/russia-sochi-winter-olympics>.

## 第6章 官民監視パートナーシップ

- 1 コミュニケーション論の研究者であるロバート・M・マクチェズニーは、こうしたビッグデータとビッグな政府の共生関係を評して「運命の絆で結ばれたカップルが自由と民主主義に暗い影を落とす」と述べている。Robert M. McChesney (2013), *Digital Disconnect: How Capitalism Is Turning the Internet against Democracy*, New Press, p. 21, [http://books.google.com/books/?id=j\\_7EkTl8kVQC](http://books.google.com/books/?id=j_7EkTl8kVQC).
- 2 このことは、マーク・クラインの内部告発により、スノーデンの暴露以前から明らかになっていた。Mark Klein (8 Jun 2006), "Declaration of Mark Klein," *Hepting, et al., v. AT&T, et al.*, United States District Court, Northern District of California (No. C-06-0672-VRW), <https://www.eff.org/files/filenode/att/Mark%20Klein%20Unredacted%20Decl-Including%20Exhibits.pdf>. Ellen Nakashima (7 Nov 2007), "A story of surveillance," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/07/AR2007110700006.html>.
- 3 James Ball, Luke Harding, and Juliette Garside (2 Aug 2013), "BT and Vodafone among telecoms companies passing details to GCHQ," *Guardian*, <http://www.theguardian.com/business/2013/aug/02/telecoms-bt-vodafone-cables-gchq>.
- 4 Vodafone (2014), "Law enforcement disclosure report," [http://www.vodafone.com/content/sustainabilityreport/2014/index/operating\\_responsibly/privacy\\_and\\_security/law\\_enforcement.html](http://www.vodafone.com/content/sustainabilityreport/2014/index/operating_responsibly/privacy_and_security/law_enforcement.html). Peter Svensson (9 Jun 2014), "Vodafone report sparks global surveillance debate," Associated Press, <http://bigstory.ap.org/article/cellphone-operator-wades-surveillance-debate>. Juliette Garside (5 Jun 2014), "Vodafone reveals existence of secret wires that allow state surveillance," *Guardian*, <http://www.theguardian.com/business/2014/jun/06/vodafone-reveals-secret-wires-allowing-state-surveillance>.
- 5 Jacques Follorou and Glenn Greenwald (25 Oct 2013), "France in the NSA's crosshair: Wanadoo and Alcatel targeted," *Le Monde*, [http://www.lemonde.fr/technologies/article/2013/10/21/france-in-the-nsa-crosshair-wanadoo-and-alcatel-targeted\\_3499739\\_651865.html](http://www.lemonde.fr/technologies/article/2013/10/21/france-in-the-nsa-crosshair-wanadoo-and-alcatel-targeted_3499739_651865.html). Jacques Follorou (21 Mar 2014), "Espionnage: Comment Orange et les services secrets coopèrent," *Le Monde*, [http://www.lemonde.fr/international/article/2014/03/20/dgse-orange-des-liaisons-incrusteuses\\_4386264\\_3210.html](http://www.lemonde.fr/international/article/2014/03/20/dgse-orange-des-liaisons-incrusteuses_4386264_3210.html).
- 6 British Broadcasting Corporation (8 Apr 2014), "Top EU court rejects EU-wide data retention law," *BBC News*, <http://www.bbc.com/news/world-europe-26935096>.
- 7 Iran Media Program (8 Apr 2013), "Digital media: FATA polices Internet cafés with 20 new regulations," Annenberg School for Communication, <http://www.iranmediaresearch.org/en/blog/218/13/04/08/1322>.
- 8 Reporters Without Borders (2013), "Vietnam," in

- Enemies of the Internet*, <http://surveillance.rs.org/en/vietnam>.
- 9 Rama Lakshmi (1 Aug 2011), "India's new Internet rules criticized," *Washington Post*, [http://www.washingtonpost.com/world/indias-new-internet-rules-criticized/2011/07/27/gIQA1zS2ml\\_story.html](http://www.washingtonpost.com/world/indias-new-internet-rules-criticized/2011/07/27/gIQA1zS2ml_story.html).
  - 10 Chris Jay Hoofnagle (1 Aug 2003), "Big Brother's little helpers: How Choicepoint and other commercial data brokers collect, process, and package your data for law enforcement," *North Carolina Journal of International Law and Commercial Relations* 29, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=582302](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=582302). Jon D. Michaels (6 Oct 2008), "All the president's spies: Private-public intelligence partnerships in the war on terror," *California Law Review* 96, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1279867](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1279867).
  - 11 Matthew L. Wald (21 Feb 2004), "U.S. calls release of JetBlue data improper," *New York Times*, <http://www.nytimes.com/2004/02/21/business/12blue.html>.
  - 12 CR Staff (1 May 2003), "U.S. government purchase data on Mexico's 65 million registered voters," Information Clearinghouse, <http://www.informationclearinghouse.info/article3186.htm>.
  - 13 US Financial Crimes Enforcement Network (11 May 2014), "Bank Secrecy Act requirements: A quick reference guide for money services business," [http://www.fincen.gov/financial\\_institutions/msb/materials/en/bank\\_reference.html](http://www.fincen.gov/financial_institutions/msb/materials/en/bank_reference.html).
  - 14 Kenneth Lowe (29 Jun 2008), "Illinois made \$64.3 million selling driver's license information," *Herald-Review*, [http://herald-review.com/business/local/illinois-made-million-selling-driver-s-license-information/article\\_43c51a15-c885-575e-ac5d-0c01cc9acb6b.html](http://herald-review.com/business/local/illinois-made-million-selling-driver-s-license-information/article_43c51a15-c885-575e-ac5d-0c01cc9acb6b.html).
  - 15 Joe Guillen (11 Jul 2010), "Ohio collects millions selling driving records with your personal information," *Plain Dealer*, [http://www.cleveland.com/open/index.ssf/2010/07/ohio\\_collects\\_millions\\_selling.html](http://www.cleveland.com/open/index.ssf/2010/07/ohio_collects_millions_selling.html).
  - 16 Tim Cushing (13 Feb 2013), "Texas DMV sells personal information to hundreds of companies; Drivers not allowed to opt-out," *Tech Dirt*, <http://www.techdirt.com/articles/20130212/21285321958/texas-dmv-sells-personal-information-to-hundreds-companies-drivers-not-allowed-to-opt-out.shtml>.
  - 17 Jeff Weinsier (12 Oct 2011), "Florida makes \$63M selling drivers' info," *Local 10*, <http://www.local10.com/news/Florida-Makes-63M-Selling-Drivers-Info/3078462>.
  - 18 Kim Zetter (11 Dec 2003), "For sale: The American voter," *Wired*, <http://archive.wired.com/politics/security/news/2003/12/61543>.
  - 19 Rowena Maxon (18 Apr 2014), "HMRC to sell taxpayers' financial data," *Guardian*, <http://www.theguardian.com/politics/2014/apr/18/hmrc-to-sell-taxpayers-data>.
  - 20 Randeep Ramesh (19 Jan 2014), "NHS patient data to be made available for sale to drug and insurance firms," *Guardian*, <http://www.theguardian.com/society/2014/jan/19/nhs-patient-data-available-companies-buy>.
  - 21 マネーロンダリング (不正資金の洗浄) ならぬ「デ

- 「タロンダリング」という言い方もされる。Chris Jay Hoofnagle (9 Jun 2014), "The Potemkinism of privacy pragmatism," *Slate*, [http://www.slate.com/articles/technology/future\\_tense/2014/09/data\\_use\\_regulation\\_the\\_libertarian\\_push\\_behind\\_a\\_new\\_take\\_on\\_privacy.single.html](http://www.slate.com/articles/technology/future_tense/2014/09/data_use_regulation_the_libertarian_push_behind_a_new_take_on_privacy.single.html).
- 22 Geoff Duncan (9 Jun 2012), "Why Do Not Track may not protect anybody's privacy," *Digital Trends*, <http://www.digitaltrends.com/mobile/why-do-not-track-may-not-protect-anybodys-privacy>.
- 23 European Parliament and Council of Europe (24 Oct 1995), "Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data," <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046;en:HTML>. Council of Europe (Apr 2014), "Handbook on European data protection law," [http://www.echr.coe.int/Documents/Handbook\\_data\\_protection\\_ENG.pdf](http://www.echr.coe.int/Documents/Handbook_data_protection_ENG.pdf).
- 24 Zack Whittaker (25 Apr 2011), "Safe harbor: Why EU data needs 'protecting' from US law," *ZDNet*, <http://www.zdnet.com/blog/igeneration/safe-harbor-why-eu-data-needs-protecting-from-us-law/8801>.
- 25 Jay Stanley (Aug 2004), "The surveillance-industrial complex," American Civil Liberties Union, [https://www.aclu.org/sites/default/files/FilesPDFs/surveillance\\_report.pdf](https://www.aclu.org/sites/default/files/FilesPDFs/surveillance_report.pdf).
- 26 Dana Priest and William M. Arkin (19 Jul 2010), "A hidden world, growing beyond control," *Washington Post*, <http://projects.washingtonpost.com/top-secret-america/articles/a-hidden-world-growing-beyond-control>.
- 27 Robert O'Harrow Jr., Dana Priest, and Marjorie Censer (10 Jun 2013), "NSA leaks put focus on intelligence apparatus's reliance on outside contractors," *Washington Post*, [http://www.washingtonpost.com/business/nsa-leaks-put-focus-on-intelligence-apparatus-reliance-on-outside-contractors/2013/06/10/e940c4ba-d20e-11e2-9f1a-1a7cdee20287\\_story.html](http://www.washingtonpost.com/business/nsa-leaks-put-focus-on-intelligence-apparatus-reliance-on-outside-contractors/2013/06/10/e940c4ba-d20e-11e2-9f1a-1a7cdee20287_story.html).
- 28 勤務時間外に仕事に直接使えるような発明をする時間など、アレキサンダーにはなかった可能性が高い。Shane Harris (29 Jun 2014), "The NSA's cyberking goes corporate," *Foreign Policy*, [http://www.foreignpolicy.com/articles/2014/07/29/the\\_crypto\\_king\\_of\\_the\\_NSA\\_goes\\_corporate\\_keith\\_alexander\\_patents](http://www.foreignpolicy.com/articles/2014/07/29/the_crypto_king_of_the_NSA_goes_corporate_keith_alexander_patents). Conor Friedersdorf (31 Jul 2014), "Keith Alexander's unethical get-rich-quick plan," *Atlantic*, <http://www.theatlantic.com/politics/archive/2014/07/keith-alexanders-unethical-get-rich-quick-plan/375367>.
- 29 Spencer Ackerman (17 Oct 2014), "Senior NSA official moonlighting for private security firm," *Guardian*, <http://www.theguardian.com/us-news/2014/oct/17/senior-nsa-official-moonlighting-private-cybersecurity-firm>.
- 30 Elaman-Gamma Group (2011), "German security solutions," *Wikileaks*, <https://s3.amazonaws.com/s3.documentcloud.org/documents/810435/1313-elaman-product-list-finfisher.pdf>.
- 31 Morgan Marquis-Boire and Bill Marczak (29 Aug 2012), "The smartphone who loved me: FinFisher goes mobile?" Citizen Lab, Munk School of Global Affairs, University of Toronto, <http://citizenlab.org/2012/08/the-smartphone-who-loved-me-finfisher-goes-mobile>. Nicole Perlroth (30 Aug 2012), "Software meant to fight crime is used to spy on dissidents," *New York Times*, <http://www.nytimes.com/2012/08/31/technology/finspy-software-is-tracking-political-dissidents.html>.
- 32 Bill Marczak et al. (17 Feb 2014), "Mapping Hacking Team's 'untraceable' spyware," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2014/02/mapping-hacking-teams-untraceable-spyware>.
- 33 Vernon Silver and Ben Elgin (22 Aug 2011), "Torture in Bahrain becomes routine with help from Nokia Siemens," *Bloomberg News*, <http://www.bloomberg.com/news/2011-08-22/torture-in-bahrain-becomes-routine-with-help-from-nokia-siemens-networking.html>.
- 34 Ms. Smith (10 Nov 2011), "Secret snoop conference for gov't spying: Go stealth, hit a hundred thousand targets," *Network World*, <http://www.networkworld.com/article/2221080/microsoft-subnet/secret-snoop-conference-for-gov-t-spying-go- stealth-hit-a-hundred-thousand-targets.html>. Jennifer Valentino-DeVries, Julia Angwin, and Steve Stecklow (19 Nov 2011), "Document trove exposes surveillance methods," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052970203611404577044192607407780>. Vernon Silver (21 Dec 2011), "Spies fail to escape spyware in \$5 billion bazaar for cyber arms," *Bloomberg News*, <http://www.bloomberg.com/news/2011-12-22/spies-fail-to-escape-spyware-in-5-billion-bazaar-for-cyber-arms.html>.
- 35 ISS World Training (3-4 Mar 2014), "ISS World Middle East," J. W. Marriot, Dubai, UAE, [http://www.issworldtraining.com/iss\\_mea/Brochure01.pdf](http://www.issworldtraining.com/iss_mea/Brochure01.pdf).
- 36 プライバシー保護活動をおこなう団体「プライバシー・インターナショナル」は、2006～09年の参加者リストを公表している。Privacy International has a list of who attended between 2006 and 2009. Privacy International (2012), "Surveillance Who's Who," <https://www.privacyinternational.org/sww>.
- 37 Uwe Buse and Marcel Rosenbach (8 Dec 2011), "The transparent state enemy: Western surveillance technology in the hands of despots," *Der Spiegel*, <http://www.spiegel.de/international/world/the-transparent-state-enemy-western-surveillance-technology-in-the-hands-of-despots-a-802317.html>.
- 38 Visiongain (8 Jan 2013), "Global cyberwarfare market to be worth \$16.96bn in 2013" says Visiongain Report, Reuters, <http://www.reuters.com/article/2013/01/08/idUSNPr7f3zna+100+PRN20130108>. James Bamford (12 Jun 2013), "The secret war," *Wired*, <http://www.wired.com/2013/06/general-keith-alexander-cyberwar/all>.
- 39 Paul Sonne and Margaret Coker (30 Aug 2011), "Firms aided Libyan spies," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424053111904199404576538721260166388>.
- 40 Elbit Systems (24 Apr 2013), "Elbit Systems

- awarded a \$40 million contract to supply a country in Africa with the Wise Intelligence Technology (WiT[TM]) System," <http://ir.elbitsystems.com/phoenix.zhtml?c=61849&p=iro1-newsArticle&ID=1810121>.
- 41 Der Spiegel (11 Apr 2012), "Monitoring the opposition: Siemens allegedly sold surveillance gear to Syria," *Der Spiegel*, <http://www.spiegel.de/international/business/ard-reports-siemens-sold-surveillance-technology-to-syria-a-826860.html>.
- 42 Ben Elgin and Vernon Silver (3 Nov 2011), "Syria crackdown gets Italy firm's aid with U.S.-Europe spy gear," *Bloomberg News*, <http://www.bloomberg.com/news/2011-11-03/syria-crackdown-gets-italy-firm-s-aid-with-u-s-europe-spy-gear.html>.
- 43 Paul Sonne and Margaret Coker (30 Aug 2011), "Firms aided Libyan spies," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424053111904199404576538721260166388>.
- 44 Sarah Kendzior and Katy Pearce (11 May 2012), "How Azerbaijan demonizes the Internet to keep citizens offline," *Slate*, [http://www.slate.com/blogs/future\\_tense/2012/05/11/azerbaijan\\_eurovision\\_song\\_contest\\_and\\_keeping\\_activists\\_and\\_citizens\\_off\\_the\\_internet\\_.html](http://www.slate.com/blogs/future_tense/2012/05/11/azerbaijan_eurovision_song_contest_and_keeping_activists_and_citizens_off_the_internet_.html).
- 45 Sarah Kendzior (Jul 2012), "Digital freedom of expression in Uzbekistan: An example of social control and censorship," New America Foundation, <http://newamerica.net/sites/newamerica.net/files/policydocs/KendziorFINAL7172012.pdf>.
- 46 Open Technology Institute (9 Dec 2013), "International agreement reached controlling export of mass and intrusive surveillance technology," New America Foundation, [http://oti.newamerica.net/blogposts/2013/international\\_agreement\\_reached\\_controlling\\_export\\_of\\_mass\\_and\\_intrusive\\_surveillance](http://oti.newamerica.net/blogposts/2013/international_agreement_reached_controlling_export_of_mass_and_intrusive_surveillance).
- 47 Uwe Buse and Marcel Rosenbach (8 Dec 2011), "The transparent state enemy: Western surveillance technology in the hands of despots," *Der Spiegel*, <http://www.spiegel.de/international/world/the-transparent-state-enemy-western-surveillance-technology-in-the-hands-of-despots-a-802317.html>.
- 48 導入国リストは以下のとおり。アフガニスタン、バレーン、ビルマ（ミャンマー）、中国、エジプト、インド、インドネシア、イラク、ケニア、クウェート、レバノン、マレーシア、ナイジェリア、カタル、ロシア、サウジアラビア、シンガポール、韓国、シリア、タイ、トルコ、ベネズエラ。Irene Poetranto et al. (9 Nov 2011), "Behind Blue Coat: Investigations of commercial filtering in Syria and Burma," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2011/11/behind-blue-coat>. Irene Poetranto et al. (29 Nov 2011), "Behind Blue Coat: An update from Burma," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2011/11/behind-blue-coat-an-update-from-burma>. Morgan Marquis-Boire et al. (15 Jan 2013), "Planet Blue Coat: Mapping global censorship and surveillance tools," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2013/01/planet-blue-coat-mapping-global-censorship-and-surveillance-tools>.
- 49 Adam Senft et al. (20 Feb 2014), "Internet filtering in a failed state: The case of Netsweeper in Somalia," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2014/02/internet-filtering-failed-state-case-netsweeper-somalia>. Helmi Noman et al. (20 Jun 2013), "O Pakistan, we stand on guard for thee: An analysis of Canada-based Net-sweeper's role in Pakistan's censorship regime," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2013/06/o-pakistan>.
- 50 Open Net Initiative (12 Oct 2005), "Internet filtering in Burma 2005," [https://opennet.net/sites/opennet.net/files/ONI\\_Burma\\_Country\\_Study.pdf](https://opennet.net/sites/opennet.net/files/ONI_Burma_Country_Study.pdf). New Light of Myanmar (16 May 2004), "Prime minister attends ceremony to introduce Fortinet Antivirus Firewall," *New Light of Myanmar*, [http://www.myanmar.gov.mm/NLM-2004/May04/enlm/May16\\_h1.html](http://www.myanmar.gov.mm/NLM-2004/May04/enlm/May16_h1.html).
- 51 Ben Arnoldy (10 Oct 2007), "When US-made 'censorware' ends up in iron fists," *Christian Science Monitor*, <http://www.csmonitor.com/2007/1010/p01s01-ussc.html>.
- 52 United Nations Office on Drugs and Crime (Sep 2012), "The use of the Internet for terrorist purposes," [http://www.unodc.org/documents/frontpage/Use\\_of\\_Internet\\_for\\_Terrorist\\_Purposes.pdf](http://www.unodc.org/documents/frontpage/Use_of_Internet_for_Terrorist_Purposes.pdf).
- 53 Planet Biometrics (2 Mar 2011), "Biometrics cruise into the Disney Dream," <http://www.planetbiometrics.com/article-details/i/504>.
- 54 US Congress (2012), "Department of State Rewards Program Update and Technical Corrections Act of 2012," Public Law 283, <http://www.gpo.gov/fdsys/pkg/PLAW-112publ283/html/PLAW-112publ283.htm>.
- 55 Charlie Savage (7 May 2013), "U.S. weighs wide overhaul of wiretap laws," *New York Times*, <http://www.nytimes.com/2013/05/08/us/politics/obama-may-back-fbi-plan-to-wiretap-web-users.html>.
- 56 Charlie Savage (27 Sep 2010), "U.S. tries to make it easier to wiretap the Internet," *New York Times*, <http://www.nytimes.com/2010/09/27/us/27wiretap.html>.
- 57 Tim Rogers (Nov 2013), "The real story of Lavabit's founder," *D Magazine*, <http://www.dmagazine.com/publications/d-magazine/2013/november/real-story-of-lavabit-founder-ladar-levison>.
- 58 Spencer Ackerman (9 Aug 2013), "Lavabit e-mail service abruptly shut down citing government interference," *Guardian*, <http://www.theguardian.com/technology/2013/aug/08/lavabit-e-mail-shut-down-edward-snowden>. Ladar Levison (20 May 2014), "Secrets, lies and Snowden's email: Why I was forced to shut down Lavabit," *Guardian*, <http://www.theguardian.com/commentisfree/2014/may/20/why-did-lavabit-shut-down-snowden-email>.
- 59 Declan McCullagh (24 Jul 2013), "Feds put heat on Web firms for master encryption keys," *CNET*, <http://www.cnet.com/news/feds-put-heat-on-web-firms-for-master-encryption-keys>.
- 60 全ユーザーのデータベースの無制約のアクセスを FBI に認めず、サービスを閉鎖したことを理由に、レヴィ

- ソンは逮捕すると脅された。Michael Isikoff (13 Aug 2013), "Lavabit.com owner: 'I could be arrested' for resisting surveillance order," *NBC News*, <http://www.nbcnews.com/news/other/lavabit-com-owner-i-could-be-arrested-resisting-surveillance-order-f6C10908072>.
- 61 Serge Malenkovich (21 Mar 2013), "Does Big Brother watch your Skype?" *Kaspersky Lab Daily*, <http://blog.kaspersky.com/skype-government-surveillance>. James Risen and Nick Wingfield (20 Jun 2013), "Silicon Valley and spy agency bound by strengthening web," *New York Times*, <http://www.nytimes.com/2013/06/20/technology/silicon-valley-and-spy-agency-bound-by-strengthening-web.html>.
- 62 Microsoft Corporation (13 Oct 2011), "Microsoft officially welcomes Skype," *Microsoft News Center*, <http://www.microsoft.com/en-us/news/press/2011/oct11/10-13skypepr.aspx>.
- 63 Glenn Greenwald (11 Jul 2013), "Microsoft handed the NSA access to encrypted messages," *Guardian*, <http://www.theguardian.com/world/2013/jul/11/microsoft-nsa-collaboration-user-data>.
- 64 Craig Timberg (11 Sep 2014), "U.S. threatened massive fine to force Yahoo to release data," *Washington Post*, [http://www.washingtonpost.com/business/technology/us-threatened-massive-fine-to-force-yahoo-to-release-data/2014/09/11/38a7f69e-39e8-11e4-9c9f-ebb47272e40e\\_story.html](http://www.washingtonpost.com/business/technology/us-threatened-massive-fine-to-force-yahoo-to-release-data/2014/09/11/38a7f69e-39e8-11e4-9c9f-ebb47272e40e_story.html).
- 65 Joseph Menn (20 Dec 2013), "Secret contract tied NSA and security industry pioneer," Reuters, <http://www.reuters.com/article/2013/12/20/us-usa-security-rsa-idUSBRE9BJ1C220131220>.
- 66 レベル3コミュニケーションズ社は、NSA内の暗号名で「LITTLE」と呼ばれている。一般的に、あなたの利用している接続業者にNSAの暗号名がついていれば、あなたの通信は傍受されていると考えていい。Nicole Perloth (25 Nov 2013), "N.S.A. may have hit Internet companies at a weak spot," *New York Times*, <http://www.nytimes.com/2013/11/26/technology/a-peephole-for-the-nsa.html>.
- 67 Brandon Downey (30 Oct 2013), "This is the big story in tech today," *Google Plus*, <https://plus.google.com/+BrandonDowney/posts/SFYy8xbDWGG>.
- 68 Ryan Gallagher and Glenn Greenwald (12 Mar 2014), "How the NSA plans to infect 'millions' of computers with malware," *Intercept*, <https://firstlook.org/theintercept/article/2014/03/12/nsa-plans-infect-millions-computers-malware>.
- 69 Sean Gallagher (14 May 2014), "Photos of an NSA 'upgrade' factory show Cisco router getting implant," *Ars Technica*, <http://arstechnica.com/tech-policy/2014/05/photos-of-an-nsa-upgrade-factory-show-cisco-router-getting-implant>. Sarah Silbert (16 May 2014), "Latest Snowden leak reveals the NSA intercepted and bugged Cisco routers," *Engadget*, <http://www.engadget.com/2014/05/16/nsa-bugged-cisco-routers>.
- 70 James Ball, Julian Borger, and Glenn Greenwald (5 Sep 2013), "Revealed: How US and UK spy agencies defeat internet privacy and security," *Guardian*, <http://www.theguardian.com/world/2013/sep/05/nsa-gchq-encryption-codes-security>. Nicole Perloth, Jeff Larson, and Scott Shane (5 Sep 2013), "N.S.A. able to foil basic safeguards of privacy on Web," *New York Times*, <http://www.nytimes.com/2013/09/06/us/nsa-foils-much-internet-encryption.html>.
- 71 Brian Krebs (28 May 2014), "Backdoor in call monitoring, surveillance gear," *Krebs on Security*, <http://krebsonsecurity.com/2014/05/backdoor-in-call-monitoring-surveillance-gear>.
- 72 Peter Maass and Laura Poitras (10 Oct 2014), "Core secrets: NSA saboteurs in China and Germany," *Intercept*, <https://firstlook.org/theintercept/2014/10/10/core-secrets>.
- 73 Martin Bryant (7 Mar 2014), "Google is 'pretty sure' its data is now protected against government spying, Eric Schmidt says," *Next Web*, <http://thenextweb.com/google/2014/03/07/google-pretty-sure-protected-government-spying-eric-schmidt-says>.

## 第2部 なにが脅かされるのか？

### 第7章 政治的自由と正義

- 1 David Greene (27 Jan 2014), "Deep dive into *First Unitarian Church v. NSA*: Why freedom of association matters," Electronic Frontier Foundation, <https://www.eff.org/deeplinks/2014/01/deep-dive-first-unitarian-church-v-nsa-why-freedom-association-matters>.
- 2 Joshua Eaton (15 Aug 2014), "Challenging the surveillance state," *UU World*, <http://www.uuworld.org/ideas/articles/297088.shtml>.
- 3 Yochai Benkler (13 Sep 2013), "Time to tame the NSA behemoth trampling our rights," *Guardian*, <http://www.theguardian.com/commentisfree/2013/sep/13/nsa-behemoth-trampling-rights>.
- 4 Economist (16 Nov 2013), "The recorded world: Every step you take," *Economist*, <http://www.economist.com/news/leaders/21589862-cameras-become-ubiquitous-and-able-identify-people-more-safeguards-privacy-will-be>.
- 5 Daniel J. Solove (2004), *The Digital Person: Technology and Privacy in the Information Age*, New York University Press, <http://docs.law.gwu.edu/facweb/dsolove/Digital-Person/text/Digital-Person-CH3.pdf>.
- 6 国土安全保障省は以前——そしておそらくは現在も——SNSを監視し、アメリカ政府に批判的なニュースに人々がどのような反応を示すかを監視していた(いる)。Ellen Nakashima (13 Jan 2012), "DHS monitoring of social media worries civil liberties advocates," *Washington Post*, [http://www.washingtonpost.com/world/national-security/dhs-monitoring-of-social-media-worries-civil-liberties-advocates/2012/01/13/gIqANPO7wP\\_story.html](http://www.washingtonpost.com/world/national-security/dhs-monitoring-of-social-media-worries-civil-liberties-advocates/2012/01/13/gIqANPO7wP_story.html).
- 7 British Broadcasting Corporation (31 Jan 2012), "Caution on Twitter urged as tourists barred from US," *BBC News*, <http://www.bbc.co.uk/news/technology-16810312>.
- 8 Gerry Smith (25 Jun 2014), "How police are scanning all of Twitter to detect terrorist threats," *Huffington Post*, [http://www.huffingtonpost.com/2014/06/25/dataminr-mines-twitter-to\\_n\\_5507616.html](http://www.huffingtonpost.com/2014/06/25/dataminr-mines-twitter-to_n_5507616.html).
- 9 Philip Messing (13 Apr 2013), "JFK passenger detained after talking about 'bomb' sandwich," *New York Post*, [xxviii](http://nypost.com/2013/04/13/jfk-</a></li></ol>
</div>
<div data-bbox=)

- passenger-detained-after-talking-about-bomb-sandwich.
- 10 次の素晴らしいエッセーがこの点を論じている。Praxis (17 Jan 2014), "The world is now an airport: Surveillance and social control," *Medium*, <https://medium.com/i-m-h-o/9ale5268f39>.
  - 11 Lauren Russell (24 Apr 2013), "When oversharing online can get you arrested," CNN, <http://www.cnn.com/2013/04/18/tech/social-media/online-oversharing-arrests>.
  - 12 British Broadcasting Corporation (27 Mar 2012), "Fabrice Muamba: Racist Twitter user jailed for 56 days," *BBC News*, <http://www.bbc.co.uk/news/uk-wales-17515992>; British Broadcasting Corporation (4 Jun 2014), "Man jailed for offensive Ann Maguire Facebook post," *BBC News*, <http://www.bbc.co.uk/news/uk-england-27696446>.
  - 13 Jeremy Scahill and Glenn Greenwald (10 Feb 2014), "The NSA's secret role in the U.S. assassination program," *Intercept*, <https://firstlook.org/theintercept/article/2014/02/10/the-nsas-secret-role>. Cori Crider (4 Mar 2014), "Killing in the name of algorithms," *Al Jazeera*, <http://america.aljazeera.com/opinions/2014/3/drones-big-data-waronterrorbama.html>.
  - 14 John Kaag and Sarah Kreps (2014), *Drone Warfare*, Wiley, chap. 12, <http://books.google.com/books?id=I8oOBAAQBAJ>.
  - 15 Richard Engel and Robert Windrem (5 Jun 2013), "CIA didn't always know who it was killing in drone strikes, classified documents show," *NBC News*, <http://investigations.nbcnews.com/news/2013/06/05/18781930-cia-didnt-always-know-who-it-was-killing-in-drone-strikes-classified-documents-show>.
  - 16 Karen McVeigh (27 Aug 2013), "NSA surveillance program violates the constitution, ACLU says," *Guardian*, <http://www.theguardian.com/world/2013/aug/27/nsa-surveillance-program-illegal-aclu-lawsuit>.
  - 17 Oliver August (23 Oct 2007), "The Great Firewall: China's misguided — and futile — attempt to control what happens online," *Wired*, [http://www.oliveraugust.com/journalism\\_chinas-internet-heroes.htm](http://www.oliveraugust.com/journalism_chinas-internet-heroes.htm).
  - 18 Gary King, Jennifer Pan, and Margaret E Roberts (May 2013), "How censorship in China allows government criticism but silences collective expression," *American Political Science Review* 107, <http://gking.harvard.edu/publications/how-censorship-china-allows-government-criticism-silences-collective-expression>.
  - 19 Caitlin Dewey (12 Aug 2013), "Wikipedia largely alone in defying Chinese self-censorship demands," *Washington Post*, <http://www.washingtonpost.com/blogs/worldviews/wp/2013/08/12/wikipedia-largely-alone-in-defying-chinese-self-censorship-demands>.
  - 20 Ronald Deibert et al., eds. (2010), *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace*, MIT Press, <http://mitpress.mit.edu/books/access-controlled>. John D. Sutter (19 Jun 2012), "Google reports 'alarming' rise in government censorship requests," CNN, <http://www.cnn.com/2012/06/18/tech/web/google-transparency-report>.
  - 21 Forbes (25 Dec 2000), "Swastika.com," *Forbes*, <http://www.forbes.com/forbes/2000/1225/6616164s1.html>.
  - 22 British Broadcasting Corporation (1 Sep 2013), "Vietnam internet restrictions come into effect," *BBC News*, <http://www.bbc.com/news/world-asia-23920541>.
  - 23 Ronald Deibert et al., eds. (2008), *Access Denied: The Practice and Policy of Global Internet Filtering*, MIT Press, <http://mitpress.mit.edu/books/access-denied>.
  - 24 Ben Quinn (10 Oct 2011), "Biggest four UK ISPs switching to 'opt-in' system for pornography," *Guardian*, <http://www.theguardian.com/society/2011/oct/11/pornography-internet-service-providers>. Anthony Faiola (28 Sep 2013), "Britain's harsh crackdown on Internet porn prompts free-speech debate," *Washington Post*, [http://www.washingtonpost.com/world/europe/britains-harsh-crackdown-on-internet-porn-prompts-free-speech-debate/2013/09/28/d1f5ca8-2781-11e3-9372-92606241ae9c\\_story.html](http://www.washingtonpost.com/world/europe/britains-harsh-crackdown-on-internet-porn-prompts-free-speech-debate/2013/09/28/d1f5ca8-2781-11e3-9372-92606241ae9c_story.html).
  - 25 Ewen MacAskill (1 Dec 2010), "WikiLeaks website pulled by Amazon after U.S. political pressure," *Guardian*, <http://www.theguardian.com/media/2010/dec/01/wikileaks-website-cables-servers-amazon>.
  - 26 Neil MacFarquhar (6 May 2014), "Russia quietly tightens reins on web with 'Bloggers Law,'" *New York Times*, <http://www.nytimes.com/2014/05/07/world/europe/russia-quietly-tightens-reins-on-web-with-bloggers-law.html>.
  - 27 市民に互いのことを密告させることは、社会に大きな害を及ぼす。社会に恐怖心が充満して、社会の一体性を生み出す連帯感がそこなわれてしまう。Bruce Schneier (26 Apr 2007), "Recognizing 'hinky' vs. citizen informants," *Schneier on Security*, [http://www.schneier.com/blog/archives/2007/04/recognizing\\_hin\\_1.html](http://www.schneier.com/blog/archives/2007/04/recognizing_hin_1.html).
  - 28 Jason Q. Ng (12 Mar 2012), "How China gets the Internet to censor itself," *Waging Nonviolence*, <http://wagingnonviolence.org/feature/how-china-gets-the-internet-to-censor-itself>.
  - 29 Cuiming Pang (2008), "Self-censorship and the rise of cyber collectives: An anthropological study of a Chinese online community," *Intercultural Communication Studies* 18, <http://www.uri.edu/iaics/content/2008v17n3/05%20Cuiming%20Pang.pdf>.
  - 30 Gregory L. White and Philip G. Zimbaro (May 1975), "The chilling effects of surveillance: Deindividuation and reactance," Office of Naval Research/National Technical Information Service, <http://www.dtic.mil/dtic/tr/fulltext/u2/a013230.pdf>.
  - 31 US Supreme Court (23 Jan 2012), "Decision," *United States v. Jones* (No. 10-1259), <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&navby=c&ase&vol=000&invol=10-1259#opinon1>.
  - 32 Eben Moglen (27 May 2014), "Privacy under attack: The NSA files revealed new threats to democracy," *Guardian*, <http://www.theguardian.com/technology/2014/may/27/sp-privacy-under-attack-nsa-files-revealed-new-threats-democracy>.
  - 33 G. Alex Sinha (28 Jul 2014), "With liberty to



- monitor all," Human Rights Watch, <http://www.hrw.org/reports/2014/07/28/liberty-monitor-all>.
- 34 オーストラリアでNSAと同様の役割を担う「オーストラリア通信電子局 (ASD)」は、アメリカの法律事務所メイヤー・ブラウンとその顧客であるインドネシア政府の間の通信を傍受していた。そして、ASDはその情報をNSAに提供していた。James Risen and Laura Poitras (15 Feb 2014), "Spying by NSA ally entangled US law firm," *New York Times*, <http://www.nytimes.com/2014/02/16/us/eavesdropping-ensnared-american-law-firm.html>.
- 35 G. Alex Sinha (28 Jul 2014), "With liberty to monitor all," Human Rights Watch, <http://www.hrw.org/reports/2014/07/28/liberty-monitor-all-0>.
- 36 PEN America (2013), "Chilling effects: NSA surveillance drives U.S. writers to self-censor," [http://www.pen.org/sites/default/files/Chilling%20Effects\\_PEN%20American.pdf](http://www.pen.org/sites/default/files/Chilling%20Effects_PEN%20American.pdf).
- 37 この調査が実施されたのは、NSAがベライゾン (そして、おそらくほかのすべての通信会社) から電話通話のメタデータを入手し、グーグルやヤフー、フェイスブック、マイクロソフト、ツイッターなどからインターネット関連のデータを入手していたことが報じられた直後だ。Elizabeth Dwoskin (26 Aug 2014), "Survey: People don't want to talk online about the NSA," *Wall Street Journal*, <http://blogs.wsj.com/digits/2014/08/26/survey-people-dont-want-to-talk-online-about-the-nsa>.
- 38 Amrita Jayakumar (2 Apr 2014), "Americans say they're shopping less online. Blame the NSA," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2014/04/02/americans-say-theyre-shopping-less-online-blame-the-nsa>.
- 39 David Greene (6 Nov 2013), "EFF files 22 firsthand accounts of how NSA surveillance chilled the right to association," Electronic Frontier Foundation, <https://www.eff.org/press/releases/eff-files-22-firsthand-accounts-how-nsa-surveillance-chilled-right-association>.
- 40 Dawinder S. Sidhu (2007), "The chilling effect of government surveillance programs on the use of the Internet by Muslim-Americans," *University of Maryland Law Journal of Race, Religion, Gender and Class* 7, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1002145](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1002145).
- 41 Alex Matthews and Catherine Tucker (24 Mar 2014), "Government surveillance and Internet search behavior," Social Science Research Network, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2412564](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2412564).
- 42 United Nations High Commissioner for Human Rights (30 Jun 2014), "The right to privacy in the digital age," [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37\\_en.pdf](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf).
- 43 Liz Klimas (22 Mar 2012), "Simply visiting terrorist websites could mean jail time in France," *Blaze*, <http://www.theblaze.com/stories/2012/03/22/simply-visiting-terrorist-websites-could-mean-jail-time-in-france>.
- 44 Rachel Clark (11 Jul 2013), "Everything about everyone': the depth of Stasi surveillance in the GDR," *View East*, <http://thevieweast.wordpress.com/2013/07/11/everything-about-everyone-the-depth-of-stasi-surveillance-in-the-gdr>. Oka Efagene (20 Aug 2014), "Your calls may soon be monitored: NCC," *Pulse*, <http://pulse.ng/lifestyle/tech/security-vs-privacy-your-calls-may-soon-be-monitored-ncc-id3066105.html>.
- 45 Carl Joachim Friedrich (Oct 1939), "Democracy and dissent," *Political Quarterly* 10, <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-923X.1939.tb00987.x/abstract>.
- 46 Bruce Schneider (2012), *Liars and Outliers: Enabling the Trust That Society Needs to Thrive*, Wiley, chap. 16, <http://www.wiley.com/WileyCDA/WileyTitle/productCd-1118143302.html>. [邦訳／「信頼と裏切りの社会」(NTT出版)]
- 47 Frank Zappa and Peter Occhiogrosso (1989), *The Real Frank Zappa Book*, Poseidon Press, p. 185, [http://books.google.com/books?id=FB00\\_HCpBy0C](http://books.google.com/books?id=FB00_HCpBy0C). [邦訳／「フランク・ザッパ自伝」(河出書房新社)]
- 48 ワシントン大学のニール・リチャーズに言わせれば、「新しいアイデアが最もはぐくまれるのは、ものが公にされて厳しく監視されていない場である場合が多い」。Neil M. Richards (May 2013), "The dangers of surveillance," *Harvard Law Review* 126, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2239412](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2239412).
- 49 メリーランド州のボルチモア市は、建築許可違反を見つけるために航空写真を利用している。具体的には、建築許可のデータベースと、複数の時点の航空写真を照合する方法を用いる。Doug Donovan (7 Sep 2004), "A bird's-eye view of every part of the city," *Baltimore Sun*, [http://articles.baltimoresun.com/2004-09-07/news/0409070310\\_1\\_images-deck-aerial](http://articles.baltimoresun.com/2004-09-07/news/0409070310_1_images-deck-aerial).
- 50 Gregory Conti (4 Apr 2014), "A conservation theory of governance for automated law enforcement," *We Robot* 2014, Coral Gables, Florida, [http://robots.law.miami.edu/2014/wp-content/uploads/2013/06/Shay-et-al-TheoryofConservation\\_final.pdf](http://robots.law.miami.edu/2014/wp-content/uploads/2013/06/Shay-et-al-TheoryofConservation_final.pdf).
- 51 たとえば、妻やそのほかの女性をレイプして、その肉を食べる計画についてオンライン上で友達と会話していたニューヨークの警察官——「カニバル・コップ (人肉食警官)」と呼ばれた——は、その計画を実行に移していないにもかかわらず、起訴された。Daniel Beekman and Dareh Gregorian (1 Jul 2014), "'Cannibal cop' released into custody of his mother after conviction overturned in stunning reversal," *New York Daily News*, <http://www.nydailynews.com/new-york/nyc-crime/conviction-cannibal-nypd-overturned-article-1.1850334>. Daniel Engber (2 Jul 2014), "The cannibal cop goes free, but what about the murderous mechanic?" *Slate*, [http://www.slate.com/articles/news\\_and\\_politics/crime/2014/07/the\\_cannibal\\_cop\\_gilberto\\_valle\\_goes\\_free\\_what\\_about\\_michael\\_van\\_hise\\_and.html](http://www.slate.com/articles/news_and_politics/crime/2014/07/the_cannibal_cop_gilberto_valle_goes_free_what_about_michael_van_hise_and.html).
- 52 Walter L. Perry et al. (2013), "Predictive policing: The role of crime forecasting in law enforcement operations," RAND Corporation, <http://www.ncjrs.gov/pdffiles1/nij/grants/243830.pdf>. US National Institute of Justice (13 Jan 2014), "Predictive policing research," <http://www.nij.gov/topics/law-enforcement/strategies/predictive-policing/Pages/research.aspx>.

- 53 Michael L. Rich (Mar 2013), "Should we make crime impossible?" *Harvard Journal of Law and Public Policy* 36, [http://www.harvard-jlpp.com/wp-content/uploads/2013/04/36\\_2\\_795\\_Rich.pdf](http://www.harvard-jlpp.com/wp-content/uploads/2013/04/36_2_795_Rich.pdf).
- 54 Yochai Benkler (4 Dec 2013), "System and conscience: NSA bulk surveillance and the problem of freedom," Center for Research on Computation and Society, Harvard University, <http://crs.seas.harvard.edu/event/yochai-benkler-crcs-lunch-seminar> and <https://www.youtube.com/watch?v=6EUeRzCpzw>.
- 55 William E. Colby (1976), "Intelligence secrecy and security in a free society," *International Security* 1, <http://people.exeter.ac.uk/mm394/Intelligence%20Secrecy%20and%20Security.pdf>. James E. Knott (Summer 1975), "Secrecy and intelligence in a free society," *Studies in Intelligence* 19, [https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol19no2/html/v19i2a01p\\_0001.htm](https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol19no2/html/v19i2a01p_0001.htm).
- 56 Pamela O. Long and Alex Roland (1994), "Military secrecy in antiquity and early medieval Europe: A critical reassessment," *History and Technology* 11, <http://www.tandfonline.com/doi/abs/10.1080/07341519408581866?journalCode=ghat20>.
- 57 Lewis A. Coser (Summer 1963), "The dysfunctions of military secrecy," *Social Problems* 11, <http://www.jstor.org/discover/10.2307/798801>.
- 58 ノルマンディー上陸作戦の実行日(「D デイ」)はその典型だ。Jon S. Wendell (1997), "Strategic deception behind the Normandy invasion," *US Air Force*, <http://www.globalsecurity.org/military/library/report/1997/Wendell.htm>. Dan Lamothe (6 Jun 2014), "Remembering the military secrecy and lies that made D-Day successful," *Washington Post*, <http://www.washingtonpost.com/news/checkpoint/wp/2014/06/06/remembering-the-military-secrecy-and-lies-that-made-d-day-successful>.
- 59 Steven Aftergood (Oct 1999), "Government secrecy and knowledge production: A survey of some general issues," in *Secrecy and Knowledge Production*, ed. Judith Reppy, Cornell University Peace Studies Program Occasional Paper #23, <http://large.stanford.edu/publications/crime/references/dennis/occasional-paper23.pdf>. Francis B. Kapper (Oct 1999), "The role of government in the production and control of scientific and technical knowledge," *ibid*. Koen Vermeir and Daniel Margocsy (Jun 2012), "States of secrecy: An introduction," *British Journal of the History of Science* 45, <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8608487&filed=50007087412000052>.
- 60 Peter Galison (Autumn 2004), "Removing knowledge," *Critical Inquiry* 31, <http://www.fas.harvard.edu/~hsdept/bios/docs/Removing%20Knowledge.pdf>.
- 61 同上。
- 62 US Office of Management and Budget (Feb 2014), "Suitability and security processes review," <http://www.fas.org/spp/othergov/omb/sutsec-2014.pdf>.
- 63 ジェームズ・クラッパー(国家情報長官)はこう述べている。「原告の主張に関わりのある NSA の情報収集活動の規模と作戦の詳細について、現時点で未公開の情報を開示すれば、わが国の国家安全保障にきわめて重大な損害が及びかねない」。James R. Clapper (20 Dec 2013), "Public declaration of James R. Clapper, Director of National Intelligence," *Jewel et al. v. National Security Agency et al.* (08-cv-4873-JSW; *Shubert, et al., v. Obama, et al.* (07-cv-693-JSW), United States District Court for the Northern District of California, <http://www.dni.gov/files/documents/1220/DNI%20Clapper%202013%20Jewel%20Shubert%20SSP%20Unclassified%20Signed%20Declaration.pdf>.
- 64 スノーデンの暴露があったあと、秘密裁判所である外国情報監視裁判所は、一般論的性格の強い判決の多くを開示した。これも、スノーデンの行動がなければ実現していなかったことだ。
- 65 Jennifer Valentino-DeVries (2 Jun 2014), "Sealed court files obscure rise in electronic surveillance," *Wall Street Journal*, [http://online.wsj.com/news/article\\_email/sealed-court-files-obscure-rise-in-electronic-surveillance-1401761770-1MyQjAxMTA0MDAwMzEwNDMyWj](http://online.wsj.com/news/article_email/sealed-court-files-obscure-rise-in-electronic-surveillance-1401761770-1MyQjAxMTA0MDAwMzEwNDMyWj).
- 66 Joseph Cox (7 Aug 2014), "UK police won't admit they're tracking people's phone calls," *Vice*, <http://motherboard.vice.com/read/uk-police-wont-admit-theyre-tracking-peoples-phone-calls>.
- 67 次の記事には、NSL を受け取った人物による興味深い回想が記されている。記事は匿名で発表されたが、のちに、「インターネット・アーカイブ」の創設者であるブリュースター・ケールが筆者だと暴露された。Anonymous (23 Mar 2007), "My National Security Letter gap order," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/22/AR2007032201882.htm>.
- 68 Kim Zetter (3 Mar 2014), "Florida cops' secret weapon: Warrantless cellphone tracking," *Wired*, <http://www.wired.com/2014/03/stingray>. Kim Zetter (4 Mar 2014), "Police contract with spy tool maker prohibits talking about device's use," *Wired*, <http://www.wired.com/2014/03/harris-stingray-nda>.
- 69 Darwin Bond-Graham and Ali Winston (30 Oct 2013), "All tomorrow's crimes: The future of policing looks a lot like good branding," *SF Weekly*, <http://www.sfweekly.com/2013-10-30/news/predpol-sfpd-predictive-policing-compat-lapd/full>.
- 70 Jennifer K. Elsea (10 Jan 2013), "The protection of classified information: The legal framework," Congressional Research Service, <http://fas.org/spp/crs/secrecy/RS21900.pdf>.
- 71 Carrie Newton Lyons (2007), "The state secrets privilege: Expanding its scope through government misuse," *Lewis and Clark Law Review* 99, <http://www.fas.org/spp/jud/statsec/lyons.pdf>. Sudha Setty (Jul 2012), "The rise of national security secrets," *Connecticut Law Review* 44, <http://connecticutlawreview.org/files/2012/09/5.Setty-FINAL.pdf>. D. A. Jeremy Telman (Mar 2012), "Intolerable abuses: Rendition for torture and the state secrets privilege," *Alabama Law Review* 63, [http://scholar.valpo.edu/cgi/viewcontent.cgi?article=1136&context=law\\_fac\\_pubs](http://scholar.valpo.edu/cgi/viewcontent.cgi?article=1136&context=law_fac_pubs).
- 72 Eric Lichtblau and Scott Shane (9 Jul 2006), "Ally warned Bush on keeping spying from Congress," *New York Times*, <http://www.nytimes.com/2006/07/09/washington/09hoekstra.html>. Scott

- Shane (11 Jul 2009), "Cheney is linked to concealment of C.I.A. project," *New York Times*, <http://www.nytimes.com/2009/07/12/us/politics/12intel.html>. Paul Lewis (31 Jul 2013), "White House unable to confirm if Congress briefed on NSA spy program," *Guardian*, <http://www.theguardian.com/world/2013/jul/31/white-house-congress-nsa-xkeyscore>.
- 73 Barton Gellman (15 Aug 2013), "What to say, and not to say, to 'our overseers,'" *Washington Post*, <http://apps.washingtonpost.com/g/page/national/what-to-say-and-not-to-say-to-our-overseers/390>.
- 74 Glenn Greenwald (4 Aug 2013), "Members of Congress denied access to basic information about NSA," *Guardian*, <http://www.theguardian.com/commentisfree/2013/aug/04/congress-nsa-denied-access>.
- 75 Spencer Ackerman (14 Aug 2013), "Intelligence committee urged to explain if they withheld crucial NSA document," *Guardian*, <http://www.theguardian.com/world/2013/aug/14/nsa-intelligence-committee-under-pressure-document>.
- 76 Charlie Savage and Laura Poitras (11 Mar 2014), "How a court secretly evolved, extending U.S. spies' reach," *New York Times*, <http://www.nytimes.com/2014/03/12/us/how-a-courts-secret-evolution-extended-spies-reach.html>.
- 77 Emily Peterson (30 Sep 2011), "Under seal: Secrets at the Supreme Court," Reporters Committee for Freedom of the Press, <http://www.rcfp.org/browse-media-law-resources/news-media-law/news-media-law-summer-2011/under-seal-secrets-supreme-court>.
- 78 Cora Currier (30 Jul 2013), "Charting Obama's crackdown on national security leaks," *Pro Publica*, <http://www.propublica.org/special/sealing-loose-lips-charting-obamas-crackdown-on-national-security-leaks>.
- 79 Leonard Downie Jr. and Sara Rafsky (Oct 2013), "Leak investigations and surveillance in post-9/11 America," Committee to Protect Journalists, <https://www.cpj.org/reports/2013/10/obama-and-the-press-us-leaks-surveillance-post-911.php>; David Pozen (20 Dec 2013), "The leaky leviathan: Why the government condemns and condones unlawful disclosures of information," *Harvard Law Review* 127, <http://harvardlawreview.org/2013/12/the-leaky-leviathan-why-the-government-condemns-and-condones-unlawful-disclosures-of-information>.
- 80 Daniel Ellsberg (30 May 2014), "Snowden would not get a fair trial — and Kerry is wrong," *Guardian*, <http://www.theguardian.com/commentisfree/2014/may/30/daniel-ellsberg-snowden-fair-trial-kerry-espionage-act>.
- 81 David Dishneau (20 Jul 2012), "Manning largely barred from discussing WikiLeaks harm," Associated Press, [http://seattletimes.com/html/nationworld/2018724246\\_apusmanningwikileaks.html](http://seattletimes.com/html/nationworld/2018724246_apusmanningwikileaks.html).
- 82 この主張を支持するかどうかでは、アメリカ国民の賛否がほぼ拮抗している。Seth Motel (15 Apr 2014), "NSA coverage wins Pulitzer, but Americans remain divided on Snowden leaks," Pew Research Center, <http://www.pewresearch.org/fact-tank/2014/04/15/nsa-coverage-wins-pulitzer-but-americans-remain-divided-on-snowden-leaks>.
- 83 Jonathan Topaz (28 May 2014), "John Kerry: Edward Snowden a 'coward . . . traitor,'" *Politico*, <http://www.politico.com/story/2014/05/edward-snowden-coward-john-kerry-msnbc-interview-nsa-107157.html>.
- 84 Phoebe Greenwood (4 Jul 2014), "Edward Snowden should have right to legal defense in US, says Hillary Clinton," *Guardian*, <http://www.theguardian.com/world/2014/jul/04/edward-snowden-legal-defence-hillary-clinton-interview>.
- 85 Daniel Ellsberg (30 May 2014), "Snowden would not get a fair trial — and Kerry is wrong," *Guardian*, <http://www.theguardian.com/commentisfree/2014/may/30/daniel-ellsberg-snowden-fair-trial-kerry-espionage-act>. Trevor Timm (23 Dec 2013), "If Snowden returned to US for trial, could court admit any NSA leak evidence?" *Boing Boing*, <http://boingboing.net/2013/12/23/snowden.html>.
- 86 Nate Anderson (13 May 2014), "How a mayor's quest to unmask a foul-mouthed Twitter user blew up in his face," *Ars Technica*, <http://arstechnica.com/tech-policy/2014/05/how-a-mayors-quest-to-unmask-a-foul-mouthed-twitter-user-blew-up-in-his-face>. Kim Zetter (12 Jun 2014), "ACLU sues after Illinois mayor has cops raid guy parodying him on Twitter," *Wired*, <http://www.wired.com/2014/06/peoria-mayor-twitter-parody>.
- 87 Jenna Portnoy (19 Mar 2014), "Attorney General to State Police: Stop photographing protesters at Chris Christie town halls," *Star-Ledger*, [http://www.nj.com/politics/index.ssf/2014/03/attorney\\_general\\_to\\_state\\_police\\_stop\\_photographing\\_protesters\\_at\\_chris\\_christie\\_town\\_halls.html](http://www.nj.com/politics/index.ssf/2014/03/attorney_general_to_state_police_stop_photographing_protesters_at_chris_christie_town_halls.html).
- 88 Mark Mazzetti and Carl Hulse (31 Jul 2014), "Inquiry by CIA affirms it spied on Senate panel," *New York Times*, <http://www.nytimes.com/2014/08/01/world/senate-intelligence-committee-cia-interrogation-report.html>.
- 89 Laura Poitras, Marcel Rosenbach, and Holger Stark (26 Aug 2013), "Codename 'Apalachee': How America spies on Europe and the UN," *Der Spiegel*, <http://www.spiegel.de/international/world/secret-nsa-documents-show-how-the-us-spies-on-europe-and-the-un-a-918625.html>.
- 90 Brian Ross, Vic Walter, and Anna Schechter (9 Oct 2008), "Inside account of U.S. eavesdropping on Americans," *ABC News Nightline*, <http://abcnews.go.com/Blotter/exclusive-inside-account-us-eavesdropping-americans/story?id=5987804>.
- 91 Cyrus Farivar (17 Jul 2014), "Snowden: NSA employees routinely pass around intercepted nude photos," *Ars Technica*, <http://arstechnica.com/tech-policy/2014/07/snowden-nsa-employees-routinely-pass-around-intercepted-nude-photos>.
- 92 Siobhan Gorman (23 Aug 2013), "NSA officers spy on love interests," *Wall Street Journal Washington Wire*, <http://blogs.wsj.com/washwire/2013/08/23/nsa-officers-sometimes-spy-on-love-interests>.
- 93 US National Security Agency (3 May 2012), "NSAW SID intelligence oversight quarterly report: First quarter calendar year 2012 (1 Jan–31 Mar 2012),"

- http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB436/docs/EBB-044.pdf.
- 94 NSA は意図的に監察システムの自動化を避けている。そのため、同局が監察業務に動くことを決めた人員の数によって、見つかる違反の件数が決まることになる。Marcy Wheeler (20 Aug 2013), "If NSA commits database query violations, but nobody audits them, do they really happen?" *Empty Wheel*, <http://www.emptywheel.net/2013/08/20/if-nsa-commits-database-query-violations-but-nobody-audits-them-do-they-really-happen>.
- 95 Shaun Usher (5 Jan 2012), "Like all frauds your end is approaching," *Letters of Note*, <http://www.lettersofnote.com/2012/01/king-like-all-frauds-your-end-is.html>.
- 96 US Senate (26 Apr 1976), "Final report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate, Book II: Intelligence activities and the rights of Americans," US Government Printing Office, p. 213, <https://archive.org/details/finalreportofse02unit>.
- 97 Michael S. Schmidt and Colin Moynihan (24 Dec 2012), "FBI counterterrorism agents monitored Occupy movement, records show," *New York Times*, <http://www.nytimes.com/2012/12/25/nyregion/occupy-movement-was-investigated-by-fbi-counterterrorism-agents-records-show.html>. Beau Hodai (9 Jun 2013), "Government surveillance of Occupy movement," *Sourcewatch*, [http://www.sourcewatch.org/index.php/Government\\_Surveillance\\_of\\_Occupy\\_Movement](http://www.sourcewatch.org/index.php/Government_Surveillance_of_Occupy_Movement).
- 98 Charlie Savage and Scott Shane (16 Dec 2009), "Intelligence improperly collected on U.S. citizens," *New York Times*, <http://www.nytimes.com/2009/12/17/us/17disclose.html>.
- 99 American Civil Liberties Union (25 Oct 2006), "ACLU uncovers FBI surveillance of Maine peace activists," <https://www.aclu.org/national-security/aclu-uncovers-fbi-surveillance-maine-peace-activists>.
- 100 American Civil Liberties Union (29 Jun 2010), "Policing free speech: Police surveillance and obstruction of First Amendment-protected activity," [https://www.aclu.org/files/assets/Spyfiles\\_2\\_0.pdf](https://www.aclu.org/files/assets/Spyfiles_2_0.pdf). Linda E. Fisher (2004), "Guilt by expressive association: Political profiling, surveillance and the privacy of groups," *Arizona Law Review* 46, <http://www.arizonalawreview.org/pdf/46-4/46arizrev621.pdf>. US Department of Justice (Sep 2010), "A review of the FBI's investigations of certain domestic advocacy groups," <http://www.justice.gov/oig/special/s1009r.pdf>.
- 101 Glenn Greenwald and Murtaza Hussain (9 Jul 2014), "Under surveillance: Meet the Muslim-American leaders the FBI and NSA have been spying on," *Intercept*, <https://firstlook.org/theintercept/article/2014/07/09/under-surveillance>.
- 102 Associated Press (2012), "Highlights of AP's Pulitzer Prize-winning probe into NYPD intelligence operations," Associated Press, <http://www.ap.org/media-center/nypd/investigation>, and <http://www.ap.org/Index/AP-In-The-News/NYPD>.
- 103 Kade Crockford (25 May 2014), "Documents show Boston's 'antiterrorism' fusion center obsessively documented Occupy Boston," Privacy SOS, <http://privacysos.org/node/1417>. Carol Rose and Kade Crockford (30 May 2014), "When police spy on free speech, democracy suffers," *Cognoscenti*, <http://cognoscenti.wbur.org/2014/05/30/boston-regional-intelligence-center-carol-rose-kade-crockford>.
- 104 Luke O'Neil (13 Aug 2014), "Beantown's Big Brother: How Boston police used facial recognition technology to spy on thousands of music festival attendees," *Noisey*, <http://noisey.vice.com/blog/beantowns-big-brother>.
- 105 Lisa Myers, Douglas Pasternak, and Rich Gardella (14 Dec 2005), "Is the Pentagon spying on Americans?" *NBC News*, [http://www.nbcnews.com/id/10454316/nbc\\_nightly\\_news\\_with\\_brian\\_williams-nbc\\_news\\_investigates/t/pentagon-spying-americans](http://www.nbcnews.com/id/10454316/nbc_nightly_news_with_brian_williams-nbc_news_investigates/t/pentagon-spying-americans). Marcy Wheeler (24 Jul 2007), "Cunningham, CIFA, and Cheney, a new chronology," *Empty Wheel*, <http://www.emptywheel.net/2007/07/24/cunningham-cifa-and-cheney-a-new-chronology>.
- 106 Glenn Greenwald, Ryan Grim, and Ryan Gallagher (26 Nov 2013), "Top-secret document reveals NSA spied on porn habits as part of plan to discredit 'radicalizers,'" *Huffington Post*, [http://www.huffingtonpost.com/2013/11/26/nsa-porn-muslims\\_n\\_4346128.html](http://www.huffingtonpost.com/2013/11/26/nsa-porn-muslims_n_4346128.html).
- 107 Chris Hamby (6 Oct 2014), "Government set up a fake Facebook page in a woman's name," *Buzzfeed*, <http://www.buzzfeed.com/chrisshamby/government-says-federal-agents-can-impersonate-woman-online>.
- 108 William Bender (23 Feb 2010), "Lawyer: L. Merion is mum on number of webcam pictures," *Philadelphia Inquirer*, [http://articles.philly.com/2010-02-23/news/24957453\\_1\\_webcam-laptops-students](http://articles.philly.com/2010-02-23/news/24957453_1_webcam-laptops-students).
- 109 Eric Lichtblau and James Risen (23 Jun 2006), "Bank data is sifted by U.S. in secret to block terror," *New York Times*, <http://www.nytimes.com/2006/06/23/washington/23intel.html>. Loek Essers (3 Jul 2014), "EU court orders more transparency over US-EU terrorist finance tracking program," *PC World*, <http://www.pcworld.com/article/2450760/eu-court-orders-more-transparency-over-useu-terrorist-finance-tracking-program.html>. Monika Ermert (23 Oct 2013), "European Parliament: No more bank data transfers to US for anti-terror investigations," *Intellectual Property Watch*, <http://www.ip-watch.org/2013/10/23/european-parliament-no-more-bank-data-transfers-to-us-for-anti-terror-investigations>.
- 110 ACLU (7 Mar 2002), "How the USA-Patriot Act expands law enforcement 'sneak and peek' warrants," <https://www.aclu.org/technology-and-liberty/how-usa-patriot-act-expands-law-enforcement-sneak-and-peek-warrants>. Trevor Timm (26 Oct 2011), "Ten years after the Patriot Act, a look at the three most dangerous provisions affecting ordinary Americans," *Electronic Frontier Foundation*, <https://www.eff.org/deeplinks/2011/10/ten-years-later-look-three-scariest-provisions-usa-patriot-act>.
- 111 NSA は1970年代から麻薬取締局 (DEA) と情報共有をしてきた。James Bamford (2008), *The Shadow Factory: The Ultra-Secret NSA from 9/11 to*

- Eavesdropping on America*, Doubleday, <http://books.google.com/books?id=8JmxWNTxwC>.
- 112 John Shiffman and Kristina Cooke (5 Aug 2013), "U.S. directs agents to cover up program used to investigate Americans," Reuters, <http://www.reuters.com/article/2013/08/05/us-dea-sod-idUSBRE97409R20130805>. Hanni Fakhoury (6 Aug 2013), "DEA and NSA team up to share intelligence, leading to secret use of surveillance in ordinary investigations," Electronic Frontier Foundation, <https://www.eff.org/deeplinks/2013/08/dea-and-nsa-team-intelligence-laundring>. John Shiffman and David Ingram (7 Aug 2013), "IRS manual detailed DEA's use of hidden intel evidence," Reuters, <http://www.reuters.com/article/2013/08/07/us-dea-irs-idUSBRE9761A220130807>.
  - 113 NSA の内部告発者であるビル・ビニーはこう述べている。「データを使えなければ、自分で捜査して、並列構築をおこなう必要がある。つまり、通常の捜査手法によってそのデータを見つけないといけない。ただし、少なからずヒントを得られる。どこにデータがあるかを NSA が教えてくれるのだ」。
  - Alexa O'Brien (30 Sep 2014), "Retired NSA technical director explains Snowden docs," *Second Sight*, <http://www.alexao'Brien.com/second sight/wb/binney.html>.
  - 114 Brian Krebs (14 Oct 2014), "Silk Road lawyers poke holes in FBI's story," *Krebs on Security*, <http://krebsonsecurity.com/2014/10/silk-road-lawyers-poke-holes-in-fbi-story>.
  - 115 Rob Evans and Paul Lewis (26 Oct 2009), "Police forces challenged over files held on law-abiding protesters," *Guardian*, <http://www.theguardian.com/uk/2009/oct/26/police-challenged-protest-files>.
  - 116 Gordon Rayner and Richard Alleyne (12 Apr 2008), "Council spy cases hit 1,000 a month," *Telegraph*, <http://www.telegraph.co.uk/news/uknews/1584808/Council-spy-cases-hit-1000-a-month.html>. Sarah Lyall (24 Oct 2009), "Britons weary of surveillance in minor cases," *New York Times*, <http://www.nytimes.com/2009/10/25/world/europe/25surveillance.html>.
  - 117 James Bamford (16 Sep 2014), "Israel's NSA scandal," *New York Times*, <http://www.nytimes.com/2014/09/17/opinion/israels-nsa-scandal.html>.
  - 118 次のエッセーがそのような主張を展開している。Daniel Davies (23 Sep 2014), "Every single IT guy, every single manager . . ." *Crooked Timber*, <http://crookedtimber.org/2014/09/23/every-single-it-guy-every-single-manager>.
  - 119 Hillary Rodham Clinton (21 Jan 2010), "Internet freedom," *Foreign Policy*, [http://www.foreignpolicy.com/articles/2010/01/21/internet\\_freedom](http://www.foreignpolicy.com/articles/2010/01/21/internet_freedom).
  - 120 US Department of State (2014), "Internet freedom," <http://www.state.gov/e/eb/cip/netfreedom/index.htm>.
  - 121 British Broadcasting Corporation (2 Jun 2014), "We are being watched" say Egyptians on social media," *BBC News*, <http://www.bbc.com/news/blogs-trending-27665588>.
  - 122 Jayshree Bajoria (5 Jun 2014), "India's snooping and Snowden," *India Real Time*, <http://blogs.wsj.com/indiarealtime/2014/06/05/indias-snooping-and-snowden>.
  - 123 Shannon Tiezzi (28 Mar 2014), "China decries US 'hypocrisy' on cyber-espionage," *Diplomat*, <http://thediplomat.com/2014/03/china-decries-us-hypocrisy-on-cyber-espionage>. Xinhua News Agency (11 Jul 2014), "Putin calls US surveillance practice 'utter hypocrisy'," *China Daily*, [http://www.chinadaily.com.cn/world/2014-07/11/content\\_17735783.htm](http://www.chinadaily.com.cn/world/2014-07/11/content_17735783.htm).
  - 124 Mark Zuckerberg (13 Mar 2014), "As the world becomes more complex . . ." *Facebook*, <https://www.facebook.com/zuck/posts/10101301165605491>.

## 第8章 公平で平等なビジネス

- 1 Office of the Minnesota Attorney General (19 Jan 2012), "Attorney General Swanson sues Accretive Health for patient privacy violations," Office of the Minnesota Attorney General, <http://www.ag.state.mn.us/Consumer/PressRelease/120119AccretiveHealth.asp>.
- 2 Tony Kennedy and Maura Lerner (31 Jul 2012), "Accretive is banned from Minnesota," *Star-Tribune*, <http://www.startribune.com/lifestyle/health/164313776.html>.
- 3 Kate Crawford and Jason Schultz (2014), "Big data and due process: Toward a framework to redress predictive privacy harms," *Boston College Law Review* 55, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2325784](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2325784).
- 4 Marc Hochstein (26 Jun 2000), "Wells kills web link after Acorn sues," *American Banker*, [http://www.americanbanker.com/issues/165\\_119/128168-1.html](http://www.americanbanker.com/issues/165_119/128168-1.html). Gary A. Hernandez, Katherine J. Eddy, and Joel Muchmore (Fall 2001), "Insurance weblining and unfair discrimination in cyberspace," *Southern Methodist University Law Review* 54, <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/smul54&div=91>.
- 5 Bill Davidow (5 Mar 2014), "Redlining for the 21st century," *Atlantic*, <http://www.theatlantic.com/business/archive/2014/03/redlining-for-the-21st-century/284235>.
- 6 Michael Liedtke (22 Jun 2000), "Lawsuit alleges Wells Fargo uses Internet to promote discrimination," *Los Angeles Times*, <http://articles.latimes.com/2000/jun/22/business/fi-43532>. Ronna Abramson (23 Jun 2000), "Wells Fargo accused of 'redlining' on the Net," *Computer World*, <http://www.computerworld.com/article/2596352/financial/10/wells-fargo-accused-of-redlining-on-the-net.html>.
- 7 Marcia Stepanek (3 Apr 2000), "Weblining," *Bloomberg Businessweek*, [http://www.businessweek.com/2000/00\\_14/b3675027.htm](http://www.businessweek.com/2000/00_14/b3675027.htm). Casey Johnston (10 Oct 2013), "Denied for that loan? Soon you may thank online data collection," *Ars Technica*, <http://arstechnica.com/business/2013/10/denied-for-that-loan-soon-you-may-thank-online-data-collection>.
- 8 US Executive Office of the President (1 May 2014), "Big data: Seizing opportunities, preserving values," [http://www.whitehouse.gov/sites/default/files/docs/big\\_data\\_privacy\\_report\\_may\\_1\\_2014.pdf](http://www.whitehouse.gov/sites/default/files/docs/big_data_privacy_report_may_1_2014.pdf).
- 9 ニューヨーク州では非常時の便乗値上げを禁じているので、ウーバーは料金の決め方を修正せざるをえなかった。Mike Isaac (8 Jul 2014), "Uber reaches

- deal with New York on surge pricing in emergencies," *New York Times*, <http://bits.blogs.nytimes.com/2014/07/08/uber-reaches-agreement-with-n-y-on-surge-pricing-during-emergencies>. Peter Himler (12 Aug 2014), "UBER: So cool, yet so uncool," *Forbes*, <http://www.forbes.com/sites/peterhimler/2014/08/12/uber-so-cool-but-so-uncool>.
- 10 Jennifer Valentino-DeVries, Jeremy Singer-Vine, and Ashkan Soltani (24 Dec 2012), "Websites vary prices, deals based on users' information," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424127887323777204578189391813881534>. Michael Schrage (29 Jan 2014), "Big data's dangerous new era of discrimination," *Harvard Business Review*, <http://blogs.hbr.org/2014/01/big-datas-dangerous-new-era-of-discrimination>.
- 11 Emily Steele and Julia Angwin (4 Aug 2010), "On the Web's cutting edge, anonymity in name only," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052748703294904575385532109190198>.
- 12 Jennifer Valentino-DeVries, Jeremy Singer-Vine, and Ashkan Soltani (24 Dec 2012), "Websites vary prices, deals based on users' information," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424127887323777204578189391813881534>.
- 13 Pam Dixon and Robert Gellman (2 Apr 2014), "The scoring of America: How secret consumer scores threaten your privacy and your future," World Privacy Forum, [http://www.worldprivacyforum.org/wp-content/uploads/2014/04/WFP\\_Scoring\\_of\\_America\\_April2014\\_fs.pdf](http://www.worldprivacyforum.org/wp-content/uploads/2014/04/WFP_Scoring_of_America_April2014_fs.pdf).
- 14 Jessica E. Vascellaro (7 Mar 2011), "TV's next wave: Tuning in to you," *Wall Street Journal*, <http://online.wsj.com/articles/SB10001424052748704288304576171251689944350>.
- 15 Dana Mattioli (23 Aug 2012), "On Orbitz, Mac users steered to pricier hotels," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702304458604577488822667325882>.
- 16 Bill McGee (3 Apr 2013), "Do travel deals change based on your browsing history?" *USA Today*, <http://www.usatoday.com/story/travel/columnist/mcgee/2013/04/03/do-travel-deals-change-based-on-your-browsing-history/2021993>.
- 17 Michael Fertik (15 Jan 2013), "The rich see a different Internet than the poor," *Scientific American*, <http://www.scientificamerican.com/article/rich-see-different-internet-than-the-poor>.
- 18 Lucia Moses (2 Oct 2013), "Marketers should take note of when women feel least attractive: What messages to convey and when to send them," *Adweek*, <http://www.adweek.com/news/advertising-branding/marketers-should-take-note-when-women-feel-least-attractive-152753>. Kim Bates (4 Oct 2013), "Beauty vulnerability: What got lost in translation," *Adweek*, <http://www.adweek.com/news/advertising-branding/beauty-vulnerability-what-got-lost-translation-152909>.
- 19 Frank N. Magid Associates (2011), "How America shops and spends 2011," Newspaper Association of America, [http://www.naa.org/docs/newspapermedia/data/howamericashopsandspends\\_2011.pdf](http://www.naa.org/docs/newspapermedia/data/howamericashopsandspends_2011.pdf). Nielsen (8 Mar 2013), "Does gender matter?" <http://www.nielsen.com/us/en/insights/news/2013/does-gender-matter.html>.
- 20 Katie Lobosco (27 Aug 2013), "Facebook friends could change your credit score," CNN, <http://money.cnn.com/2013/08/26/technology/social/facebook-credit-score>.
- 21 Carrie Teegardin (21 Dec 2008), "Card companies adjusting credit limits: For some, lowering based on where they shop," *Atlanta Journal-Constitution*, [https://web.archive.org/web/20110728060844/http://www.ajc.com/news/content/business/stories/2008/12/21/credicards\\_1221.html](https://web.archive.org/web/20110728060844/http://www.ajc.com/news/content/business/stories/2008/12/21/credicards_1221.html).
- 22 Oscar H. Gandy Jr. (1993), *The Panoptic Sort: A Political Economy of Personal Information*, Westview Press, <http://books.google.com/books?id=wreFAAAMAAJ>. [邦訳／「個人情報と権力——統括選別の政治経済学」(同文館出版)]
- 23 次の論文は、企業がビッグデータを用いて人々を差別的に扱う方法の数々を紹介している。Solon Barocas and Andrew D. Selbst (14 Sep 2014), "Big data's disparate impact," Social Science Research Network, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2477899](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2477899).
- 24 Casey Johnston (13 Apr 2014), "When the restaurant you Googled Googles you back," *Ars Technica*, <http://arstechnica.com/staff/2014/04/when-the-restaurant-you-googled-googles-you-back>.
- 25 Hilary Osborne (13 Aug 2012), "Aviva to trial smartphone car insurance technology," *Guardian*, <http://www.theguardian.com/money/2012/aug/13/aviva-trial-smartphone-car-insurance-technology>. Randall Stross (25 Nov 2012), "So you're a good driver? Let's go to the monitor," *New York Times*, <http://www.nytimes.com/2012/11/25/business/seeking-cheaper-insurance-drivers-accept-monitoring-devices.html>. Brad Tuttle (6 Aug 2013), "Big data is my copilot: Auto insurers push devices that track driving habits," *Time*, <http://business.time.com/2013/08/06/big-data-is-my-copilot-auto-insurers-push-devices-that-track-driving-habits>.
- 26 Nancy Gohring (7 Jul 2014), "This company saved \$300k on insurance by giving employees Fitbits," *Cite World*, <http://www.citeworld.com/article/2450823/internet-of-things/apprio-fitbit-experiment.html>.
- 27 Lee Crane (5 Sep 2013), "Gym class is about to get even worse for the athletically dis-inclined," *Digital Trends*, <http://www.digitaltrends.com/sports/gym-class-is-about-to-get-even-worse-for-the-athletically-dis-inclined>. Emily Miels (28 May 2014), "Heart rate monitors allow Memorial High School students to get the most out of their workouts," *Leader-Telegram*, [http://www.leadertelegram.com/news/front\\_page/article\\_ec2f0b72-e627-11e3-ac95-0019bb2963f4.html](http://www.leadertelegram.com/news/front_page/article_ec2f0b72-e627-11e3-ac95-0019bb2963f4.html). Katie Wiedemann (14 Aug 2014), "Heart rate monitors now required in Dubuque PE classes," KCRG, <http://www.kcrg.com/subject/news/heart-rate-monitors-now-required-in-dubuque-physical-education-classes-20140814>.
- 28 Joel Schechtman (14 Mar 2013), "Book: HP piloted program to predict which workers would quit," *Wall Street Journal*, <http://blogs.wsj.com/cio/2013/03/14/>

- book-hp-piloted-program-to-predict-which-workers-would-quit.
- 29 職場での監視に関する概説としては、次の論文が優れている。Alex Rosenblat, Tamara Kneese, and danah boyd (8 Oct 2014), "Workplace surveillance," *Data and Society Research Institute*, <http://www.datasociety.net/pubs/foiw/WorkplaceSurveillance.pdf>.
- 30 Ellen Messmer (31 Mar 2010), "Feel like you're being watched at work? You may be right," *Network World*, <http://www.networkworld.com/article/2205938/data-center/feel-like-you-re-being-watched-at-work--you-may-be-right.html>. Ann Bednarz (24 Feb 2011), "Pay no attention to that widget recording your every move," *Network World*, <http://www.networkworld.com/article/2200315/data-breach/pay-no-attention-to-that-widget-recording-your-every-move.html>. Josh Bersin (25 Jun 2014), "Quantified self: Meet the quantified employee," *Forbes*, <http://www.forbes.com/sites/joshbersin/2014/06/25/quantified-self-meet-the-quantified-employee>.
- 31 職場における監視とプライバシーへの影響については、次の文献が優れている。Corey A. Ciocchetti (2010), "The eavesdropping employer: A twenty-first century framework for employee monitoring," Daniels College of Business, University of Denver, [http://www.futureofprivacy.org/wp-content/uploads/2010/07/The\\_Eavesdropping\\_Employer\\_%20A\\_Twenty-First\\_Century\\_Framework.pdf](http://www.futureofprivacy.org/wp-content/uploads/2010/07/The_Eavesdropping_Employer_%20A_Twenty-First_Century_Framework.pdf).
- 32 Don Peck (20 Nov 2013), "They're watching you at work," *The Atlantic*, <http://www.theatlantic.com/magazine/archive/2013/12/theyre-watching-you-at-work/354681>. Hannah Kuchler (17 Feb 2014), "Data pioneers watching us work," *Financial Times*, <http://www.ft.com/intl/cms/s/2/d56004b0-9581-11e3-9fd6-00144feab7de.html>.
- 33 ある友人（女性）は、パーソナライズド広告に対する感情を次のように述べている。いわく、年齢を重ねるにつれて、美容整形や「年寄りの病気」の薬品の広告を見せられることが増えている。こうやって自分の年齢をつねに意識させられることは、愉快でないとのことだ。Lynn Sudbury and Peter Simcock (2008), "The senior taboo? Age based sales promotions, self-perceived age and the older consumer," *European Advances in Consumer Research* 8, [http://www.acrweb.site.org/volumes/eaacr/vol8/eaacr\\_vol8\\_28.pdf](http://www.acrweb.site.org/volumes/eaacr/vol8/eaacr_vol8_28.pdf).
- 34 Deborah C. Peel (7 Feb 2014), "Declaration of Deborah C. Peel, M.D., for Patient Privacy Rights Foundation in support of Plaintiffs' Motion for Partial Summary Judgment," *First Unitarian Church et al. v. National Security Agency et al.* (3:13-cv-03287 JSW), United States District Court for the Northern District of California, <https://www.eff.org/files/2013/11/06/allplaintiffsdeclarations.pdf>.
- 35 Andrew Odlyzko (5–6 Jun 2014), "The end of privacy and the seeds of capitalism's destruction," Privacy Law Scholars Conference, Washington, D.C., <http://www.law.berkeley.edu/plsc.htm>.
- 36 Paddy Kamen (5 Jul 2001), "So you thought search engines offer up neutral results? Think again," *Toronto Star*, <http://www.commercialalert.org/issues/culture/search-engines/so-you-thought-search-engines-offer-up-neutral-results-think-again>.
- 37 Gary Ruskin (16 Jul 2001), Letter to Donald Clark, US Federal Trade Commission, re: Deceptive advertising complaint against AltaVista Co., AOL Time Warner Inc., Direct Hit Technologies, iWon Inc., LookSmart Ltd., Microsoft Corp. and Terra Lycos S.A., Commercial Alert, <http://www.commercialalert.org/PDFs/SearchEngines.pdf>. Heather Hipsley (27 Jun 2002), Letter to Gary Ruskin re: Complaint requesting investigation of various Internet search engine companies for paid placement and paid inclusion programs, US Federal Trade Commission, [http://www.ftc.gov/sites/default/files/documents/closing\\_letters/commercial-alert-response-letter/commercialalertletter.pdf](http://www.ftc.gov/sites/default/files/documents/closing_letters/commercial-alert-response-letter/commercialalertletter.pdf).
- 38 Danny Sullivan (30 May 2012), "Once deemed evil, Google now embraces 'paid inclusion,'" *Marketing Land*, <http://marketingland.com/once-deemed-evil-google-now-embraces-paid-inclusion-13138>.
- 39 Michael Cooney (25 Jun 2013), "FTC tells Google, Yahoo, Bing, others to better differentiate ads in web content searches," *Network World*, <http://www.networkworld.com/community/blog/ftc-tells-google-yahoo-bing-others-better-differentiate-ads-web-content-searches>. Mary K. Engle (24 Jun 2013), "Letter re: Search engine advertising practices," US Federal Trade Commission, <http://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-consumer-protection-staff-updates-agency-guidance-search-engine-industry-on-need-distinguish/130625eacrhengingeneralletter.pdf>.
- 40 Josh Constine (3 Oct 2012), "Facebook now lets U.S. users pay \$7 to promote posts to the news feeds of more friends," *Tech Crunch*, <http://techcrunch.com/2012/10/03/us-promoted-posts>.
- 41 Robert M. Bond et al. (13 Sep 2012), "A 61-million-person experiment in social influence and political mobilization," *Nature* 489, <http://www.nature.com/nature/journal/v489/n7415/full/nature11421.html>.
- 42 ジョナサン・ジットレーンがその点を論じている。Jonathan Zittrain (1 Jun 2014), "Facebook could decide an election without anyone ever finding out," *New Republic*, <http://www.newrepublic.com/article/117878/information-fiduciary-solution-facebook-digital-gerrymandering>.
- 43 アメリカの選挙は接戦が多い。2000年の大統領選で、アル・ゴアはジョージ・W・ブッシュに0.01%の差で敗れた。2008年の上院選（ミネソタ州選出）では、アル・フランケンがわずかに312票差でノーム・コールマンを退けている。
- 44 Robert Epstein (23-26 May 2013), "Democracy at risk: Manipulating search rankings can shift voters' preferences substantially without their awareness," 25th Annual Meeting of the Association for Psychological Science, Washington, D.C., [http://aibrt.org/downloads/EPSTEIN\\_and\\_Robertson\\_2013-Democracy\\_at\\_Risk-APS-summary-5-13.pdf](http://aibrt.org/downloads/EPSTEIN_and_Robertson_2013-Democracy_at_Risk-APS-summary-5-13.pdf).
- 45 「情報の量が膨大で、透明性がきわめて高く、非常に幅広いものである場合は、あくまでも裏づけのある事実だけを用いて、紛れもないプロバガンダと大衆扇動をおこなえる」と、ダン・ギアは述べている。以下の文献に引用。Jonathan Zittrain (20 Jun



- 2014), "Engineering an election," *Harvard Law Review Forum* 127, <http://harvardlawreview.org/2014/06/engineering-an-election>.
- 46 Ai Weiwei (17 Oct 2012), "China's paid trolls: Meet the 50-Cent Party," *New Statesman*, <http://www.newstatesman.com/politics/politics/2012/10/china%E2%80%99s-paid-trolls-meet-50-cent-party>. Mara Hvistendahl (22 Aug 2014), "Study exposes Chinese censors' deepest fears," *Science* 345, <http://www.sciencemag.org/content/345/6199/859.full>. Gary King, Jennifer Pan, and Margaret E. Roberts (22 Aug 2014), "Reverse-engineering censorship in China: Randomized experimentation and participant observation," *Science* 345, <http://www.sciencemag.org/content/345/6199/1251722>.
- 47 Philip Elmer-DeWitt (16 Apr 2013), "Say it ain't so, Samsung," *Fortune*, <http://fortune.com/2013/04/16/say-it-aint-so-samsung>.
- 48 Bryan Horling and Matthew Kulick, (4 Dec 2009), "Personalized search for everyone," *Google Official Blog*, <http://googleblog.blogspot.com/2009/12/personalized-search-for-everyone.html>. Tim Adams (19 Jan 2013), "Google and the future of search: Amit Singhal and the Knowledge Graph," *Guardian*, <http://www.theguardian.com/technology/2013/jan/19/google-search-knowledge-graph-singhal-interview>.
- 49 Chitika Online Advertising Network (7 Jun 2013), "The value of Google result positioning," <https://cdn2.hubspot.net/hub/239330/file-61331237-pdf/ChitikaInsights-ValueofGoogleResultsPositioning.pdf>.
- 50 Joseph Turow (2013), *The Daily You: How the New Advertising Industry Is Defining Your Identity and Your Worth*, Yale University Press, <http://yalepress.yale.edu/yupbooks/book.asp?isbn=9780300165012>.
- 51 Eli Pariser (2011), *The Filter Bubble: What the Internet Is Hiding from You*, Penguin Books, <http://www.thefilterbubble.com>. [邦訳／『フィルターバブル——インターネットが隠していること』（ハヤカワ文庫）]
- 52 Cass Sunstein (2009), *Republic.com 2.0*, Princeton University Press, <http://press.princeton.edu/titles/8468.html>. [旧版の邦訳は『インターネットは民主主義の敵か』（毎日新聞社）]
- 53 公正を期すために言っておくと、このような傾向はインターネットより古く、インターネットの世界だけに限られるものでもない。Robert D. Putnam (2000), *Bowling Alone: The Collapse and Revival of American Community*, Simon and Schuster, <http://bowlingalone.com>. [邦訳／『孤独なボウリング——米国コミュニティの崩壊と再生』（柏書房）]
- 54 Adam D. I. Kramer, Jamie E. Guillory, and Jeffrey T. Hancock (17 Jun 2014), "Experimental evidence of massive-scale emotional contagion through social networks," *Proceedings of the National Academy of Sciences of the United States of America* 111, <http://www.pnas.org/content/111/24/8788.full>.
- 55 Lucia Moses (2 Oct 2013), "Marketers should take note of when women feel least attractive: What messages to convey and when to send them," *Adweek*, <http://www.adweek.com/news/advertising-branding/marketers-should-take-note-when-women-feel-least-attractive-152753>.
- 56 Mark Buchanan (17 Aug 2007), "The science of subtle signals," *strategy+business magazine*, [http://web.media.mit.edu/~sandy/Honest-Signals-sb48\\_07307.pdf](http://web.media.mit.edu/~sandy/Honest-Signals-sb48_07307.pdf).
- 57 こうした操作が潜在的にインターネットに及ぼすダメージは、もっと深刻なものになる可能性もある。社会のシステムは、企業によってコントロールされているからだ。ハーバード大学法科大学院のローレンス・レッシングは、コンピューティングのアーキテクチャが規制の手段になりうることを指摘している。Lawrence Lessig (2006), *Code: And Other Laws of Cyberspace, Version 2.0*, Basic Books, <http://codev2.cc>. [邦訳／『CODE VERSION2.0』（翔泳社）]
- 58 Ed Pilkington and Amanda Michel (17 Feb 2012), "Obama, Facebook and the power of friendship: The 2012 data election," *Guardian*, <http://www.theguardian.com/world/2012/feb/17/obama-digital-data-machine-facebook-election>. Taziana Vega (20 Feb 2012), "Online data helping campaigns customize ads," *New York Times*, <http://www.nytimes.com/2012/02/21/us/politics/campaigns-use-microtargeting-to-attract-supporters.html>. Nathan Abse (Oct 2012), "Big data delivers on campaign promise: Microtargeted political advertising in Election 2012," Interactive Advertising Bureau, [http://www.iab.net/media/file/Innovations\\_In\\_Web\\_Marketing\\_and\\_Advertising\\_delivery.pdf](http://www.iab.net/media/file/Innovations_In_Web_Marketing_and_Advertising_delivery.pdf).
- 59 Sasha Issenberg (19 Dec 2012), "How President Obama's campaign used big data to rally individual voters," *MIT Technology Review*, <http://www.technologyreview.com/featurestory/509026/how-obamas-team-used-big-data-to-rally-voters>.
- 60 Micah Altman, Karin MacDonald, and Michael MacDonald (2005), "Pushbutton gerrymanders: How computing has changed redistricting," in *Party Lines: Competition, Partisanship, and Congressional Redistricting*, ed. Thomas E. Mann and Bruce E. Cain, Brookings Institution Press, <http://openscholar.mit.edu/sites/default/files/dept/files/pushbutton.pdf>. Robert Draper (19 Sep 2012), "The league of dangerous mapmakers," *Atlantic*, <http://www.theatlantic.com/magazine/archive/2012/10/the-league-of/309084>. Tracy Jan (23 Jun 2013), "Turning the political map into a partisan weapon," *Boston Globe*, <http://www.bostonglobe.com/news/nation/2013/06/22/new-district-maps-reaped-rewards-for-gop-congress-but-cost-fewer-moderates-more-gridlock/B6JCu9m94tpBvVU77ay0wJ/story.html>.
- 61 Arch Puddington (9 Oct 2013), "To renew American democracy, eliminate gerrymandering," Freedom House, <http://www.freedomhouse.org/blog/renew-american-democracy-eliminate-gerrymandering>. Press Millen (20 Jul 2014), "With NC gerrymandering, democracy is the loser," *News Observer*, <http://www.newsobserver.com/2014/07/20/4014754/with-nc-gerrymandering-democracy.html>.
- 62 John Markoff (16 Feb 1995), "A most-wanted cyberthief is caught in his own web," *New York Times*, <http://www.nytimes.com/1995/02/16/us/a-most-wanted-cyberthief-is-caught-in-his-own-web.html>.

- 63 Robert O'Harrow Jr. (17 Feb 2005), "ID data conned from firm," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/articles/A30897-2005Feb16.html>.
- 64 Brian Krebs (2 Sep 2014), "Banks: Credit card breach at Home Depot," *Krebs on Security*, <http://krebsonsecurity.com/2014/09/banks-credit-card-breach-at-home-depot>. Robin Sidel (18 Sep 2014), "Home Depot's 56 million card breach bigger than Target's," *Wall Street Journal*, <http://online.wsj.com/articles/home-depot-breach-bigger-than-targets-1411073571>.
- 65 Dominic Rushe (3 Oct 2014), "JP Morgan Chase reveals massive data breach affecting 76m households," *Guardian*, <http://www.theguardian.com/business/2014/oct/02/jp-morgan-76m-households-affected-data-breach>.
- 66 Brian Krebs (20 Oct 2013), "Experian sold consumer data to ID theft service," *Krebs on Security*, <http://krebsonsecurity.com/2013/10/experian-sold-consumer-data-to-id-theft-service>.
- 67 M. E. Kabay (2008), "A brief history of computer crime: An introduction for students," Norwich University, <http://www.mekabay.com/overviews/history.pdf>.
- 68 アメリカではこれが大きな問題になりつつある。Michael Kranish (16 Feb 2014), "IRS is overwhelmed by identity theft fraud," *Boston Globe*, <http://www.bostonglobe.com/news/nation/2014/02/16/identity-theft-taxpayer-information-a-major-problem-for-irs/7SC0BarZMDvY07bbhDXwN/story.html>. Steve Kroft (21 Sep 2014), "Biggest IRS scam around: Identity tax refund fraud," *CBS News*, <http://www.cbsnews.com/news/irs-scam-identity-tax-refund-fraud-60-minutes>.
- 69 2014年、中国のハッカーに侵入されたアメリカ政府のデータベースには、機密取り扱い許可を受けている人物に関する私的な情報も含まれていた。ハッキングをおこなったのが詐欺目的の犯罪者だったのか、それとも機密に触れられる人物を脅そうとする情報機関職員だったのかはわからない。Michael S. Schmidt, David E. Sanger, and Nicole Perloth (9 Jul 2014), "Chinese hackers pursue key data on U.S. workers," *New York Times*, <http://www.nytimes.com/2014/07/10/world/asia/chinese-hackers-pursue-key-data-on-us-workers.html>.
- 70 一例を挙げると、2014年に1000社を超す企業がある1種類のマルウェアに感染し、クレジットカード情報を盗まれたが、被害企業がそのことに気づいていないケースが多かった。Nicole Perloth (8 Sep 2014), "Home Depot data breach could be the largest yet," *New York Times*, <http://bits.blogs.nytimes.com/2014/09/08/home-depot-confirms-that-it-was-hacked>.
- 71 Richard Winton (1 Sep 2011), "'Sextortion': 6 years for O.C. hacker who victimized women, girls," *Los Angeles Times*, <http://latimesblogs.latimes.com/lanow/2011/09/sextortion-six-years-for-oc-hacker-who-forced-women-to-give-up-naked-pics.html>.
- 72 Nate Anderson (10 Mar 2013), "Meet the men who spy on women through their webcams," *Ars Technica*, [- policy/2013/03/rat-breeders-meet-the-men-who-spy-on-women-through-their-webcams.
  - 73 Kashmir Hill \(25 Sep 2012\), "FTC says rent-to-own computers captured couples having sex," \*Forbes\*, <http://www.forbes.com/sites/kashmirhill/2012/09/25/ftc-its-not-cool-to-put-spyware-on-rent-to-own-computers-without-customer-consent>. Dara Kerr \(22 Oct 2013\), "Aaron's computer rental chain settles FTC spying charges," \*CNET\*, <http://www.cnet.com/news/aarons-computer-rental-chain-settles-ftc-spying-charges>.](http://arstechnica.com/tech-</a></li></ol>
</div>
<div data-bbox=)

## 第9章 企業の競争力

- 1 著作権表示は1994年だが、実際の原著刊行は1993年10月。Bruce Schneier (1994), *Applied Cryptography: Protocols, Algorithms, and Source Code in C*, Wiley, <https://www.schneier.com/book-applied.html>. [第2版の邦訳は『暗号技術大全』（ソフトバンククリエイティブ）]
- 2 Wired (Apr 1996), "On newsstands now: Crypto catalog," *Wired*, <http://archive.wired.com/wired/archive/4.04/updata.html>.
- 3 Stephen T. Walker (12 Oct 1993), "Oral testimony by Stephen T. Walker, President, Trusted Information Systems, Inc., for Subcommittee on Economic Policy, Trade and Environment, Committee on Foreign Affairs, US House of Representatives," [http://fas.org/irp/congress/1993\\_hr/931012\\_walker\\_oral.htm](http://fas.org/irp/congress/1993_hr/931012_walker_oral.htm).
- 4 最新のそうしたデマについては、たとえば以下を参照。Ellen Nakashima (26 Jul 2014), "Proliferation of new online communications services poses hurdles for law enforcement," *Washington Post*, [http://www.washingtonpost.com/world/national-security/proliferation-of-new-online-communications-services-poses-hurdles-for-law-enforcement/2014/07/25/645b13aa-0d21-11e4-b8e5-d0de80767fc2\\_story.html](http://www.washingtonpost.com/world/national-security/proliferation-of-new-online-communications-services-poses-hurdles-for-law-enforcement/2014/07/25/645b13aa-0d21-11e4-b8e5-d0de80767fc2_story.html). Orin Kerr (19 Sep 2014), "Apple's dangerous game," *Washington Post*, <http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/09/19/apples-dangerous-game>. Brent Kendall (25 Sep 2014), "FBI director raises concerns about smartphones," *Wall Street Journal*, <http://online.wsj.com/articles/fbi-director-raises-concerns-about-smartphone-security-plans-1411671434>.
- 5 FBIのルイス・フリー長官（当時）はこう述べていた。「私たちは、強力な暗号を、強固な暗号を好ましいものとする。わが国は、そして産業界は、それが必要としている。私たちは、司法の監督下に秘密の扉とカギを確保し、犯罪を企てている人間がいるときにそれを利用できるようにしてほしいだけだ」。第6章では、FBI法律顧問による同趣旨の発言（2010年）を紹介した。Brook N. Meeks (12 May 1995), "Jacking in from the narco-terrorist encryption port," *CyberWire Dispatch*, <http://www.cyberwire.com/cwd/cwd.95.05.12a.html>.
- 6 Wayne Madsen (Nov 1994), "The Clipper controversy," *Information Systems Security* 3, <http://www.sciencedirect.com/science/article/pii/S1353485894009073>. Matt Blaze (5-9 Dec 2011), "Key escrow from a safe distance: Looking back at the Clipper Chip," 27th Annual Computer Security Applications Conference, Orlando, Florida, <http://www.crypto.com/papers/escrow-acsac11.pdf>.

- 7 アメリカ軍は、1987年の時点ですでに NSA から [the STU-III] という同様の機器を提供されていた。Department of Defense Security Institute (Feb 1997), "STU-III handbook for industry," <http://www.tscm.com/STUIIIhandbook.html>.
- 8 Hal Abelson et al. (Jun 1999), "The risks of key recovery, key escrow, and trusted third-party encryption," *World Wide Web Journal* 2, <https://www.schneier.com/paper-key-escrow.html>.
- 9 Crypto Museum (2014), "AT&T TSD-3600-E Telephone Encryptor," <http://www.cryptomuseum.com/crypto/att/tsd3600>.
- 10 Dorothy E. Denning and Dennis K. Branstad (Mar 1996), "A taxonomy for key escrow encryption systems," *Communications of the ACM* 39, <http://faculty.nps.edu/dedennin/publications/Taxonomy-CACM.pdf>.
- 11 Lance J. Hoffman et al. (10 Jun 1999), "Growing development of foreign encryption products in the face of U.S. export regulations," Report GWU-CPI-1999-02, Cyberspace Policy Institute, George Washington University School of Engineering and Applied Science, <http://cryptome.org/cpi-survey.htm>.
- 12 次の記事は、当時のことがよくわかる資料だ。Steven Levy (May 1993), "Crypto rebels," *Wired*, [http://archive.wired.com/wired/archive/1.02/crypto\\_rebels\\_pr.html](http://archive.wired.com/wired/archive/1.02/crypto_rebels_pr.html).
- 13 次の資料は、この3つの側面について論じたものだ。Danielle Kehl et al. (29 Jul 2014), "Surveillance costs: The NSA's impact on the economy, Internet freedom and cyberspace," Open Technology Institute, New America Foundation, [http://www.newamerica.net/publications/policy/surveillance\\_costs\\_the\\_nsas\\_impact\\_on\\_the\\_economy\\_internet\\_freedom\\_cybersecurity](http://www.newamerica.net/publications/policy/surveillance_costs_the_nsas_impact_on_the_economy_internet_freedom_cybersecurity).
- 14 Barton Gellman and Laura Poitras (7 Jun 2013), "U.S., British intelligence mining data from nine U.S. Internet companies in broad secret program," *Washington Post*, [http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970cb04497\\_story.html](http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970cb04497_story.html).
- 15 David Gilbert (4 Jul 2013), "Companies turn to Switzerland for cloud storage following NSA spying revelations," *International Business Times*, <http://www.ibtimes.co.uk/business-turns-away-dropbox-towards-switzerland-nsa-486613>.
- 16 Ellen Messmer (8 Jan 2014), "NSA scandal spooking IT pros in UK, Canada," *Network World*, <http://www.networkworld.com/article/2173190/security/nsa-scandal-spooking-it-pros-in-uk-canada.html>.
- 17 NTT Communications (28 Mar 2014), "NSA after-shocks: How Snowden has changed ICT decision-makers' approach to the cloud," [http://nsaaftershocks.com/wp-content/themes/nsa/images/NTTC\\_Report\\_WEB.pdf](http://nsaaftershocks.com/wp-content/themes/nsa/images/NTTC_Report_WEB.pdf).
- 18 Daniel Castro (5 Aug 2013), "How much will PRISM cost the U.S. cloud computing industry?" Information Technology and Innovation Foundation, <http://www.itif.org/publications/how-much-will-prism-cost-us-cloud-computing-industry>. Andrea Peterson (7 Aug 2013), "NSA snooping could cost U.S. tech companies \$35 billion over three years," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2013/08/07/nsa-snooping-could-cost-u-s-tech-companies-35-billion-over-three-years>.
- 19 James Staten (14 Aug 2013), "The cost of PRISM will be larger than ITIF projects," *James Staten's Blog*, [http://blogs.forrester.com/james\\_staten/13-08-14-the\\_cost\\_of\\_prism\\_will\\_be\\_larger\\_than\\_itif\\_projects](http://blogs.forrester.com/james_staten/13-08-14-the_cost_of_prism_will_be_larger_than_itif_projects).
- 20 Christopher Mims (14 Nov 2013), "Cisco's disastrous quarter shows how NSA spying could freeze US companies out of a trillion-dollar opportunity," *Quartz*, <http://qz.com/147313/ciscos-disastrous-quarter-shows-how-nsa-spying-could-freeze-us-companies-out-of-a-trillion-dollar-opportunity>.
- 21 Anton Troianovski, Thomas Gryta, and Sam Schechner (30 Oct 2013), "NSA fallout thwarts AT&T," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702304073204579167873091999730>.
- 22 Wolf Richter (17 Oct 2013), "NSA revelations kill IBM hardware sales in China," *Testosterone Pit*, <http://www.testosteronepit.com/home/2013/10/17/nsa-revelations-kill-ibm-hardware-sales-in-china.html>.
- 23 Spencer E. Ante (22 Nov 2013), "Qualcomm CEO says NSA fallout impacting China business," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702304337404579214353783842062>.
- 24 Mark Scott (26 Jun 2014), "Irked by NSA, Germany cancels deal with Verizon," *New York Times*, <http://www.nytimes.com/2014/06/27/business/angered-by-nsa-activities-germany-cancels-verizon-contract.html>.
- 25 Stephen L. Carter (13 Feb 2014), "U.S. tech's costly trust gap," *Bloomberg BusinessWeek*, <http://www.businessweek.com/articles/2014-02-13/nsa-snooping-backlash-could-cost-u-dot-s-dot-tech-companies-billions>. Claire Cain Miller (22 Mar 2014), "N.S.A. spying imposing cost on tech firms," *New York Times*, <http://www.nytimes.com/2014/03/22/business/fallout-from-snowden-hurting-bottom-line-of-tech-companies.html>.
- 26 Ashley Lau (18 May 2014), "Cisco chief urges Obama to curb NSA surveillance activity," *Reuters*, <http://www.reuters.com/article/2014/05/18/cisco-systems-nsa-idUSL1N0040F420140518>.
- 27 Sean Gallagher (14 May 2014), "Photos of an NSA 'upgrade' factory show Cisco router getting implant," *Ars Technica*, <http://arstechnica.com/tech-policy/2014/05/photos-of-an-nsa-upgrade-factory-show-cisco-router-getting-implant>.
- 28 Dominic Rushe (11 Sep 2013), "Zuckerberg: US government 'blew it' on NSA surveillance," *Guardian*, <http://www.theguardian.com/technology/2013/sep/11/yahoo-ceo-mayer-jail-nsa-surveillance>.
- 29 Cornelius Rahn (13 Sep 2011), "Deutsche Telekom wants 'German cloud' to shield data from U.S.," *Bloomberg News*, <http://www.bloomberg.com/news/2011-09-13/deutsche-telekom-wants-german-cloud-to-shield-data-from-u-s.html>.
- 30 Allison Grande (20 Nov 2013), "Google's policies violate German privacy law, court says," *Law 360*, <http://www.law360.com/articles/490316/google-s>

- 31 policies-violate-german-privacy-law-court-says.
- 32 Loek Essers (18 Feb 2014), "Facebook must comply with German data protection law, court rules," *PC World*, <http://www.pcworld.com/article/2098720/facebook-must-comply-with-german-data-protection-law-court-rules.html>.
- 33 Loek Essers (7 May 2013), "Berlin court: Apple's privacy policy violates German protection law," *Macworld*, <http://www.macworld.com/article/2038070/apples-privacy-policy-violates-german-data-protection-law-berlin-court-rules.html>.
- 34 Der Spiegel (5 Aug 2013), "NSA blowback: German minister floats US company ban," *Der Spiegel*, <http://www.spiegel.de/international/business/german-minister-on-eu-company-ban-for-privacy-violation-a-914824.html>.
- 35 Krista Hughes (27 Mar 2014), "Data privacy shapes up as a next-generation trade barrier," Reuters, <http://www.reuters.com/article/2014/03/27/us-usa-trade-tech-analysis-idUSBREA2Q1K120140327>.
- 36 アメリカの多くのテクノロジー企業は懸念を強めている。Stephen Lawson (8 Oct 2014), "Jitters over US surveillance could break the Internet, tech executives warn," *IT World*, <http://www.itworld.com/security/440886/jitters-over-us-surveillance-could-break-internet-tech-leaders-warn>.
- 37 Georg Mascolo and Ben Scott (Oct 2013), "Lessons from the summer of Snowden: The hard road back to trust," Open Technology Institute, New America Foundation, <http://www.newamerica.net/sites/newamerica.net/files/policydocs/NAF-OTI-WC-SummerOfSnowdenPaper.pdf>. Mark Scott (11 Jun 2014), "European firms turn privacy into sales pitch," *New York Times*, <http://bits.blogs.nytimes.com/2014/06/11/european-firms-turn-privacy-into-sales-pitch>.
- 38 スイスのブロントメールという企業は、NSAに傍受されない電子メールサービスを提供している。John Biggs (23 Jun 2014), "ProtonMail is a Swiss secure mail provider that won't give you up to the NSA," *Tech Crunch*, <http://techcrunch.com/2014/06/23/protonmail-is-a-swiss-secure-mail-provider-that-wont-give-you-up-to-the-nsa>.
- 39 Jonathan W. Palmer, Joseph P. Bailey, and Samer Faraj (Mar 2000), "The role of intermediaries in the development of trust on the WWW: The use and prominence of trusted third parties and privacy statements," *Journal of Computer-Mediated Communication* 5, <http://onlinelibrary.wiley.com/doi/10.1111/j.1083-6101.2000.tb00342.x/full>.
- 40 Janice Y. Tsai et al. (Jun 2007), "The effect of online privacy information on purchasing behavior: An experimental study," 6th Workshop on the Economics of Information Security (WEIS), Pittsburgh, Pennsylvania, <http://weis2007.econinfosc.org/papers/57.pdf>.
- 41 Cadie Thompson (7 Mar 2014), "Want privacy online? Start-ups bet users are ready to pay," *NBC News*, <http://www.nbcnews.com/tech/security/want-privacy-online-start-ups-bet-users-are-ready-pay-n47186>.
- 42 DuckDuckGo, <http://www.duckduckgo.com>.
- 43 Sharon Profis (26 Sep 2014), "10 things to know

about Ello, the ad-free social network," CNET, <http://www.cnet.com/how-to/what-is-ello-the-ad-free-social-network>.

## 第10章 プライバシー

- 1 次の1979年の記事は、プライバシーを、自分に関する事実を隠して評判を過大に高めるための手段と位置づけている。Richard A. Posner (1979), "Privacy, secrecy and reputation," *Buffalo Law Review* 28, [http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2832&context=journal\\_articles](http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2832&context=journal_articles).
- 2 ダニエル・ソロヴはしばしば、この種の議論を論駁してきた。Daniel J. Solove (Nov/Dec 2007), "'I've got nothing to hide' and other misunderstandings of privacy," *San Diego Law Review* 44, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=998565](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=998565). Daniel J. Solove (15 May 2011), "Why privacy matters even if you have 'nothing to hide,'" *Chronicle of Higher Education*, <https://chronicle.com/article/Why-Privacy-Matters-Even-if/127461>.
- 3 Huffington Post (25 May 2011), "Google CEO on privacy (VIDEO): 'If you have something you don't want anyone to know, maybe you shouldn't be doing it,'" *Huffington Post*, [http://www.huffingtonpost.com/2009/12/07/google-ceo-on-privacy-if\\_n\\_383105.html](http://www.huffingtonpost.com/2009/12/07/google-ceo-on-privacy-if_n_383105.html).
- 4 Elinor Mills (14 Jul 2005), "Google balances privacy, reach," CNET, [http://news.cnet.com/Google-balances-privacy-reach/2100-1032\\_3-5787483.html](http://news.cnet.com/Google-balances-privacy-reach/2100-1032_3-5787483.html). Randall Stross (28 Aug 2005), "Google anything, so long as it's not Google," *New York Times*, <http://www.nytimes.com/2005/08/28/technology/28digi.html>.
- 5 Bobbie Johnson (10 Jan 2010), "Privacy no longer a social norm, says Facebook founder," *Guardian*, <http://www.theguardian.com/technology/2010/jan/11/facebook-privacy>.
- 6 Brian Bailey (11 Oct 2013), "Mark Zuckerberg buys four houses near his Palo Alto home," *San Jose Mercury News*, [http://www.mercurynews.com/business/cj\\_24285169/mark-zuckerberg-buys-four-houses-near-his-palo-alto-home](http://www.mercurynews.com/business/cj_24285169/mark-zuckerberg-buys-four-houses-near-his-palo-alto-home).
- 7 Peter E. Sand (Spring/Summer 2006), "The privacy value," *I/S: A Journal of Law and Policy* 2, <http://moritzlaw.osu.edu/students/groups/is/files/2012/02/5-Sand.pdf>.
- 8 Judith Donath (2014), *The Social Machine: Designs for Living Online*, MIT Press, <https://encrypted.google.com/?id=XcgmwEACAAJ>.
- 9 David Kirkpatrick (2010), *The Facebook Effect: The Inside Story of the Company That Is Connecting the World*, Simon and Schuster, <https://www.facebook.com/thefacebookeffect>. [邦訳／『フェイスブック若き天才の野望——5億人をつなぐソーシャルネットワークはこう生まれた』（日経BP）]
- 10 エベン・モグレンは、プライバシーを3つの要素にわけて論じている。第1は秘密性。メッセージの内容を、意図した相手以外に知られないようにできることだ。第2は匿名性。メッセージの内容がまったく秘密でない場合でも、送り手と受け手の素性の秘密が守られることだ。匿名性は、情報を発するときだけでなく、情報を読むときにも守られるべきであ

- ることを忘れてはならない。第3は自律性。秘密性や匿名性を侵すような圧力を受けることなく、人生の重要な意思決定をおこなえることだ。Eben Moglen (27 May 2014), "Privacy under attack: The NSA files revealed new threats to democracy," *Guardian*, <http://www.theguardian.com/technology/2014/may/27/sp-privacy-under-attack-nsa-files-revealed-new-threats-democracy>. 一方、ダニエル・ソロヴは、プライバシーを6つの要素にわけている。1 放っておいてもらう権利、2 自己に対する他者のアクセスを制限する能力、3 秘密、4 私的情報のコントロール、5 自分らしさや人としての尊厳の保護、6 親密な人間関係やそうした生活の側面に対するアクセスのコントロールまたは制限である。Daniel J. Solove (Jul 2002), "Conceptualizing privacy," *California Law Review* 90, <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1408&context=californialawreview>.
- 11 danah boyd (2014), *It's Complicated: The Social Lives of Networked Teens*, Yale University Press, p. 76, <http://www.danah.org/books/ItsComplicated.pdf>. [邦訳／「つながりっぱなしの日常を生きる——ソーシャルメディアが若者にもたらしたもの」(草思社)]
  - 12 そうしたディストピアはフィクションの世界で描かれてきた。Dave Eggers (2013), *The Circle*, Knopf, <http://www.mcsweeneyes.net/articles/a-brief-q-a-with-dave-eggers-about-his-new-novel-the-circle>. [邦訳／「ザ・サークル」(早川書房)]
  - 13 Helen Nissenbaum (Fall 2011), "A contextual approach to privacy online," *Daedalus* 11, [http://www.amaad.org/publications/daedalus/11\\_fall\\_nissenbaum.pdf](http://www.amaad.org/publications/daedalus/11_fall_nissenbaum.pdf). Alexis C. Madrigal (29 Mar 2012), "The philosopher whose fingerprints are all over the FTC's new approach to privacy," *Atlantic*, <http://www.theatlantic.com/technology/print/2012/03/the-philosopher-whose-fingerprints-are-all-over-the-ftcs-new-approach-to-privacy/254365>.
  - 14 George E. Panichas (May 2014), "An intrusion theory of privacy," *Res Publica* 20, <http://link.springer.com/article/10.1007%2Fs11158-014-9240-3>.
  - 15 Peter H. Klopfer and Daniel I. Rubenstein (Summer 1977), "The concept privacy and its biological basis," *Journal of Social Issues* 33, [https://www.princeton.edu/~dir/pd/1977\\_Klopfer\\_Rubenstein\\_JSocIssues.pdf](https://www.princeton.edu/~dir/pd/1977_Klopfer_Rubenstein_JSocIssues.pdf).
  - 16 Peter Watts (9 May 2014), "The scorched earth society: A suicide bomber's guide to online privacy," Symposium of the International Association of Privacy Professionals, Toronto, Ontario, <http://www.rifters.com/real/shorts/TheScorchedEarthSociety-transcript.pdf>.
  - 17 Sidney M. Jourard (Spring 1966), "Some psychological aspects of privacy," *Law and Contemporary Problems* 31, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3110&context=lcp>. Stephen T. Margulis (Jul 2003), "Privacy as a social issue and behavioral concept," *Journal of Social Issues* 59, <http://onlinelibrary.wiley.com/doi/10.1111/1540-4560.00063/abstract>.
  - 18 James Q. Whitman (Apr 2004), "The two western cultures of privacy: Dignity versus liberty," *Yale Law Journal* 113, <http://www.yalelawjournal.org/article/the-two-western-cultures-of-privacy-dignity-versus-liberty>.
  - 19 Michael P. Lynch (22 Jun 2013), "Privacy and the threat to the self," *New York Times*, <http://opinionator.blogs.nytimes.com/2013/06/22/privacy-and-the-threat-to-the-self>.
  - 20 その記録はイラン・コントラ事件で証拠提出を命じられた。Michael Tackett (14 Feb 1987), "Computer log tells Iran tale: Printouts give probers memos by key officials," *Chicago Tribune*, [http://articles.chicagotribune.com/1987-02-14/news/8701120148\\_1\\_nsc-staff-professional-office-system-profs](http://articles.chicagotribune.com/1987-02-14/news/8701120148_1_nsc-staff-professional-office-system-profs).
  - 21 Elizabeth Wasserman (17 Nov 1998), "Gates deposition makes judge laugh in court," CNN, <http://edition.cnn.com/TECH/computing/9811/17/judgeLaugh.ms.idg>.
  - 22 Bill Hutchinson (31 Aug 2014), "Jennifer Lawrence, other celebrities have nude photos leaked on Internet after massive hacking scandal," *New York Daily News*, <http://www.nydailynews.com/entertainment/gossip/jennifer-lawrence-celebrities-nude-photos-leaked-internet-article-1.1923369>.
  - 23 サーボール・バイオメトリクスという会社は、この目的のために運転免許証スキャナーを販売している。Servall Biometrics (2014), "ClubSecurity: ID scanners for bars and nightclubs," <http://www.servallbiometrics.com/index.php/products>.
  - 24 Charles Stross (14 May 2007), "Shaping the future," *Charlie's Diary*, [http://www.antipope.org/charlie/blog-static/2007/05/shaping\\_the\\_future.html](http://www.antipope.org/charlie/blog-static/2007/05/shaping_the_future.html).
  - 25 テッド・チャンの短編に、このテーマを扱ったものがある。Ted Chiang (Fall 2013), "The truth of fact, the truth of feeling," *Subterranean Press Magazine*, [http://subterraneanpress.com/magazine/fall\\_2013/the\\_truth\\_of\\_fact\\_the\\_truth\\_of\\_feeling\\_by\\_ted\\_chiang](http://subterraneanpress.com/magazine/fall_2013/the_truth_of_fact_the_truth_of_feeling_by_ted_chiang).
  - 26 メディア論の研究者であるハロルド・イニスは、さまざまなコミュニケーション形態にそれぞれ内在する傾向性の違いについていち早く論じていた。いわく、コミュニケーションの媒体には、時間を越えた伝達力が高いものと空間を越えた伝達力が高いものがあり、それぞれ異なるコントロールと社会的関わり方の形態を生むという。Harold Innis (1951), *The Bias of Communication*, University of Toronto Press, <http://books.google.com?id=egwZyS26booc>. [邦訳／「メディアの文明史——コミュニケーションの傾向性とその循環」(新曜社)]
  - 27 この点に関する研究は興味深い。私たちは、重要な出来事の細部まで忘れてしまう。たとえば、スペースシャトル「チャレンジャー号」の爆発事故、O.J シンブゾンの無罪判決、9.11テロのときに、自分がどこにいたかという記憶について調べた研究がある。John Neil Bohannon III (Jul 1988), "Flashbulb memories for the space shuttle disaster: A tale of two theories," *Cognition* 29, <http://www.sciencedirect.com/science/article/pii/0010027788900364>. Heike Schmolck, Elizabeth A. Buffalo, and Larry R. Squire (Jan 2000), "Memory distortions develop over time: Recollections of the O. J. Simpson trial verdict after 15 and 32 months," *Psychological Science* 11, <http://>

- psycnet.apa.org/psycinfo/2000-15144-007. Jennifer M. Talarico and David C. Rubin (Sep 2003), "Confidence, not consistency, characterizes flashbulb memories," *Psychological Science* 14, [http://911memory.nyu.edu/abstracts/talarico\\_rubin.pdf](http://911memory.nyu.edu/abstracts/talarico_rubin.pdf). Andrew R. A. Conway et al. (Jul 2008), "Flashbulb memory for 11 September 2001," *Applied Cognitive Psychology* 23, <http://onlinelibrary.wiley.com/doi/10.1002/acp.1497/abstract>.
- 28 Michelle Natividad Rodriguez and Maurice Emsellem (Mar 2011), "65 million need not apply: The case for reforming criminal background checks for employment," National Employment Law Project, [http://www.nelp.org/page/-/65\\_Million\\_Need\\_Not\\_Apply.pdf](http://www.nelp.org/page/-/65_Million_Need_Not_Apply.pdf).
- 29 Wendy Hui Kyong Chun (Autumn 2008), "The enduring ephemeral, or the future is a memory," *Critical Inquiry* 35, <http://www.ucl.ac.uk/art-history/events/past-imperfect/chun-reading>.
- 30 Bruce Schneier (27 Feb 2014), "NSA robots are 'collecting' your data, too, and they're getting away with it," *Guardian*, <http://www.theguardian.com/commentisfree/2014/feb/27/nsa-robots-algorithm-surveillance-bruce-schneier>.
- 31 Electronic Frontier Foundation (2013), "The government's word games when talking about NSA domestic spying," <https://www EFF.org/nsa-spying/wordgames>. Trevor Timm (14 Aug 2013), "A guide to the deceptions, misinformation, and word games officials use to mislead the public about NSA surveillance," Electronic Frontier Foundation, <https://www EFF.org/deepinks/2013/08/guide-deceptions-word-games-obfuscations-officials-use-mislead-public-about-nsa>.
- 32 1982年のマニュアルによれば、「情報が『収集』された」とみなされるのは、国防総省の情報収集部門の職員により任務の一環として用いられるために入手された場合に限られる。また、「電子的手段によって獲得されたデータが『収集』された」とされるのは、読み取れる形に処理された場合に限られる」とのことだ。US Department of Defense, Office of the Under Secretary of Defense for Policy (Dec 1982), "Procedures governing the activities of DoD intelligence components that affect United States persons," DoD 5240-1R, p. 15, [http://www.fas.org/irp/doddir/dod/d5240\\_1\\_r.pdf](http://www.fas.org/irp/doddir/dod/d5240_1_r.pdf).
- 33 国防総省は、言葉の本来の意味での解釈と使用を避けるよう注意喚起までしている。「この手続きは、マニュアルDoD5240.1Rを読む人物をはじめて規制の『迷宮』に誘うためのものである。その旅を始めるにあたって、まず用語について認識を修正しなくてはならない。DoD 5240-1Rで用いられる用語は、特別な意味で用いられている。一般的な用法に従って解釈すると迷子にならねない」。US Defense Intelligence Agency, Defense HUMINT Service (Aug 2004), *Intelligence Law Handbook*, Defense Intelligence Management Document CC-0000-181-95, <https://www.aclu.org/files/assets/co12333/DIA/Intelligence%20Law%20Handbook%20Defense%20HUMINT%20Service.pdf>.
- 34 Andrea Mitchell (9 Jun 2013), "Transcript of Andrea Mitchell's interview with Director of National Intelligence James Clapper," *NBC News*, <http://www.nbc.com/mediavillage/networks/nbcnews/pressreleases?pr=contents/press-releases/2013/06/09/nbcnewsexclusive1370799482417.xml>.
- 35 Ron Wyden (12 Mar 2013), "Wyden in intelligence hearing on GPS surveillance & Nat'l Security Agency collection," *YouTube*, <https://www.youtube.com/watch?v=QwiUVUJmGjs>.
- 36 Google (2014), "Ads in Gmail," <https://support.google.com/mail/answer/6603?hl=en>.
- 37 運輸保安庁は2010年、フルボディスキャナーはデータを保存していないと語っていた。ところが、電子プライバシー情報センターが入手した文書によれば、このスキャナーにはハードドライブとUSBポートがついていた。Ginger McCall (3 Aug 2010), "Documents reveal that body scanners routinely store and record images," Electronic Privacy Information Center, [http://epic.org/press/EPIC\\_Body\\_Scanner\\_Press\\_Release\\_08\\_03\\_10.pdf](http://epic.org/press/EPIC_Body_Scanner_Press_Release_08_03_10.pdf). Declan McCullagh (4 Aug 2010), "Feds admit storing checkpoint body scan images," *CNET*, <http://www.cnet.com/news/feds-admit-storing-checkpoint-body-scan-images>. US Transportation Security Administration (6 Aug 2010), "TSA response to 'Feds admit storing checkpoint body scan images,'" *TSA Blog*, <http://blog.tsa.gov/2010/08/tsa-response-to-feds-admit-storing.html>.
- 38 私たちが電子ペットの「ファービー」に不安をいだかないのは、そのためだ。しかし、録音機能が搭載されれば事情が変わってくる。NSAはある時期、それを警戒していた。British Broadcasting Corporation (13 Jan 1999), "Furby toy or Furby spy?" *BBC News*, <http://news.bbc.co.uk/2/hi/americas/254094.stm>.
- 39 Bruce Schneier (21 Oct 2013), "Why the NSA's defense of mass data collection makes no sense," *Atlantic*, <http://www.theatlantic.com/politics/archive/2013/10/why-the-nsas-defense-of-mass-data-collection-makes-no-sense/280715>.
- 40 Bruce Schneier (2000), *Secrets and Lies: Digital Security in a Networked World*, Wiley, chap. 9, <http://www.wiley.com/WileyCDA/WileyTitle/productCd-0471453803.html>. [邦訳／『暗号の秘密とウソ——ネットワーク社会のデジタルセキュリティ』(翔泳社)]
- 41 Charles Glaser (1 Jun 2011), "Deterrence of cyber attacks and U.S. national security," Report GW-CSPRI-2011-5, George Washington University Cyber Security Policy and Research Institute, [http://www.cspri.seas.gwu.edu/uploads/2/1/3/2/1324690/2011-5\\_cyber\\_deterrence\\_and\\_security\\_glaser.pdf](http://www.cspri.seas.gwu.edu/uploads/2/1/3/2/1324690/2011-5_cyber_deterrence_and_security_glaser.pdf). Joseph S. Nye Jr. (May 2010), "Cyber power," Harvard Kennedy School, Belfer Center for Science and International Affairs, <http://belfercenter.ksg.harvard.edu/files/cyber-power.pdf>.
- 42 Nicole Perlroth (31 Jan 2013), "Hackers in China attacked the Times for last 4 months," *New York Times*, <http://www.nytimes.com/2013/01/31/technology/chinese-hackers-infiltrate-new-york-times-computers.html>.
- 43 匿名性を制限しても荒らし行為はなくならない。人々のオンライン上での行動は単純なものではなく、匿名性というより、社会的制約が緩むことの影

- 響を強く受けているからだ。John Suler (Jun 2004), "The online disinhibition effect," *Cyber Psychology and Behavior* 7, <http://online.liebertpub.com/doi/abs/10.1089/1094931041291295>.
- 44 Philipp Winter and Stefan Lindskog (6 Aug 2012), "How the Great Firewall of China is blocking Tor," Second USENIX Workshop on Free and Open Communications on the Internet, Bellevue, Washington, <https://www.usenix.org/system/files/conference/foci12/foci12-final2.pdf>.
- 45 Leon Panetta (11 Oct 2012), "Remarks by Secretary Panetta on cybersecurity to the Business Executives for National Security, New York City," US Department of Defense, <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=5136>.
- 第11章 安全
- 1 Bruce Schneier (17 May 2007), "Virginia Tech lesson: Rare risks breed irrational responses," *Wired*, [http://archive.wired.com/politics/security/commentary/securitymatters/2007/05/securitymatters\\_0517](http://archive.wired.com/politics/security/commentary/securitymatters/2007/05/securitymatters_0517).
- 2 Washington's Blog (15 Aug 2014), "You're nine times more likely to be killed by a police officer than a terrorist," *Washington's Blog*, <http://www.washingtonsblog.com/2014/08/youre-nine-times-likely-killed-police-officer-terrorist.html>.
- 3 Spencer Ackerman (13 Dec 2013), "NSA review to leave spying programs largely unchanged, reports say," *Guardian*, <http://www.theguardian.com/world/2013/dec/13/nsa-review-to-leave-spying-programs-largely-unchanged-reports-say>.
- 4 事後にすべての手がかりを見たあとだと、点と点を結びつけられたはずだと思いがちだ。このような思考パターンは「後知恵バイアス」と呼ばれる。事後には有益なデータがすぐに目につくが、事前の段階では、膨大な量の無関係のデータの中に埋もれてしまっている。それに、それらのデータのつなぎ合わせ方は無数にあり、どのような結論が導き出されても不思議でない。
- 5 Nassim Nicholas Taleb (2007), "The narrative fallacy," in *The Black Swan: The Impact of the Highly Improbable*, Random House, chap. 6, <http://www.fooledbyrandomness.com>. [邦訳／『ブラック・スワン——不確実性とリスクの本質』(ダイヤモンド社)]
- 6 Associated Press (2 Feb 2012), "U.S. no-fly list doubles in one year," *USA Today*, <http://usatoday30.usatoday.com/news/washington/story/2012-02-02/no-fly-list/52926968/1>.
- 7 Eric Schmitt and Michael S. Schmidt (24 Apr 2013), "2 U.S. agencies added Boston bomb suspect to watch list," *New York Times*, <http://www.nytimes.com/2013/04/25/us/tamerlan-tsarnaev-bomb-suspect-was-on-watch-lists.html>.
- 8 W. T. Ngai et al. (Feb 2011), "The application of data mining techniques in financial fraud detection: A classification framework and an academic review of literature," *Decision Support Systems* 50, <https://www.sciencedirect.com/science/article/pii/S0167923610001302>. Siddhartha Bhattacharyya et al. (Feb 2011), "Data mining for credit card fraud: A comparative study," *Decision Support Systems* 50, <https://www.sciencedirect.com/science/article/pii/S0167923610001326>.
- 9 Erika Harrell and Lynn Langton (12 Dec 2013), "Victims of identity theft 2012," US Bureau of Justice Statistics, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4821>.
- 10 US Government Accountability Office (2013), "Offshore tax evasion: IRS has collected billions of dollars, but may be missing continued evasion," Report GAO-13-318, <http://www.gao.gov/assets/660/653369.pdf>. IBM Corporation (2011), "New York State Tax: How predictive modeling improves tax revenues and citizen equity," [https://www.ibm.com/smarterplanet/us/en/leadership/nystax/assets/pdf/0623-NYS-Tax\\_Paper.pdf](https://www.ibm.com/smarterplanet/us/en/leadership/nystax/assets/pdf/0623-NYS-Tax_Paper.pdf).
- 11 Walter L. Perry et al. (2013), "Predictive policing: The role of crime forecasting in law enforcement operations," RAND Corporation, <https://www.ncjrs.gov/pdffiles1/nij/grants/243830.pdf>.
- 12 John Mueller and Mark G. Stewart (2011), *Terror, Security, and Money: Balancing the Risks, Benefits, and Costs of Homeland Security*, Oxford University Press, chap. 2, <http://books.google.com/books?id=jyYGL2jZBC4C>.
- 13 Jeff Jonas and Jim Harper (11 Dec 2006), "Effective counterterrorism and the limited role of predictive data mining," Cato Institute, <http://www.cato.org/publications/policy-analysis/effective-counterterrorism-limited-role-predictive-data-mining>. Fred H. Cate (Summer 2008), "Government data mining: The need for a legal framework," *Harvard Civil Rights-Civil Liberties Law Review* 43, [http://www.law.harvard.edu/students/orgs/crcil/vol43\\_2/435-490\\_Cate.pdf](http://www.law.harvard.edu/students/orgs/crcil/vol43_2/435-490_Cate.pdf).
- 14 G. Stuart Mendenhall and Mark Schmidhofer (Winter 2012-13), "Screening tests for terrorism," *Regulation*, <http://object.cato.org/sites/cato.org/files/serials/files/regulation/2013/1/v35n4-4.pdf>. Corey Chivers (6 Jun 2013), "How likely is the NSA PRISM program to catch a terrorist?" *Bayesian Biologist*, <http://bayesianbiologist.com/2013/06/06/how-likely-is-the-nsa-prism-program-to-catch-a-terrorist>. Marcy Wheeler (15 Jun 2013), "The inefficacy of Big Brother: Associations and the terror factory," *Empty Wheel*, <http://www.emptywheel.net/2013/06/15/the-inefficacy-of-big-brother-associations-and-the-terror-factory>.
- 15 この落とし穴は、統計学では「基準値の誤り」と呼ばれる。これは、テロ対策以外の分野でも起こりうる現象だ。たとえば、医学検査法の精度がきわめて高くても、その病気の発症者の割合が非常に低い場合は同様の問題を生む。ここではあえて数学的議論には踏み込まないが、興味のある読者には次の論文が参考になるだろう。Jeff Jonas and Jim Harper (11 Dec 2006), "Effective counterterrorism and the limited role of predictive data mining," Cato Institute, <http://object.cato.org/sites/cato.org/files/pubs/pdf/pa584.pdf>.
- 16 J. D. Tuccille (19 Jul 2013), "Why spy on everybody? Because 'you need the haystack to find the needle,'" *Reason*, <http://reason.com/blog/2013/07/19/why-spy-on-everybody-because-you-need-th>.



- 17 Mike Masnick (15 Oct 2013), "Latest revelations show how collecting all the haystacks to find the needle makes the NSA's job harder," *Tech Dirt*, <https://www.techdirt.com/articles/20131014/17303424880/latest-revelations-show-how-collecting-all-haystacks-to-find-data-makes-nsas-job-harder.shtml>.
- 18 Chris Young (12 Mar 2012), "Military intelligence redefined: Big Data in the battlefield," *Forbes*, <http://www.forbes.com/sites/techonomy/2012/03/12/military-intelligence-redefined-big-data-in-the-battlefield>.
- 19 Matt Briggs (7 Jun 2013), "Data mining: PRISM, NSA and false positives: Update," *William M. Briggs*, <http://wmbriggs.com/blog/?p=8239>.
- 20 Lowell Bergman et al. (17 Jan 2006), "Spy agency data after Sept. 11 led F.B.I. to dead ends," *New York Times*, <http://www.nytimes.com/2006/01/17/politics/17spy.html>.
- 21 US Government Accountability Office (26 Mar 2013), "Information sharing: Additional actions could help ensure that efforts to share terrorism-related suspicious activity reports are effective," Report GAO-13-233, <http://www.gao.gov/assets/660/652995.pdf>.
- 22 Yochai Benkler (8 Oct 2013), "Fact: The NSA gets negligible intel from Americans' metadata. So end collection," *Guardian*, <http://www.theguardian.com/commentisfree/2013/oct/08/nsa-bulk-metadata-surveillance-intelligence>. Peter Bergen (Jan 2014), "Do NSA's bulk surveillance programs stop terrorists?" *New America Foundation*, [http://newamerica.net/publications/policy/do\\_nsa\\_bulk\\_surveillance\\_programs\\_stop\\_terrorists](http://newamerica.net/publications/policy/do_nsa_bulk_surveillance_programs_stop_terrorists).
- 23 Marcy Wheeler (12 Dec 2013), "Did DOJ prosecute Basaaly Moalin just to have a Section 215 'success'?" *Empty Wheel*, <http://www.emptywheel.net/2013/12/12/did-doj-prosecute-basaaly-moalin-just-to-have-a-section-215-success>.
- 24 旅客機の保安検査にはそうした例が多い。2001年、リチャード・リードという男が鞆に爆弾を隠して旅客機に乗り込む事件が起きた。この事件の最大の影響は、搭乗前に乗客が鞆を脱いでみせるよう要求されるようになったことだった。
- 25 Francis Goullart (10 Jun 2013), "Big data NSA spying is not even an effective strategy," *Fortune*, <http://management.fortune.cnn.com/2013/06/10/big-data-nsa-spying-is-not-even-an-effective-strategy>. Ed Pilkington and Nicholas Watt (12 Jun 2013), "NSA surveillance played little role in foiling terror plots, experts say," *Guardian*, <http://www.theguardian.com/world/2013/jun/12/nsa-surveillance-data-terror-attack>. Washington's Blog (13 Jun 2013), "The dirty little secret about mass surveillance: It doesn't keep us safe," *Washington's Blog*, <http://www.washingtonsblog.com/2013/06/the-dirty-little-secret-about-nsa-spying-it-doesnt-work.html>.
- 26 Jeffrey W. Seifert (3 Apr 2008), "Data mining and homeland security: An overview," Congressional Research Service, <http://www.fas.org/srgp/crs/homesecc/RL31798.pdf>.
- 27 Peter Bergen (30 Dec 2013), "Would NSA surveillance have stopped 9/11 plot?" CNN, <http://www.cnn.com/2013/12/30/opinion/bergen-nsa-surveillance-september-11>.
- 28 Simon Shuster (19 Apr 2013), "The Brothers Tsarnaev: Clues to the motives of the alleged Boston bombers," *Time*, <http://world.time.com/2013/04/19/the-brothers-tsarnaevs-motives>.
- 29 Marcy Wheeler (12 Apr 2014), "The day after government catalogs data NSA collected on Tsarnaevs, DOJ refuses to give Dzhokhar notice," *Empty Wheel*, <http://www.emptywheel.net/2014/04/12/the-day-after-government-catalogs-data-nsa-collected-on-tsarnaevs-doj-refuses-to-give-dzhokhar-notice>.
- 30 National Commission on Terrorist Attacks (2004), *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Activities upon the United States*, <http://www.gpo.gov/fdsys/pkg/GPO-911REPORT/pdf/GPO-911REPORT.pdf>.
- 31 Dan Eggen, Karen DeYoung, and Spencer S. Hsu (27 Dec 2009), "Plane suspect was listed in terror database after father alerted U.S. officials," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2009/12/25/AR2009122501355.html>.
- 32 Dominic Casciani (7 Sep 2009), "Liquid bomb plot: What happened," *BBC News*, [http://news.bbc.co.uk/2/hi/uk\\_news/8242479.stm](http://news.bbc.co.uk/2/hi/uk_news/8242479.stm).
- 33 NSAは54件のテロを阻止したと主張しているが、厳密な数字とは言えない。このほとんどはテロ計画とは言い難く、舞台もアメリカ国外だ。Justin Elliott and Theodor Meyer (23 Oct 2013), "Claim on 'attacks thwarted' by NSA spreads despite lack of evidence," *Pro Publica*, <http://www.propublica.org/article/claim-on-attacks-thwarted-by-nsa-spreads-despite-lack-of-evidence>.
- 34 Kevin Strom and John Hollywood (2010), "Building on clues: Examining successes and failures in detecting U.S. terrorist plots," Institute for Homeland Security Solutions, [http://sites.duke.edu/ihss/files/2011/12/Building\\_on\\_Clues\\_Strom.pdf](http://sites.duke.edu/ihss/files/2011/12/Building_on_Clues_Strom.pdf).
- 35 Bruce Schneier (8 Sep 2005), "Terrorists don't do movie plots," *Wired*, <http://archive.wired.com/politics/security/commentary/securitymatters/2005/09/68789>.
- 36 Bruce Schneier (2012), *Liars and Outliers: Enabling the Trust That Society Needs to Thrive*, Wiley, chap. 16, <http://www.wiley.com/WileyCDA/WileyTitle/productCd-1118143302.html>. [邦訳／「信頼と裏切りの社会」(NTT出版)]
- 37 Ross Anderson (2 Oct 2001), "Why information security is hard: An economic perspective," University of Cambridge Computer Laboratory, <http://www.acsac.org/2001/papers/110.pdf>. Matthew Miller, Jon Brickey, and Gregory Conti (29 Nov 2012), "Why your intuition about cyber warfare is probably wrong," *Small Wars Journal*, <http://smallwarsjournal.com/jml/art/why-your-intuition-about-cyber-warfare-is-probably-wrong>.
- 38 Bruce Schneier (19 Nov 1999), "A plea for simplicity: You can't secure what you don't understand," *Information Security*, <https://www.schneier.com/essay-018.html>.
- 39 Edward Tufte (2003), "Why producing good software

- is difficult," *Edward Tufte Forum*, [http://www.edwardtufte.com/bboard/q-and-a-fetch-msg?msg\\_id=0000D8](http://www.edwardtufte.com/bboard/q-and-a-fetch-msg?msg_id=0000D8). James Kwak (8 Aug 2012), "Software runs the world: How scared should we be that so much of it is so bad?" *Atlantic*, <http://www.theatlantic.com/business/archive/2012/08/software-runs-the-world-how-scared-should-we-be-that-so-much-of-it-is-so-bad/260846>.
- 40 Michael Riley et al. (13 Mar 2014), "Missed alarms and 40 million stolen credit card numbers: How Target blew it," *Bloomberg Businessweek*, <http://www.businessweek.com/articles/2014-03-13/target-missed-alarms-in-epic-hack-of-credit-card-data>.
  - 41 Elizabeth A. Harris et al. (17 Jan 2014), "A sneaky path into Target customers' wallets," *New York Times*, <http://www.nytimes.com/2014/01/18/business/a-sneaky-path-into-target-customers-wallets.html>.
  - 42 Elizabeth A. Harris (6 May 2014), "Faltering Target parts ways with chief," *New York Times*, <http://www.nytimes.com/2014/05/06/business/target-chief-executive-resigns.html>.
  - 43 Nicole Perlothro (31 Jan 2013), "Hackers in China attacked the Times for last 4 months," *New York Times*, <http://www.nytimes.com/2013/01/31/technology/chinese-hackers-infiltrate-new-york-times-computers.html>.
  - 44 本春秋執筆時点での目標は、EFLOPS の処理能力を実算すること。EFLOPS とは、1秒あたり100京回の演算をおこなう能力のことだ。James Bamford (15 Mar 2012), "The NSA is building the country's biggest spy center (watch what you say)," *Wired*, [http://www.wired.com/threatlevel/2012/03/ff\\_nsadatacenter/all](http://www.wired.com/threatlevel/2012/03/ff_nsadatacenter/all).
  - 45 Bruce Schneier (4 Oct 2013), "Attacking Tor: How the NSA targets users' online anonymity," *Guardian*, <http://www.theguardian.com/world/2013/oct/04/tor-attacks-nsa-users-online-anonymity>.
  - 46 Glenn Greenwald and Edward Snowden (17 Jun 2013), "Edward Snowden: NSA whistleblower answers reader questions," *Guardian*, <http://www.theguardian.com/world/2013/jun/17/edward-snowden-nsa-files-whistleblower>.
  - 47 それにまつわる倫理上の問題は、次の論文で論じられている。Serge Egelman, Cormac Herley, and Paul C. van Oorschot (9-12 Sep 2013), "Markets for zero-day exploits: Ethics and implications," New Security Paradigms Workshop, Banff, Alberta, Canada, <http://www.nspw.org/papers/2013/nspw2013-egelman.pdf>.
  - 48 Stefan Frei (5 Dec 2013), "The known unknowns: Empirical analysis of publicly-known security vulnerabilities," NSS Labs, [https://www.nsslabs.com/system/files/public-report/files/The%20Known%20Unknowns\\_1.pdf](https://www.nsslabs.com/system/files/public-report/files/The%20Known%20Unknowns_1.pdf).
  - 49 Andy Greenberg (21 Mar 2012), "Meet the hackers who sell spies the tools to crack your PC (and get paid six-figure fees)," *Forbes*, <http://www.forbes.com/sites/andygreenberg/2012/03/21/meet-the-hackers-who-sell-spies-the-tools-to-crack-your-pc-and-get-paid-six-figure-fees>. ロシアと北朝鮮は、ゼロデイ脆弱性を獲得するために莫大な資金を投じている。
  - Nicole Perlothro and David E. Sanger (13 Jul 2013), "Nations buying as hackers sell flaws in computer code," *New York Times*, <http://www.nytimes.com/2013/07/14/world/europe/nations-buying-as-hackers-sell-computer-flaws.html>. Office of the Secretary of Defense (4 Feb 2014), "Military and security developments involving the Democratic People's Republic of North Korea 2013," [http://www.defense.gov/pubs/North\\_Korea\\_Military\\_Power\\_Report\\_2013-2014.pdf](http://www.defense.gov/pubs/North_Korea_Military_Power_Report_2013-2014.pdf).
  - 50 Dancho Danchev (2 Nov 2008), "Black market for zero day vulnerabilities still thriving," *ZDNet*, <http://www.zdnet.com/blog/security/black-market-for-zero-day-vulnerabilities-still-thriving/2108>.
  - 51 この点に関する最も重要な研究は、次の論文だ。Eric Rescorla (7 Feb 2005), "Is finding security holes a good idea?" RTFM, Inc., <http://www.rtfm.com/bugrate.pdf>. Sandy Clark et al. (6-10 Dec 2010), "Familiarity breeds contempt: The honeymoon effect and the role of legacy code in zero-day vulnerabilities," 26th Annual Computer Security Applications Conference, Austin, Texas, <http://dl.acm.org/citation.cfm?id=1920299>. Andy Ozment and Stuart E. (11 May 2006), "Milk or wine: Does software security improve with age?" MIT Lincoln Laboratory, <https://research.microsoft.com/pubs/79177/milkorwine.pdf>.
  - 52 このような問題は、組み込み機器とインターネット・オブ・シングズ (IoT) ではさらに甚だしい。Bruce Schneier (6 Jan 2014), "The Internet of Things is wildly insecure — and often unpatchable," *Wired*, <http://www.wired.com/2014/01/theres-no-good-way-to-patch-the-internet-of-things-and-thats-a-huge-problem>.
  - 53 James Ball, Julian Borger, and Glenn Greenwald (5 Sep 2013), "Revealed: How US and UK spy agencies defeat internet privacy and security," *Guardian*, <http://www.theguardian.com/world/2013/sep/05/nsa-gchq-encryption-codes-security>.
  - 54 この4つの点は、次の論文で指摘されている。Danielle Kehl et al. (29 Jul 2014), "Surveillance costs: The NSA's impact on the economy, Internet freedom and cyberspace," Open Technology Institute, New America Foundation, [http://www.newamerica.net/publications/policy/surveillance\\_costs\\_the\\_nsa\\_impact\\_on\\_the\\_economy\\_internet\\_freedom\\_cybersecurity](http://www.newamerica.net/publications/policy/surveillance_costs_the_nsa_impact_on_the_economy_internet_freedom_cybersecurity).
  - 55 Michael Daniel (28 Apr 2014), "Heartbleed: Understanding when we disclose cyber vulnerabilities," *White House Blog*, <http://www.whitehouse.gov/blog/2014/04/28/heartbleed-understanding-when-we-disclose-cyber-vulnerabilities>.
  - 56 Ryan Naraine (14 Sep 2010), "Stuxnet attackers used 4 Windows zero-day exploits," *ZDNet*, <http://www.zdnet.com/blog/security/stuxnet-attackers-used-4-windows-zero-day-exploits/7347>.
  - 57 Andrea Peterson (4 Oct 2013), "Why everyone is left less secure when the NSA doesn't help fix security

- flaws," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2013/10/04/why-everyone-is-left-less-secure-when-the-nsa-doesnt-help-fix-security-flaws>.
- 58 David E. Sanger (12 Apr 2014), "Obama lets N.S.A. exploit some Internet flaws, officials say," *New York Times*, <http://www.nytimes.com/2014/04/13/us/politics/obama-lets-nsa-exploit-some-internet-flaws-officials-say.html>. Kim Zetter (15 Apr 2014), "Obama: NSA must reveal bugs like Heartbleed, unless they help the NSA," *Wired*, <http://www.wired.com/2014/04/obama-zero-day>.
- 59 それを見合わせる試みもなされている。Andy Ozment (2-3 Jun 2005), "The likelihood of vulnerability rediscovery and the social utility of vulnerability hunting," Workshop on Economics and Information Security, Cambridge, Massachusetts, <http://infosec.net/workshop/pdf/10.pdf>.
- 60 Robert Axelrod and Rumun Iliev (28 Jan 2014), "Timing of cyber conflict," *Proceedings of the National Academy of Sciences of the United States of America* 111, <http://www.pnas.org/content/early/2014/01/08/1322638111.full.pdf>.
- 61 バックドアについて専門用語を使わずにわかりやすく解説したものとしては、次の記事がある。Serdar Yegulalp (13 Jun 2014), "Biggest, baddest, boldest software backdoors of all time," *Tech World*, [http://www.techworld.com.au/slideshow/547475/pictures\\_biggest\\_baddest boldest\\_software\\_backdoors\\_all\\_time](http://www.techworld.com.au/slideshow/547475/pictures_biggest_baddest boldest_software_backdoors_all_time).
- 62 James Ball, Julian Borger, and Glenn Greenwald (5 Sep 2013), "Revealed: How US and UK spy agencies defeat Internet privacy and security," *Guardian*, <http://www.theguardian.com/world/2013/sep/05/nsa-gchq-encryption-codes-security>. Guardian (5 Sep 2013), "Project Bullrun — classification guide to the NSA's decryption program," *Guardian*, <http://www.theguardian.com/world/interactive/2013/sep/05/nsa-project-bullrun-classification-guide>, <http://cryptome.org/2013/09/nsa-bullrun-2-16-guardian-13-0905.pdf>.
- 63 US National Security Agency (2012), "SIGINT Enabling Project," <http://www.propublica.org/documents/item/784285-sigint-enabling-project.html>.
- 64 Lorenzo Franceschi-Bicchieri (11 Sep 2013), "Did the FBI lean on Microsoft for access to its encryption software?" *Mashable*, <http://mashable.com/2013/09/11/fbi-microsoft-bitlocker-backdoor>.
- 65 Jesse Emspak (16 Aug 2012), "FBI surveillance backdoor might open door to hackers," *NBC News*, [http://www.nbcnews.com/id/48695618/ns/technology\\_and\\_security-security/t/fbi-surveillance-backdoor-might-open-door-hackers](http://www.nbcnews.com/id/48695618/ns/technology_and_security-security/t/fbi-surveillance-backdoor-might-open-door-hackers). Ben Addida et al. (17 May 2013), "CALEA II: Risks of wiretap modifications to endpoints," Center for Democracy and Technology, <http://www.cdt.org/files/pdfs/CALEAI-techreport.pdf>. Bruce Schneier (29 May 2013), "The FBI's new wiretap plan is great news for criminals," *Foreign Policy*, [http://www.foreignpolicy.com/articles/2013/05/29/the\\_fbi\\_s\\_new\\_wiretapping\\_plan\\_is\\_great\\_news\\_for\\_criminals](http://www.foreignpolicy.com/articles/2013/05/29/the_fbi_s_new_wiretapping_plan_is_great_news_for_criminals).
- 66 Susan Landau (2011), *Surveillance or Security? The Risks Posed by New Wiretapping Technologies*, MIT Press, <http://mitpress.mit.edu/books/surveillance-or-security>. New York Times (21 Sep 2013), "Close the NSA's backdoors," *New York Times*, <http://www.nytimes.com/2013/09/22/opinion/sunday/close-the-nsas-back-doors.html>.
- 67 Vassilis Prevelakis and Diomidis Spinellis (29 Jun 2007), "The Athens affair," *IEEE Spectrum*, <http://spectrum.ieee.org/telecom/security/the-athens-affair>.
- 68 Alexander Smolczyk (5 Oct 2006), "Eavesdropping on La Bella Vita: Listening quietly in Italy," *Der Spiegel*, <http://www.spiegel.de/international/spiegel/eavesdropping-on-la-bella-vita-listening-quietly-in-italy-a-440880.html>. John Leyden (14 Apr 2008), "Preatoni breaks silence over Telecom Italia spying probe," *Register*, [http://www.theregister.co.uk/2008/04/14/telecom\\_italia\\_spying\\_probe\\_update](http://www.theregister.co.uk/2008/04/14/telecom_italia_spying_probe_update).
- 69 Bruce Schneier (23 Jan 2010), "U.S. enables Chinese hacking of Google," *CNN*, <http://www.cnn.com/2010/OPINION/01/23/schneier.google.hacking/index.html>.
- 70 Susan Landau (23 Mar 2012), "The large immortal machine and the ticking time bomb," Social Sciences Research Network (republished Nov 2013 in *Journal of Telecommunications and High Tech Law* 11), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2028152](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2028152).
- 71 Lawrence Lessig (20 Oct 2014), "Institutional corruption and the NSA: Lawrence Lessig interviews Edward Snowden at Harvard Law," *LeakSourceInfo/YouTube*, <http://www.youtube.com/watch?v=DksIFG3Skb4>.
- 72 Ryan Devereaux, Glenn Greenwald, and Laura Poitras (19 May 2014), "Data pirates of the Caribbean: The NSA is recording every cell phone call in the Bahamas," *Intercept*, <https://firstlook.org/theintercept/article/2014/05/19/data-pirates-caribbean-nsa-recording-every-cell-phone-call-bahamas>.
- 73 US National Security Agency (2012), "SIGINT Enabling Project," <http://www.propublica.org/documents/item/784285-sigint-enabling-project.html>.
- 74 Craig Timberg and Ashkan Soltani (14 Dec 2013), "NSA cracked popular cellphone encryption," *Washington Post*, [http://www.washingtonpost.com/business/technology/by-cracking-cellphone-code-nsa-has-capacity-for-decoding-private-conversations/2013/12/13/ci119b598-612f-11e3-b456-11f6954fc5f\\_story.html](http://www.washingtonpost.com/business/technology/by-cracking-cellphone-code-nsa-has-capacity-for-decoding-private-conversations/2013/12/13/ci119b598-612f-11e3-b456-11f6954fc5f_story.html).
- 75 Dan Shumow and Niels Ferguson (21 Aug 2007), "On the possibility of a backdoor in the NIST SP800-90 Dual\_EC\_DRBG," Microsoft Corporation, <http://rump2007.cryp.to/15-shumow.pdf>. Matthew Green (18 Sep 2013), "The many flaws of Dual\_EC\_DRBG," *Cryptography Engineering*, <http://blog.cryptographyengineering.com/2013/09/the-many-flaws-of-dual-ec-drbg.html>. D.W. (18 Sep 2013), "Explaining weakness of Dual\_EC\_DRBG to wider audience?" *Cryptography Stack Exchange*, <http://crypto.stackexchange.com/questions/10417/explaining-weakness-of-dual-ec-drbg-to-wider-audience>.
- 76 Ryan Gallagher and Glenn Greenwald (12 Mar

- 2014), "How the NSA plans to infect 'millions' of computers with malware," *Intercept*, <https://firstlook.org/theintercept/article/2014/03/12/nsa-plans-infect-millions-computers-malware>.
- 77 Glenn Greenwald (14 Jul 2014), "Hacking online polls and other ways British spies seek to control the Internet," *Intercept*, <https://firstlook.org/theintercept/2014/07/14/manipulating-online-polls-ways-british-spies-seek-control-internet>.
- 78 Bruce Schneier (21 May 2014), "The NSA is not made of magic," *Schneier on Security*, [https://www.schneier.com/blog/archives/2014/05/the\\_nsa\\_is\\_not\\_.html](https://www.schneier.com/blog/archives/2014/05/the_nsa_is_not_.html).
- 79 Nicholas Weaver (13 Mar 2014), "A close look at the NSA's most powerful Internet attack tool," *Wired*, <http://www.wired.com/2014/03/quantum>. Matt Brian (20 Jun 2014), "Hackers use Snowden leaks to reverse-engineer NSA surveillance devices," *Engadget*, <http://www.engadget.com/2014/06/20/nsa-bugs-reverse-engineered>.
- 80 Bruce Schneier (4 Oct 2013), "Attacking Tor: How the NSA targets users' online anonymity," *Guardian*, <http://www.theguardian.com/world/2013/oct/04/tor-attacks-nsa-users-online-anonymity>.
- 81 私の最初の記事以降、このプログラムについて多くのことがわかってきた。Nicholas Weaver (13 Mar 2014), "A close look at the NSA's most powerful attack tool," *Wired*, <http://www.wired.com/2014/03/quantum>. Claudio Guarnieri (24 Jan 2014), "The Internet is compromised," *Medium*, <https://medium.com/@bothder/the-internet-is-compromised-4c66984abd7d>. Der Spiegel (30 Dec 2013), "NSA-Dokumente: So bemittelt der Geheimdienst fremde Rechner," *Der Spiegel*, <http://www.spiegel.de/fotostrecke/nsa-dokumente-so-ueberrinnt-der-geheimdienst-fremde-rechner-fotostrecke-105329.html>. Der Spiegel (30 Dec 2013), "NSA-Dokumente: So knackt der Geheimdienst Internetkonten," *Der Spiegel*, <http://www.spiegel.de/fotostrecke/nsa-dokumente-so-knackt-der-geheimdienst-internetkonten-fotostrecke-105326.html>.
- 82 Nicholas Weaver, Robin Sommer, and Vern Paxson (8–11 Feb 2009), "Detecting forged TCP reset packets," Network and Distributed System Security Symposium (NDSS 2009), San Diego, California, <http://www.icir.org/vern/papers/reset-injection.ndss09.pdf>.
- 83 Morgan Marquis-Boire (15 Aug 2014), "Schrodinger's cat video and the death of clear-text," Citizen Lab, Munk School of Global Affairs, University of Toronto, <https://citizenlab.org/2014/08/cat-video-and-the-death-of-clear-text>. Morgan Marquis-Boire (15 Aug 2014), "You can get hacked just by watching this cat video on YouTube," *Intercept*, <https://firstlook.org/theintercept/2014/08/15/cat-video-hack>. Cora Currier and Morgan Marquis-Boire (30 Oct 2014), "Secret manuals show the spyware sold to despots and cops worldwide," *Intercept*, <https://firstlook.org/theintercept/2014/10/30/hacking-team>.
- 84 Airpwn (27 May 2009), "Airpwn 1.4," *Sourceforge*, <http://airpwn.sourceforge.net/Airpwn.html>.
- 85 Tom Simonite (19 Sep 2012), "Stuxnet tricks copied by computer criminals," *MIT Technology Review*, <http://www.technologyreview.com/news/429173/stuxnet-tricks-copied-by-computer-criminals>.
- 86 Andy Greenberg (2 Sep 2014), "The police tool that pervs use to steal nude pics from Apple's iCloud," *Wired*, <http://www.wired.com/2014/09/eppb-icloud>.
- 87 Mobistealth (2014), "Ultimate cell phone monitoring software," <http://www.mobistealth.com>.
- 88 Ian Bremmer (18 Nov 2013), "Lost legitimacy: Why governing is harder than ever," *Foreign Affairs*, <http://www.foreignaffairs.com/articles/140274/ian-bremmer/lost-legitimacy>.
- 89 Vivienne Walt (30 Jun 2013), "European officials infuriated by alleged NSA spying on friendly diplomats," *Time*, <http://world.time.com/2013/06/30/european-officials-infuriated-by-alleged-nsa-spying-on-friendly-diplomats>. Anne Gearan (21 Oct 2013), "Report that NSA collected French phone records causing diplomatic headache for U.S.," *Washington Post*, [http://www.washingtonpost.com/world/national-security/report-that-nsa-collected-french-phone-records-causing-diplomatic-headache-for-us/2013/10/21/bfa74f22-3a76-11e3-a94f-b58017bfee6c\\_story.html](http://www.washingtonpost.com/world/national-security/report-that-nsa-collected-french-phone-records-causing-diplomatic-headache-for-us/2013/10/21/bfa74f22-3a76-11e3-a94f-b58017bfee6c_story.html). Zachary Keck (31 Oct 2013), "Outrage over NSA spying spreads to Asia," *Diplomat*, <http://thediplomat.com/2013/10/outrage-over-nsa-spying-spreads-to-asia>. Matthew Karnitschnig (9 Feb 2014), "NSA flap strains ties with Europe," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424052702303874504579372832399168684>.
- 90 David E. Sanger (1 May 2014), "U.S. and Germany fail to reach a deal on spying," *New York Times*, <http://www.nytimes.com/2014/05/02/world/europe/us-and-germany-fail-to-reach-a-deal-on-spying.html>. Mark Landler (2 May 2014), "Merkel signals that tension persists over U.S. spying," *New York Times*, <http://www.nytimes.com/2014/05/03/world/europe/merkel-says-gaps-with-us-over-surveillance-remain.html>.
- 91 Juan Forero (17 Sep 2013), "NSA spying scandal spoils dinner at the White House for Brazil's president," *Washington Post*, [http://www.washingtonpost.com/world/nsa-spying-scandal-spoils-dinner-at-the-white-house-for-brazils-president/2013/09/17/24f5acf6-1fc5-11e3-9ad0-96244100e647\\_story.html](http://www.washingtonpost.com/world/nsa-spying-scandal-spoils-dinner-at-the-white-house-for-brazils-president/2013/09/17/24f5acf6-1fc5-11e3-9ad0-96244100e647_story.html).

### 第3部 超監視社会への対抗策 第12章 原則

- 1 以上のような議論については、以下の書籍で詳しく論じられている。Daniel Solove (2011), *Nothing to Hide: The False Tradeoff between Privacy and Security*, Yale University Press, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1827982](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1827982). Susan Landau (2011), *Surveillance or Security? The Risks Posed by New Wiretapping Technologies*, MIT Press, <http://mitpress.mit.edu/books/surveillance-or-security>.
- 2 私たちの行動の多くは、安全に関する心理によって説明できる。Bruce Schneier (11–14 Jun 2008), "The psychology of security," in Serge Vaudenay ed., *Progress in Cryptology: AFRICACRYPT 2008: First*

- International Conference on Cryptology in Africa, Casablanca, Morocco, Proceedings*, Springer, <https://www.schneier.com/paper-psychology-of-security.pdf>, Daniel Gardner (2008), *The Science of Fear: Why We Fear Things We Shouldn't — And Put Ourselves in Greater Danger*, Penguin, <http://books.google.com/books?id=bmyboRubog4C>.
- 3 もちろん、状況は人によって異なる。政治家は、テロが起きた場合に非難されることを恐れるため、目に見えるテロ対策を実施したいと考える理由がある。市民、とくに社会で政治的・宗教的に風当りの強い集団の人たちは、明らかに監視の標的にされやすいが、抵抗するために結束して強力な発言力を振るうことができない。一方、安全を守るために大々的な対策が実施されれば莫大な予算が動くので、政府の契約を受注する企業と、そうした企業に支持された政治家たちは恩恵を受ける。
- 4 次の論文は、ゲーム理論の考え方に基づくモデルにより、同様の主張を展開している。Tiberiu Dragu (Feb 2011), "Is there a trade-off between security and liberty? Executive bias, privacy protections, and terrorism prevention," *American Political Science Review* 105, <http://journals.cambridge.org/download.php?file=%2FPSR%2FS0003055410000614a.pdf&cod e=193cd836312527364579326d0a07aa58>.
- 5 Susan Landau (2011), *Surveillance or Security? The Risks Posed by New Wiretapping Technologies*, MIT Press, <http://mitpress.mit.edu/books/surveillance-or-security>.
- 6 Electronic Frontier Foundation (28 Nov 2012), "How to help protect your online anonymity using Tor," [https://www.eff.org/sites/default/files/filenode/Basic\\_Tor\\_Intro\\_Guide\\_FNL.pdf](https://www.eff.org/sites/default/files/filenode/Basic_Tor_Intro_Guide_FNL.pdf).
- 7 もちろん、それを試みているのは NSA だけではない。Roger Dingledine (30 Jul 2014), "Tor security advisory: 'Relay early' traffic confirmation attack," *Tor Project Blog*, <https://blog.torproject.org/blog/tor-security-advisory-relay-early-traffic-confirmation-attack>.
- 8 US National Security Agency (8 Jan 2007), "Tor Stinks," <http://cryptome.org/2013/10/nsa-tor-stinks.pdf>.
- 9 Kevin Poulsen (5 Aug 2014), "Visit the wrong website and the FBI could end up in your computer," *Wired*, [http://www.wired.com/2014/08/operation\\_torpedo](http://www.wired.com/2014/08/operation_torpedo).
- 10 Leo Kelion (22 Aug 2014), "NSA and GCHQ agents 'leak Tor bugs,' alleges developer," *BBC News*, <http://www.bbc.com/news/technology-28886462>.
- 11 Anthony Zurcher (31 Oct 2013), "Roman Empire to the NSA: A world history of government spying," *BBC News*, <http://www.bbc.com/news/magazine-24749166>.
- 12 John M. Cardwell (Winter 1978), "A Bible lesson on spying," *Studies in Intelligence*, <http://southerncrossreview.org/44/cia-bible.htm>.
- 13 テロが起るリスクがどれくらいあり、テロリストがどの程度の損害を及ぼす可能性があるかについては、複雑で重要な議論がある。しかし、それは本書の範囲を逸脱している。Bruce Schneier (14 Mar 2013), "Our security models will never work — no matter what we do," *Wired*, <http://www.wired.com/2013/03/security-when-the-bad-guys-have-technology-too-how-do-we-survive>.
- 14 もっとも、私たちが政府や企業を信頼するプロセスは、このような合理的なものには程遠い。Bruce Schneier (2012), *Liars and Outliers: Enabling the Trust That Society Needs to Thrive*, Wiley, <http://www.wiley.com/WileyCDA/WileyTitle/productCd-1118143302.html>. [邦訳／「信頼と裏切りの社会」(NTT 出版)]
- 15 もっとも、どのような組織でも、秘密の領域を限定的に設けることは不可欠だ。組織内の人々が適切に仕事をするために、その必要がある。大学で教員の終身在職権授与を判断する委員会での採決内容など、賛否のわかれる意思決定に関する審理過程は、秘密にしなければならない。公にすると、意思決定プロセスの独立性がそこなわれる恐れがある。正しい決定をくだすことより、自分の振る舞いが部外者にどう見えるかを気にするようになるからだ。
- 16 Adrian J. Lee and Sheldon H. Jacobson (May 2012), "Addressing passenger risk uncertainty for aviation security screening," *Transportation Science* 46, <http://pubsonline.informs.org/doi/abs/10.1287/trsc.1110.0384>. Susan Stellin (21 Oct 2013), "Security check now starts long before you fly," *New York Times*, <http://www.nytimes.com/2013/10/22/business/security-check-now-starts-long-before-you-fly.html>. Alissa Wickham (7 Mar 2014), "TSA halts program to screen passengers' online data," *Law 360*, <http://www.law360.com/articles/516452/tsa-halts-program-to-screen-passengers-online-data>.
- 17 Amber Torrey (Apr 2008), "The discriminant analysis used by the IRS to predict profitable individual tax return audits," Bryant University, [http://digitalcommons.bryant.edu/cgi/viewcontent.cgi?article=1000&context=honors\\_mathematics](http://digitalcommons.bryant.edu/cgi/viewcontent.cgi?article=1000&context=honors_mathematics).
- 18 ここに、デーヴィッド・ブリンが言う「透明社会」の問題点がある。透明性には、リスクがついて回る。たとえば、あなたが警察官から身分証明書の提示を求められた場合、その警察官があなたにみずからの身分証明書をさせたとしても、力の不均衡が解消されるわけではない。David Brin (1998), *The Transparent Society: Will Technology Force Us to Choose between Privacy and Freedom?* Basic Books, <http://www.davidbrin.com/transparentociety1.html>.
- 19 アイスランドの海賊党（そういう名前の政党があるのだ）は、2014年にこの点をきわめて明確に表現している。「個人にプライバシーの権利を認める」とは、弱者を強者の権力乱用から守ることを意味し、透明性を徹底することは、強者が弱者を監視する道を開くことを意味する。Paul Fontaine (19 Aug 2014), "Prime Minister learns what 'transparency' means," *Grapevine*, <http://grapevine.is/news/2014/08/19/prime-minister-learns-what-transparency-means>.
- 20 もちろん例外はある。有罪判決を受けた人物の足首にモニターを装着させることは、監視される側の人物の力を弱めることになるが、メリットがある。
- 21 Peter Watts (9 May 2014), "The scorched earth society: A suicide bomber's guide to online privacy," Symposium of the International Association of Privacy Professionals, Toronto, Ontario, <http://www.rifters.com/real/shorts/TheScorchedEarthSociety-transcript.pdf>.
- 22 Ray Sanchez (19 Jul 2010), "Growing number of

- prosecutions for videotaping the police," *ABC News*, <http://abcnews.go.com/US/TheLaw/video-taping-cops-arrest/story?id=11179076>.
- 23 Kathryn Marchocki (25 May 2014), "Court rules Free State project president had right to film Wear police during a traffic stop," *New Hampshire Union Leader*, <http://www.unionleader.com/apps/pbcs.dll/article?AID=/20140525/NEWS07/140529379>.
- 24 David Lepeska (27 Dec 2011), "When police abuse surveillance cameras," *CityLab*, <http://www.citylab.com/politics/2011/12/surveillance-cameras-threat-police-privacy/806>.
- 25 Sara Libby (18 Aug 2014), "Even when police do wear cameras, don't count on seeing the footage," *CityLab*, <http://www.citylab.com/crime/2014/08/even-when-police-do-wear-cameras-you-cant-count-on-ever-seeing-the-footage/378690>.
- 26 Chris Matyszczyk (14 Aug 2014), "Ferguson, Mo., unrest tests legal right to film police," *CNET*, <http://www.cnet.com/news/ferguson-unrest-tests-legal-right-to-film-police>. Hillel Italie (19 Aug 2014), "Ferguson arrests include at least 10 journalists," Associated Press, <http://abcnews.go.com/Entertainment/wireStory/ferguson-arrests-include-10-journalists-25044845>.
- 27 Cyrus Farivar (8 Apr 2014), "LAPD officers monkey-wrenched cop-monitoring gear in patrol cars," *Arstechnica*, <http://arstechnica.com/tech-policy/2014/04/lapd-officers-monkey-wrenched-cop-monitoring-gear-in-patrol-cars>.
- 28 Peter Swire (5–6 Jun 2014), "The declining half-life of secrets and the future of signals intelligence," 7th Privacy Law Scholars Conference, Washington, D.C., <http://www.law.berkeley.edu/plsc.htm>.
- 29 Jacob Appelbaum et al. (23 Oct 2013), "Berlin complains: Did US tap Chancellor Merkel's mobile phone?" *Der Spiegel*, <http://www.spiegel.de/international/world/merkel-calls-obama-over-suspicious-us-tapped-her-mobile-phone-a-929642.html>. Ian Traynor, Philip Ottermann, and Paul Lewis (23 Oct 2013), "Angela Merkel's call to Obama: Are you bugging my mobile phone?" *Guardian*, <http://www.theguardian.com/world/2013/oct/23/us-monitored-angela-merkel-german>.
- 30 ソ連のスパイだったキム・フィルビーについての次の著作は、情報機関のそうした性格を描いている。Ben Macintyre (2014), *A Spy among Friends: Kim Philby and the Great Betrayal*, Crown, <http://books.google.com/books?id=wzlAgAAQBAJ>. [邦訳／『キム・フィルビー——かくも親切な裏切り』(中央公論新社)]
- 31 Charles Stross (18 Aug 2013), "Spy kids," *Foreign Policy*, [http://www.foreignpolicy.com/articles/2013/08/28/spy\\_kids\\_nsa\\_surveillance\\_next\\_generation](http://www.foreignpolicy.com/articles/2013/08/28/spy_kids_nsa_surveillance_next_generation).
- 32 US Office of Management and Budget (Feb 2014), "Suitability and security processes review," <http://www.fas.org/sgp/othergov/omb/suitsec-2014.pdf>.
- 33 USC Annenberg School for Communication and Journalism (22 Apr 2013), "Is online privacy over? Findings from the USC Annenberg Center for the Digital Future show millennials embrace a new online reality," *USC Annenberg News*, [http://annenbergschool.usc.edu/News%20and%20Events/News/130422CDF\\_Millennials.aspx](http://annenbergschool.usc.edu/News%20and%20Events/News/130422CDF_Millennials.aspx). Mary Madden et al. (21 May 2013), "Teens, social media, and privacy," Pew Research Internet Project, [http://www.pewinternet.org/files/2013/05/PI13\\_TeensSocialMediaandPrivacy.PDF.pdf](http://www.pewinternet.org/files/2013/05/PI13_TeensSocialMediaandPrivacy.PDF.pdf).
- 34 厳密に言うと、この点がいまの若者と年長世代の違いによるものなのかは明らかでない。ひょっとすると、これは世代による違いではなく年齢層による違いにすぎず、若者たちが年齢を重ねると態度が変わり、もっとプライバシーを重んじるようになる可能性もある。
- 35 私が思うに、政府や企業の秘密は癌の化学療法に似ている。化学療法は患者の体をゆっくり蝕むが、それより速いペースで癌細胞を殺す。そのため、差し引きすればメリットがある。もし、患者の体を差しつけない癌治療法が見いだされれば、化学療法はただちにすたれるだろう。同じように、政府や企業に秘密を許すより害の少ない方法があれば、私たちはそれを用いるべきだ。
- 36 Charlie Rose, Inc. (29 Jul 2013), "General Michael Hayden, former director of the NSA and the CIA and principal with the Chertoff Group," *The Charlie Rose Show*, <http://www.charlierose.com/watch/60247615>.
- 37 Nassim Nicholas Taleb and Constantine Sandis (1 Oct 2013), "The skin in the game heuristic for protection against tail events," *Review of Behavioral Economics* 1, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2298292](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2298292).
- 38 緊密に結びついている非直線的で複雑なシステムは、破壊的破壊をもたらす。Charles Perrow (1984), *Normal Accidents: Living with High-Risk Technologies*, Princeton University Press, <https://encrypted.google.com/books?id=VC5hYoM4N0C>.
- 39 そう考えることには癒し効果もあるようだ。Kevin Griffin (23 Sep 2011), "Step 9 of Buddhist addiction recovery: The freedom of imperfection," *Huffington Post*, [http://www.huffingtonpost.com/kevin-griffin/buddhist-addiction-recovery-step-9\\_b\\_958708.html](http://www.huffingtonpost.com/kevin-griffin/buddhist-addiction-recovery-step-9_b_958708.html).
- 40 Yacov Y. Haimes (Apr 2009), "On the definition of resilience in systems," *Risk Analysis: An International Journal* 29, <http://onlinelibrary.wiley.com/doi/10.1111/j.1539-6924.2009.01216.x/abstract>.
- 41 Jesse Robbins et al. (Nov 2012), "Resilience engineering: Learning to embrace failure," *Communications of the ACM* 55, <http://queue.acm.org/detail.cfm?id=2371297>.
- 42 いくつかのアイデアは次を参照。Warigia Bowman and L. Jean Camp (Apr 2013), "Protecting the Internet from dictators: Technical and policy solutions to ensure online freedoms," *Innovation Journal* 18, [http://www.innovation.com/scholarly-style/warigia\\_camp\\_bowman5edit18v1a3.pdf](http://www.innovation.com/scholarly-style/warigia_camp_bowman5edit18v1a3.pdf).
- 43 James Bamford (2002), *Body of Secrets: Anatomy of the Ultra-Secret National Security Agency*, Anchor, <http://www.randomhouse.com/features/bamford/author.html>. [邦訳／『すべては傍受されている——米国国家安全保障局の正体』(角川書店)]
- 44 Jack Goldsmith (12 Apr 2014), "Cyber paradox: Every offensive weapon is a (potential) chink in our defense — and vice versa," *Lawfare*, <http://www.lawfareblog.com/2014/04/cyber-paradox-every>.



- offensive-weapon-is-a-potential-chink-in-our-defense-and-vice-versa.
- 45 Stephanie K. Pell and Christopher Soghoian (15 May 2014), "Your secret Stingray's no secret anymore: The vanishing government monopoly over cell phone surveillance and its impact on national security and consumer privacy," *Harvard Journal of Law and Technology* (forthcoming), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2437678](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2437678).
- 46 Kim Zetter (3 Sep 2014), "Phone firewall identifies rogue cell towers trying to intercept your calls," *Wired*, <http://www.wired.com/2014/09/cryptophone-firewall-identifies-rogue-cell-towers>. Ashkan Soltani and Craig Timberg (17 Sep 2014), "Tech firm tries to pull back curtain on surveillance efforts in Washington," *Washington Post*, [http://www.washingtonpost.com/world/national-security/researchers-try-to-pull-back-curtain-on-surveillance-efforts-in-washington/2014/09/17/f8c1f590-3e81-11e4-b03f-de7f18edeb92f\\_story.html](http://www.washingtonpost.com/world/national-security/researchers-try-to-pull-back-curtain-on-surveillance-efforts-in-washington/2014/09/17/f8c1f590-3e81-11e4-b03f-de7f18edeb92f_story.html).

### 第13章 国家に関する提案

- 1 Richard A. Clarke et al. (12 Dec 2013), "Liberty and security in a changing world: Report and recommendations of the President's Review Group on Intelligence and Communications Technologies," US Executive Office of the President, [http://www.whitehouse.gov/sites/default/files/docs/2013-12-12\\_rg\\_final\\_report.pdf](http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf).
- 2 Electronic Frontier Foundation (5 Jan 2014), "13 international principles on the application of human rights to communication surveillance," <https://necessaryandproportionate.org/files/2014/01/05/13p-on-pagerfinal.pdf>; Electronic Frontier Foundation (May 2014), "Necessary and proportionate: International principles on the applications of human rights law to communications surveillance: Background and supporting legal analysis," <https://en.necessaryandproportionate.org>.

### 〈資料1〉通信監視への人権適用に関する国際原則 (2014年)

- ・法定主義——プライバシーの制限は、明確に、そして細部にわたるまで具体的に法律で定めるべきである。そして、テクノロジーの急速な進歩にプライバシー保護の仕組みが追いつくように、法律を頻繁に見直さなくてはならない。
- ・目的の正当性——通信監視が許されるのは、国の最も重要な目的を追求するために必要な場合に限られるべきである。
- ・必要性——通信監視が正当な目的を達成するために必要であると立証するのは、国家の責任である。
- ・妥当性——通信監視のメカニズムは、正当な目的を達成するために有効なものでなくてはならない。
- ・相当性——通信監視は、プライバシーの権利と意見の自由、表現の自由に干渉し、民主主義社会の土台を脅かす、きわめて重大な権利侵害行為とみなすべきである。通信監視を相当な範囲にとどめるためには、一般的には、しるべき権限をもつ司法機関による事前の承認が必要とされる。
- ・しるべき権限をもつ司法機関——通信監視に関わる決定は、公正で独立した、しるべき権限をもつ司法機関によってなされなくてはならない。

- ・適正手続き——人権への干渉はいかなる場合も、法律に基づく手続きに従って決定されなくてはならない。その手続きは、誰でも利用できる公平で公開の聴聞の場で、すべての人に同一の基準でおこなわれるべきである。
- ・本人への通知——通信監視の許可がくだされる場合は、対象者に通知されるべきである。通知すれば捜査が妨げられると、しるべき権限をもつ司法機関が判断した場合を除いて、監視が実行される前に、誰もが異議申し立ての機会を与えられなくてはならない。
- ・透明性——政府は十分な情報を公開し、国民が監視活動の規模と性質を理解できるようにする義務を負っている。また、政府は、監視に関わる国家との取引の規模と性質についてサービス提供企業が詳細に開示することを全般的に禁じなくてはならない。
- ・国民による監督——通信監視の透明性を確保し、権限乱用の責任を問えるようにするために、国家は独立した監督メカニズムを設けるべきである。その監督メカニズムには、国家の行動に関連する可能性のある情報すべてを入手する権限をもたせなくてはならない。
- ・通信とシステムの保全——サービス提供者や、ハードウェアおよびソフトウェアのメーカーは、システムに監視機能やバックドアを組み込んだり、国家による監視のためだけに特定の情報を収集もしくは保持したりすることを強制されてはならない。
- ・国際協力に関する保護措置——国家は、監視を実行するために他国の協力を求める場合がある。その際は、公開の明確な合意を結び、適用される可能性のある基準のなかで最も厳重にプライバシーを保護するものに準拠するようにしなくてはならない。
- ・違法な情報収集に対する保護措置——違法な電子の監視をおこなった者はすべて、民事と刑事の制裁を受けるべきである。また、そのような監視により影響を受けた人物には、是正のために必要な法的メカニズムを利用する機会が認められなくてはならない。人権を脅かすような監視活動を暴露した内部告発者は、強力な保護を与えられるべきである。

- 3 一例を挙げよう。ジェームズ・クラッパー国家情報長官はこう述べている。「政府が通信情報を収集するために用いている手法について情報を開示すれば、探知を避けるための手引書を敵に与えることになるのは明らかだ」。Associated Press (9 Jun 2013), "Intelligence chief James Clapper defends Internet spying program," *New York Daily News*, <http://www.nydailynews.com/news/politics/intelligence-chief-james-clapper-defends-internet-spying-program-article-1.1367423>.
- 4 2014年には、中東情勢に関してジョン・ケリー国務長官とさまざまな国間で交わされた通信をイスラエルが傍受していたことが明らかになっている。Der Spiegel (3 Aug 2014), "Wiretapped: Israel eavesdropped on John Kerry in Middleast talks," *Der Spiegel*, <http://www.spiegel.de/international/world/israel-intelligence-eavesdropped-on-phone-calls-by-john-kerry-a-984246.html>.
- 5 Conor Friedersdorf (18 Mar 2014), "Why isn't the Fourth Amendment classified as top secret?" *Atlantic*, <http://www.theatlantic.com/politics/archive/2014/03/why-isnt-the-fourth-amendment-classified-as-top-secret/284439>.
- 6 忘れてはならない。こうした透明性の多くは、警察の権力乱用を受けて導入されたものだ。警察が情報



- 機関に比べて権限乱用に走りにくいわけではなく、情報機関より歴史が古いために、その行動をコントロールするルールが整っているとみるべきだ。
- 7 Bruce Schneier (31 Jul 2012), "Drawing the wrong lesson from horrific events," CNN, <http://www.cnn.com/2012/07/31/opinion/schneier-aurora-aftermath/index.html>.
- 8 IT セキュリティの分野では、不透明なセキュリティシステムのことを「隠すことによるセキュリティ」と呼ぶ。好ましいセキュリティの設計は、この対極にある。つまり、詳細まですべて公開されても機能するシステムが望ましい。Bruce Schneier (15 May 2002), "Secrecy, security, and obscurity," *Crypto-Gram*, <https://www.schneier.com/crypto-gram-0205.html#1>.
- 9 Michael J. Selgelid (Sep 2009), "Governance of dual-use research: An ethical dilemma," *Bulletin of the World Health Organization* 87, <http://www.who.int/bulletin/volumes/87/9/08-051383/en>. Carl Zimmer (5 Mar 2012), "Amateurs are new fear in creating mutant virus," *New York Times*, <http://www.nytimes.com/2012/03/06/health/amateur-biologists-are-new-fear-in-making-a-mutant-flu-virus.html>. Michael Specter (12 Mar 2012), "The deadliest virus," *New Yorker*, <http://www.newyorker.com/magazine/2012/03/12/the-deadliest-virus>. Arturo Casadevall (Jan/Feb 2014), "Redaction of sensitive data in the publication of dual use research of concern," *mBio* 5, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3884058>.
- 10 Beth M. Kaspar (Aug 2001), "The end of secrecy? Military competitiveness in the age of transparency," Occasional Paper No. 23, Center for Strategy and Technology, Air War College, Air University, Maxwell Air Force Base, Alabama, <http://www.fas.org/sgp/eprint/kaspar.pdf>.
- 11 US National Security Agency (31 Oct 2013), "NSA's activities: Valid foreign intelligence targets are the focus," [http://www.nsa.gov/public\\_info/press\\_room/2013/NSA\\_Activities\\_Valid\\_FI\\_Targets.pdf](http://www.nsa.gov/public_info/press_room/2013/NSA_Activities_Valid_FI_Targets.pdf).
- 12 たとえば、ベイツ判事はこう記している。「NSA は頻繁に、法的に許された情報収集の範囲を逸脱している」。Spencer Ackerman (19 Nov 2013), "FISA court order that allowed NSA surveillance is revealed for first time," *Guardian*, <http://www.theguardian.com/world/2013/nov/19/court-order-that-allowed-nsa-surveillance-is-revealed-for-first-time>. Yochai Benkler (16 Oct 2013), "How the NSA and FBI foil weak oversight," *Guardian*, <http://www.theguardian.com/commentisfree/2013/oct/16/nsa-fbi-endrun-weak-oversight>. John D. Bates (3 Oct 2011), "Memorandum opinion," (case title and number redacted), US Foreign Intelligence Surveillance Court, [https://www.aclu.org/files/assets/fisc\\_opinion\\_10.3.2011.pdf](https://www.aclu.org/files/assets/fisc_opinion_10.3.2011.pdf). Marcy Wheeler (22 Aug 2014), "This is why you can't trust the NSA. Ever," *Week*, <http://theweek.com/article/index/266785-this-is-why-you-cant-trust-the-nsa-ever>.
- 13 Peter Wallsten (10 Aug 2013), "Lawmakers say obstacles limited oversight of NSA's telephone surveillance program," *Washington Post*, [http://www.washingtonpost.com/politics/2013/08/10/bee87394-004d-11e3-9a3e-916de805f65d\\_story.html](http://www.washingtonpost.com/politics/2013/08/10/bee87394-004d-11e3-9a3e-916de805f65d_story.html).
- 14 Glenn Greenwald (4 Aug 2013), "Members of Congress denied access to basic information about NSA," *Guardian*, <http://www.theguardian.com/commentisfree/2013/aug/04/congress-nsa-denied-access>.
- 15 Ailsa Chang (11 Jun 2013), "What did Congress really know about NSA tracking?" *All Things Considered*, NPR, <http://www.npr.org/blogs/itsallpolitics/2013/06/11/190742087/what-did-congress-really-know-about-nsa-tracking>.
- 16 Ron Wyden (29 Jan 2014), "Wyden statement at Senate Intelligence Committee's open hearing," <http://www.wyden.senate.gov/news/press-releases/wyden-statement-at-senate-intelligence-committee-open-hearing>.
- 17 Dianne Feinstein (28 Oct 2013), "Feinstein statement on intelligence collection of foreign leaders," <http://www.feinstein.senate.gov/public/index.cfm/2013/10/feinstein-statement-on-intelligence-collection-of-foreign-leaders>.
- 18 Alan Grayson (25 Oct 2013), "Congressional oversight of the NSA is a joke. I should know, I'm in Congress," *Guardian*, <http://www.theguardian.com/commentisfree/2013/oct/25/nsa-no-congress-oversight>.
- 19 Bruce Schneier (16 Jan 2014), "Today I briefed Congress on the NSA," *Schneier on Security*, [https://www.schneier.com/blog/archives/2014/01/today\\_i\\_briefed.html](https://www.schneier.com/blog/archives/2014/01/today_i_briefed.html).
- 20 Peter Wallsten (10 Aug 2013), "Lawmakers say obstacles limited oversight of NSA's telephone surveillance program," *Washington Post*, [http://www.washingtonpost.com/politics/2013/08/10/bee87394-004d-11e3-9a3e-916de805f65d\\_story.html](http://www.washingtonpost.com/politics/2013/08/10/bee87394-004d-11e3-9a3e-916de805f65d_story.html). Glenn Greenwald (4 Aug 2013), "Members of Congress denied access to basic information about NSA," *Guardian*, <http://www.theguardian.com/commentisfree/2013/aug/04/congress-nsa-denied-access>.
- 21 John Napier Tye (18 Jul 2014), "Meet Executive Order 12333: The Reagan rule that lets the NSA spy on Americans," *Washington Post*, [http://www.washingtonpost.com/opinions/meet-executive-order-12333-the-reagan-rule-that-lets-the-nsa-spy-on-americans/2014/07/18/93d2ac22-0b93-11e4-b8e5-d0e80767fc2\\_story.html](http://www.washingtonpost.com/opinions/meet-executive-order-12333-the-reagan-rule-that-lets-the-nsa-spy-on-americans/2014/07/18/93d2ac22-0b93-11e4-b8e5-d0e80767fc2_story.html). Charlie Savage and Alicia Parlapiano (13 Aug 2014), "Two sets of rules for surveillance, within U.S. and on foreign soil," *New York Times*, <http://www.nytimes.com/interactive/2014/08/13/us/two-sets-of-rules-for-surveillance.html>. Ellen Nakashima and Ashkan Soltani (23 Jul 2014), "Privacy watchdog's next target: The least-known but biggest aspect of NSA surveillance," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2014/07/23/privacy-watchdogs-next-target-the-least-known-but-biggest-asset-of-nsa-surveillance>. Charlie Savage (13 Aug 2014), "Reagan-era order on surveillance violates rights, says departing aide," *New York Times*, <http://www.nytimes.com/2014/08/14/us/politics/reagan-era-order-on-surveillance-violates-rights-says-departing-aide.html>.
- 22 US Senate (23 Apr 1976), "Final report of the Select

- Committee to Study Governmental Operations with Respect to Intelligence Activities: National Security Agency Surveillance affecting Americans," US Government Printing Office, [http://www.aarclibrary.org/publib/church/reports/book3/pdf/ChurchB3\\_10\\_NSA.pdf](http://www.aarclibrary.org/publib/church/reports/book3/pdf/ChurchB3_10_NSA.pdf).
- 23 Caspar Bowden (23 Aug 2012), "Submission to the Joint Committee on the draft Communications Data Bill," [http://www.academia.edu/6002584/Submission\\_to\\_the\\_Joint\\_Committee\\_on\\_the\\_draft\\_Communications\\_Data\\_Bill](http://www.academia.edu/6002584/Submission_to_the_Joint_Committee_on_the_draft_Communications_Data_Bill).
- 24 最近の訴訟で、ある判事はこの条項を「理解不能とまでは言わないまでも難解」と指摘。政府の代理人まで「複雑に入り組んだ法律」であることを認めている。Owen Bowcott (18 Jul 2014), "Intelligence services 'creating vast databases' of intercepted emails," *Guardian*, <http://www.theguardian.com/uk-news/2014/jul/18/intelligence-services-email-database-internet-tribunal>.
- 25 捜査権限規制法に基づく大量監視は、ヨーロッパ人権条約にも違反する。Nick Hopkins (28 Jan 2014), "Huge swath of GCHQ mass surveillance is illegal, says top lawyer," *Guardian*, <http://www.theguardian.com/uk-news/2014/jan/28/gchq-mass-surveillance-spying-law-lawyer>.
- 26 NSAの活動は「政府の3部門によりきわめて厳しい監督下に置かれている」と、オバマは述べた。Barack Obama (7 Jun 2013), "Transcript: Obama's remarks on NSA controversy," *Wall Street Journal*, <http://blogs.wsj.com/washwire/2013/06/07/transcript-what-obama-said-on-nsa-controversy>.
- 27 Electronic Privacy Information Center (2014), "Foreign Intelligence Surveillance Act court orders 1979-2014," [https://epic.org/privacy/wiretap/stats/fisa\\_stats.html](https://epic.org/privacy/wiretap/stats/fisa_stats.html).
- 28 アメリカ自由人権協会(ACLU)は、この法律を改めるべき理由を説明している。American Civil Liberties Union (2014), "Reform the Patriot Act Section 215," <https://www.aclu.org/free-speech-national-security-technology-and-liberty/reform-patriot-act-section-215>.
- 29 ACLUはこの法律の改正も主張している。Jameel Jaffer (19 Mar 2014), "Submission of Jameel Jaffer, Deputy Legal Director, American Civil Liberties Union," Privacy and Civil Liberties Oversight Board Public Hearing on Section 702 of the FISA Amendments Act, [http://www.pclob.gov/Library/Meetings-Events/2014-March-19-Public-Hearing/Testimony\\_Jaffer.pdf](http://www.pclob.gov/Library/Meetings-Events/2014-March-19-Public-Hearing/Testimony_Jaffer.pdf).
- 30 以前、上院情報特別委員会がロン・ワイデン上院議員とキース・アレキサンダーNSA局長の間で交わされた会話がそれをよく物語っている。ワイデンはアレキサンダーに、NSAはアメリカ人の携帯電話位置情報を一括入手しているのかと尋ねた。それに対する答えは、米国愛国者法第215条の下の特権においてそのデータを収集することはしていないというものだった。そこでワイデンは、ほかの法的権限の下で収集しているのかと尋ねた。この問いに対して、アレキサンダーは回答を拒んだ。Robyn Greene (27 Sep 2013), "It's official: NSA wants to suck up all American's phone records," *Washington Markup*, <https://www.aclu.org/blog/national-security/its-official-nsa-wants-suck-all-americans-phone-records>.
- 31 Marcy Wheeler (14 Aug 2014), "The majority of 215 orders come from Internet companies that refuse NSLs," *Empty Wheel*, <http://www.emptywheel.net/2014/08/14/the-bulk-of-215-orders-come-from-internet-companies-that-refuse-nsls>.
- 32 Marcy Wheeler (23 Jun 2014), "The single branch theory of oversight," *Cato Unbound*, <http://www.cato-unbound.org/2014/06/23/marcy-wheeler/single-branch-theory-oversight>.
- 33 Richard A. Clarke et al. (12 Dec 2013), "Liberty and security in a changing world: Report and recommendations of the President's Review Group on Intelligence and Communications Technologies," US Executive Office of the President, [http://www.whitehouse.gov/sites/default/files/docs/2013-12-12\\_rg\\_final\\_report.pdf](http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf).
- 34 Barack Obama (17 Jan 2014), "Remarks by the President on review of signals intelligence," US Executive Office of the President, <http://www.whitehouse.gov/the-press-office/2014/01/17/remarks-president-review-signals-intelligence>.
- 35 Garrett Hatch (27 Aug 2012), "Privacy and Civil Liberties Oversight Board: New independent agency status," Congressional Research Service, <http://www.fas.org/sgp/crs/misc/RL34385.pdf>.
- 36 Privacy and Civil Liberties Oversight Board (2 Jul 2014), "Report on the surveillance program operated pursuant to Section 702 of the Foreign Intelligence Surveillance Act," <http://www.pclob.gov/All%20Documents/Report%20on%20the%20Section%20702%20Program/PCLOB-Section-702-Report.pdf>.
- 37 American Civil Liberties Union (2 Jul 2014), "Government privacy watchdog signs off on much of NSA warrantless wiretapping program," <https://www.aclu.org/national-security/government-privacy-watchdog-signs-much-nsa-warrantless-wiretapping-program>. Jennifer Granick (2 Jul 2014), "Did PCLOB answer my eight questions about Section 702?" *Just Security*, <http://justsecurity.org/12516/pclob-answer-questions-section-702>.
- 38 Frederick A. O. Schwarz Jr. (12 Mar 2014), "Why we need a new Church Committee to fix our broken intelligence system," *Nation*, <http://www.thenation.com/article/178813/why-we-need-new-church-committee-fix-our-broken-intelligence-system>.
- 39 次はその一例だ。Gregory Conti, Lisa Shay, and Woodrow Hartzog (Summer 2014), "Deconstructing the relationship between privacy and security," *IEEE Technology and Society Magazine* 33, <http://ieeexplore.ieee.org/xpl/articleDetails.jsp?arnumber=6824305>.
- 40 Jameel Jaffer (19 Mar 2014), "Submission of Jameel Jaffer, Deputy Legal Director, American Civil Liberties Union," Privacy and Civil Liberties Oversight Board Public Hearing on Section 702 of the FISA Amendments Act, [http://www.pclob.gov/Library/Meetings-Events/2014-March-19-Public-Hearing/Testimony\\_Jaffer.pdf](http://www.pclob.gov/Library/Meetings-Events/2014-March-19-Public-Hearing/Testimony_Jaffer.pdf).
- 41 Privacy SOS (10 Dec 2013), "No evidence, no worries: on the use of secret subpoenas," <http://www.privacysos.org/node/1263>.
- 42 Andrew Nolan, Richard M. Thompson II, and Vivian S. Chu (25 Oct 2013), "Introducing a public

- advocate into the Foreign Intelligence Surveillance Act's courts: Select legal issues," Congressional Research Service, <http://fas.org/sgp/crs/intel/advocate.pdf>. Stephen I. Vladeck et al. (29 May 2013), "The case for a FISA 'Special Advocate,'" Constitution Project, [http://www.constitutionproject.org/wp-content/uploads/2014/05/The-Case-for-a-FISA-Special-Advocate\\_FINAL.pdf](http://www.constitutionproject.org/wp-content/uploads/2014/05/The-Case-for-a-FISA-Special-Advocate_FINAL.pdf). Covington & Burling (May 2014), "The constitutionality of a public advocate for privacy," <http://www.insideprivacy.com/files/2014/07/The-Constitutionality-of-a-Public-Advocate-for-Pri.pdf>.
- 43 Joel Reidenberg (2 Nov 2013), "The data surveillance state in the US and Europe," *Wake Forest Law Review* (forthcoming), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2349269](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2349269).
  - 44 Edward Snowden (7 Mar 2014), "Statement to European Parliament," <http://www.europarl.europa.eu/document/activities/cont/201403/20140307/ATT80674/20140307/ATT80674EN.pdf>.
  - 45 Merrick Bobb (16 Nov 2005), "Internal and external police oversight in the United States," Police Assessment Resource Center, [http://www.parc.info/client\\_files/altus/10-19%20altus%20conf%20paper.pdf](http://www.parc.info/client_files/altus/10-19%20altus%20conf%20paper.pdf).
  - 46 Michael P. Weinbeck (3 Jun 2010), "Watching the watchmen: Lessons for federal law enforcement from America's cities," *William Mitchell Law Review* 36, <http://www.wmitchell.edu/lawreview/documents/12.weinbeck.pdf>. Eduardo L. Calderon and Maria Hernandez-Figueroa (Jan 2013), "Citizen oversight committees in law enforcement," California State University Fullerton Center for Public Policy, [http://cpp.fullerton.edu/cpp\\_policeoversight\\_report.pdf](http://cpp.fullerton.edu/cpp_policeoversight_report.pdf).
  - 47 David Pozen (20 Dec 2013), "The leaky leviathan: Why the government condemns and condones unlawful disclosures of information," *Harvard Law Review* 127, <http://harvardlawreview.org/2013/12/the-leaky-leviathan-why-the-government-condemns-and-condones-unlawful-disclosures-of-information>. Rahul Sagar (20 Dec 2013), "Creaky Leviathan: A comment on David Pozen's *Leaky Leviathan*," *Harvard Law Review Forum* 127, [http://cdn.harvardlawreview.org/wp-content/uploads/pdfs/forvol127\\_sagar.pdf](http://cdn.harvardlawreview.org/wp-content/uploads/pdfs/forvol127_sagar.pdf).
  - 48 以下の2つのエッセーは、そのような主張をしている。danah boyd (19 Jul 2013), "Whistleblowing is the new civil disobedience: Why Edward Snowden matters," *apophenia*, <http://www.zephoria.org/thoughts/archives/2013/07/19/edward-snowden-whistleblower.html>. William E. Scheuerman (Sep 2014), "Whistleblowing as civil disobedience: The case of Edward Snowden," *Philosophy and Social Criticism* 40, <http://psc.sagepub.com/content/40/7/609.abstract>.
  - 49 G. Alex Sinha (28 Jul 2014), "With liberty to monitor all," Human Rights Watch, <http://www.hrw.org/reports/2014/07/28/liberty-monitor-all-0>.
  - 50 Rahul Sagar (2013), *Secrets and Leaks: The Dilemma of State Secrecy*, Princeton University Press, <http://press.princeton.edu/titles/10151.html>.
  - 51 Mary-Rose Papandrea (Mar 2014), "Leaker traitor whistleblower spy: National security leaks and the First Amendment," *Boston University Law Review* 94, <http://www.bu.edu/bulawreview/files/2014/05/PAPANDREA.pdf>; Bruce Schneier (6 Jun 2013), "What we don't know about spying on citizens: Scariest than what we know," *Atlantic*, <http://www.theatlantic.com/politics/archive/2013/06/what-we-dont-know-about-spying-on-citizens-scariest-than-what-we-know/276607>.
  - 52 ヨハイ・ベンクラーはそのときに裁判所が用いるべき基準を示している。Yochai Benkler (Jul 2014), "A public accountability defense for national security leakers and whistleblowers," *Harvard Review of Law and Policy* 8, [http://benkler.org/Benkler\\_Whistleblowerdefense\\_Prepub.pdf](http://benkler.org/Benkler_Whistleblowerdefense_Prepub.pdf).
  - 53 ヨハイ・ベンクラーに言わせれば、アメリカが取れる最も賢明な行動は、スノーデンを免責し、帰国させることだという。Yochai Benkler (8 Sep 2014), "Want to reform the NSA? Give Edward Snowden immunity," *Atlantic*, <http://www.theatlantic.com/politics/archive/2014/09/want-to-reform-the-nsa-give-edward-snowden-immunity/379612/>.
  - 54 US Department of Labor (2014), "The Whistleblower Protection Programs," <http://www.whistleblowers.gov>.
  - 55 グレン・レイノルズは、内部告発の弊害を最小化し、恩恵を最大化するためのアイデアを示している。Glenn Reynolds (15 Sep 2014), "Don't fear the leaker: Thoughts on bureaucracy and ethical whistleblowing," Social Sciences Research Network, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2496400](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2496400).
  - 56 Axel Arnab (30 Sep 2013), "The question lawyers don't ask: Can law address total transnational surveillance?" Congress on Privacy and Surveillance, Lausanne, Switzerland, <http://ic.epfl.ch/privacy-surveillance>.
  - 57 Ben Emmerson (23 Sep 2014), "Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism," United Nations General Assembly, Sixty-ninth session, Agenda item 68(a), [https://docs.google.com/document/d/18U1aHmKx9fDQjCZeAUyZdRjI6iF4QjUs\\_aJO2Uy7NY/edit?pli=1](https://docs.google.com/document/d/18U1aHmKx9fDQjCZeAUyZdRjI6iF4QjUs_aJO2Uy7NY/edit?pli=1).
  - 58 Kim Zetter (22 Oct 2013), "Court rules probable-cause warrant required for GPS trackers," *Wired*, <http://www.wired.com/2013/10/warrant-required-gps-trackers>.
  - 59 Robert Barnes (25 Jun 2014), "Supreme Court says police must get warrants for most cellphone searches," *Washington Post*, [http://www.washingtonpost.com/national/supreme-court-police-must-get-warrants-for-most-cellphone-searches/2014/06/25/e2ff1326-fc6b-11e3-8176-f2c941cf35f1\\_story.html](http://www.washingtonpost.com/national/supreme-court-police-must-get-warrants-for-most-cellphone-searches/2014/06/25/e2ff1326-fc6b-11e3-8176-f2c941cf35f1_story.html).
  - 60 Orin Kerr and Greg Noveck (1 Aug 2012), "The data question: Should the third-party records doctrine be revisited?" *ABA Journal*, [http://www.abajournal.com/magazine/article/the\\_data\\_question\\_should\\_the\\_third-party\\_recordsDoctrine\\_be\\_revisited](http://www.abajournal.com/magazine/article/the_data_question_should_the_third-party_recordsDoctrine_be_revisited). Colleen Maher Ernst (Jan 2014), "A proposed revision of the third-party doctrine," *Harvard Journal of Law and Public Policy* 37, <http://www.harvard-jlpp.com/wp->

- content/uploads/2014/01/37\_1\_329\_Maher.pdf.  
Richard M. Thompson II (5 Jun 2014), "The Fourth Amendment third-party doctrine," Congressional Research Service, <http://fas.org/sgp/crs/misc/R43586.pdf>.
- 61 現状では、そのような変更をおこなうことに前向きな姿勢を示している最高裁判事は、ソニア・ソトマイヨールだけだ。Richard M. Thompson II (5 Jun 2014), "The Fourth Amendment third-party doctrine," Congressional Research Service, <http://fas.org/sgp/crs/misc/R43586.pdf>.
- 62 2014年、ロシアは「ウィンドウズ」のゼロデイ脆弱性を用いて、北大西洋条約機構 (NATO) とウクライナ政府に対するスパイ活動をおこなった。Ellen Nakashima (13 Oct 2014), "Russian hackers use 'zero-day' to hack NATO, Ukraine in cyber-spy campaign," *Washington Post*, [http://www.washingtonpost.com/world/national-security/russian-hackers-use-zero-day-to-hack-nato-ukraine-in-cyber-spy-campaign/2014/10/13/f2452976-52f9-11e4-892e-602188c70e9c\\_story.html](http://www.washingtonpost.com/world/national-security/russian-hackers-use-zero-day-to-hack-nato-ukraine-in-cyber-spy-campaign/2014/10/13/f2452976-52f9-11e4-892e-602188c70e9c_story.html).
- 63 Cory Doctorow (11 Mar 2014), "If GCHQ wants to improve national security it must fix our technology," *Guardian*, <http://www.theguardian.com/technology/2014/mar/11/gchq-national-security-technology>. Dan Geer (2013), "Three policies," <http://geer.tinho.net/three-policies.2013Apr03Wed.PDF>.
- 64 David E. Sanger (29 Apr 2014), "White House details thinking on cybersecurity flaws," *New York Times*, <http://www.nytimes.com/2014/04/29/us/white-house-details-thinking-on-cybersecurity-gaps.html>.
- 65 勧告は30項目。Richard A. Clarke et al. (12 Dec 2013), "Liberty and security in a changing world: Report and recommendations of The President's Review Group on Intelligence and Communications Technologies," US Executive Office of the President, [http://www.whitehouse.gov/sites/default/files/docs/2013-12-12\\_rg\\_final\\_report.pdf](http://www.whitehouse.gov/sites/default/files/docs/2013-12-12_rg_final_report.pdf).
- 66 Bruce Schneier (19 May 2014), "Should U.S. hackers fix cybersecurity holes or exploit them?" *Atlantic*, <http://www.theatlantic.com/technology/archive/2014/05/should-hackers-fix-cybersecurity-holes-or-exploit-them/371197>.
- 67 Michael Daniel (28 Apr 2014), "Heartbleed: Understanding when we disclose cyber vulnerabilities," *White House Blog*, <http://www.whitehouse.gov/blog/2014/04/28/heartbleed-understanding-when-we-disclose-cyber-vulnerabilities>. David E. Sanger (28 Apr 2014), "White House details thinking on cybersecurity flaws," *New York Times*, <http://www.nytimes.com/2014/04/29/us/white-house-details-thinking-on-cybersecurity-gaps.html>. Christopher Joye (8 May 2014), "Interview transcript: Former head of the NSA and commander of the US cyber command, General Keith Alexander," *Australian Financial Review*, <http://www.af.com/Page/Uuid/b67d7b3e-d570-11e3-90e8-355a30324c5f>.
- 68 Bruce Schneier (5 Sep 2013), "The US government has betrayed the internet. We need to take it back," *Guardian*, <http://www.theguardian.com/commentsfree/2013/sep/05/government-betrayed-internet-nsa-spying>. Stephen Farrell (2013), "Pervasive monitoring is an attack," Internet Engineering Task Force Trust, Network Working Group, <http://tools.ietf.org/pdf/draft-farrell-perpass-attack-00.pdf>.
- 69 Charlie Savage (27 Sep 2010), "U.S. tries to make it easier to wiretap the Internet," *New York Times*, <http://www.nytimes.com/2010/09/27/us/27wiretap.html>. Ryan Singel (17 Feb 2011), "FBI pushes for surveillance backdoors in Web 2.0 tools," *Wired*, <http://www.wired.com/2011/02/fbi-backdoors>. Valerie Caproni (17 Feb 2011), "Statement before the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, Washington, D.C.," US Federal Bureau of Investigation, <http://www.fbi.gov/news/testimony/going-dark-lawful-electronic-surveillance-in-the-face-of-new-technologies>.
- 70 これは最近始まったことではない。NSAは1980～90年代に、スイスのクリプト社が販売するハードウェア暗号化製品にバックドアを仕込んでいた。Scott Shane and Tom Bowman (4 Dec 1995), "Rigging the game," *Baltimore Sun*, <http://cryptome.org/jya/nsa-sun.htm>. Wayne Madsen (Winter 1998), "Crypto AG: The NSA's Trojan whore?" *Covert Action Quarterly* 63, <http://mediafilter.org/caq/cryptogate>.
- 71 Christopher Ketcham (27 Sep 2008), "An Israeli Trojan horse," *Counterpunch*, <http://www.counterpunch.org/2008/09/27/an-israeli-trojan-horse>. James Bamford (3 Apr 2012), "Shady companies with ties to Israel wiretap the U.S. for the NSA," *Wired*, <http://www.wired.com/2012/04/shady-companies-nsa/all>. Richard Sanders (Spring 2012), "Israeli spy companies: Verint and Narus," *Press for Conversion!* 66, <http://coat.ncf.ca/P4C/66/spy.pdf>.
- 72 1990年代に、全米アカデミーズも同様のことを提唱している。「勧告1——アメリカ国内でのいかなる形の暗号製品の製造、販売、使用を法律で禁じない。とくに、キーエスクロウを採用しない暗号の使用を禁じる法律は、技術上も、法律上・憲法上も問題を生む。技術的には、そのような禁止措置を迂回する方策が多数存在する。法律的・憲法的には、とくに表現の自由に関連した問題が生じることがしばしば避けられない。それらの問題を解決することは容易でないだろう。勧告1は、政権の暗号政策のこの側面を補強することを目的としている。Kenneth W. Damm and Herbert S. Lin, eds. (1995), *Cryptography's Role in Securing the Information Society*, National Academies Press, [http://www.nap.edu/catalog.php?record\\_id=5131](http://www.nap.edu/catalog.php?record_id=5131).
- 73 Bruce Schneier (4 Oct 2014), "Stop the hysteria over Apple encryption," CNN, <http://edition.cnn.com/2014/10/03/opinion/schneier-apple-encryption-hysteria/index.html>.
- 74 Administrative Office of the US Courts (11 Jun 2014), "Table 3: Major offenses for which court-authorized intercepts were granted pursuant to 18 U.S.C. 2519 January 1 through December 31, 2013," from *Wiretap Report* 2013, <http://www.uscourts.gov/Statistics/WiretapReports/wiretap-report-2013.aspx>.
- 75 Andy Greenberg (2 Jul 2014), "Rising use of encryption foiled cops a record 9 times in 2013,"

- Wired, <http://www.wired.com/2014/07/rising-use-of-encryption-foiled-the-cops-a-record-9-times-in-2013>.
- 76 Steven Bellovin et al. (6-7 Jun 2013), "Lawful hacking: Using existing vulnerabilities for wiretapping on the Internet," Privacy Legal Scholars Conference, Berkeley, California, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2312107](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2312107).
  - 77 Jacob Appelbaum et al. (23 Oct 2013), "Berlin complains: Did US tap Chancellor Merkel's mobile phone?" *Der Spiegel*, <http://www.spiegel.de/international/world/merkel-calls-obama-over-suspicious-us-tapped-her-mobile-phone-a-929642.html>. Ian Traynor, Philip Oltermann, and Paul Lewis (23 Oct 2013), "Angela Merkel's call to Obama: Are you bugging my mobile phone?" *Guardian*, <http://www.theguardian.com/world/2013/oct/23/us-monitored-angela-merkel-german>.
  - 78 Ewan MacAskill and Julian Borger (30 Jun 2013), "New NSA leaks show how US is bugging its European allies," *Guardian*, <http://www.theguardian.com/world/2013/jun/30/nsa-leaks-us-bugging-european-allies>. Glenn Greenwald (2014), *No Place to Hide: Edward Snowden, the NSA and the US Surveillance State*, Macmillan, <http://glenngreenwald.net>. [邦訳／『暴露——スノーデンが私に託したファイル』(新潮社)]
  - 79 Laura Poitras, Marcel Rosenbach, and Holger Stark (26 Aug 2013), "Codename 'Apalachee': How America spies on Europe and the UN," *Der Spiegel*, <http://www.spiegel.de/international/world/secret-nsa-documents-show-how-the-us-spies-on-europe-and-the-un-a-918625.html>.
  - 80 両者の間に不確実性があると、誰も望まないエスカレートの原因になりかねない。Herbert Lin (Fall 2012), "Escalation dynamics and conflict termination in cyberspace," *Strategic Studies Quarterly* 6, <http://www.au.af.mil/au/ssq/2012/fall/lin.pdf>.
  - 81 Peter B. Kraska (Jan 2007), "Militarization and policing: Its relevance to 21st century police," *Policing* 1, <http://cjmasters.eku.edu/sites/cjmasters.eku.edu/files/21stmilitarization.pdf>. John Paul and Michael L. Birzer (Mar 2008), "The militarization of the American police force: A critical assessment," *Critical Issues in Justice and Politics* 1, <http://www.suu.edu/hss/polscj/journal/V1N1.pdf#page=25>. Abigail R. Hall and Christopher J. Coyne (Spring 2013), "The militarization of U.S. domestic policing," *Independent Review* 17, [http://www.independent.org/pdf/tir/tir\\_17\\_04\\_01\\_hall.pdf](http://www.independent.org/pdf/tir/tir_17_04_01_hall.pdf). Matthew Witt (Mar 2013), "Morewell than Orwell: Paramilitarization in the United States post-9/11," *Journal of 9/11 Studies* 36, <http://www.journalof911studies.com/resources/2013WittVol36Mar.pdf>.
  - 82 まずは次の著作から入るといだろう。Radley Balko (2013), *Rise of the Warrior Cop: The Militarization of America's Police Forces*, Public Affairs Press, <http://books.google.com/books?id=M3KSMQEACAAJ>.
  - 83 Barack Obama (17 Jan 2014), "Transcript of President Obama's Jan. 17 speech on NSA reforms," *Washington Post*, [http://www.washingtonpost.com/politics/full-text-of-president-obamas-jan-17-speech-on-nsa-reforms/2014/01/17/fa33590a-7f8c-11e3-9556-4a4b77bcb84\\_story.html](http://www.washingtonpost.com/politics/full-text-of-president-obamas-jan-17-speech-on-nsa-reforms/2014/01/17/fa33590a-7f8c-11e3-9556-4a4b77bcb84_story.html).
  - 84 Scott Charney (30 Apr 2010), "Rethinking the cyber threat: A framework and path forward," Microsoft Corporation, <http://www.microsoft.com/en-us/download/details.aspx?id=747>.
  - 85 犯罪と戦争の境界線もぼやけている。詳しくは次を参照。Benjamin J. Priestner (24 Aug 2007), "Who is a 'terrorist'? Drawing the line between criminal defendants and military enemies," Florida State University College of Law, Public Law Research Paper No. 264, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1009845](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1009845).
  - 86 この情緒的な言葉を用いる人があまりに多い。Richard Behar (13 Oct 2008), "World Bank under cybersiege in 'unprecedented crisis,'" *FOX News*, <http://www.foxnews.com/story/2008/10/13/world-bank-under-cyber-siege-in-unprecedented-crisis>. Scott Harkey (3 Jul 2012), "Our view: Arizona must rise to challenge of cybersiege," *East Valley Tribune*, [http://www.eastvalleytribune.com/opinion/article\\_fcfd880c-a421-11e0-a8e5-001cc4002e0.html](http://www.eastvalleytribune.com/opinion/article_fcfd880c-a421-11e0-a8e5-001cc4002e0.html). Kaspersky Lab (2014), "Under cybersiege: What should America do?" *Kaspersky Government Cybersecurity Forum*, <http://kasperskygovforum.com>.
  - 87 サイバー戦争が起きた際にネットワークを「徴用」する制度の導入を提唱している論者もいる。Susan W. Brenner and Leo L. Clarke (Oct 2010), "Civilians in cyberwarfare: Conscripts," *Vanderbilt Journal of Trans-national Law* 43, [http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Brenner\\_Final\\_1.pdf](http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Brenner_Final_1.pdf).
  - 88 RAND Corporation (20 Mar 2001), "Overview of the Posse Comitatus Act," in *Preparing the U.S. Army for Homeland Security*, [http://www.rand.org/content/dam/rand/pubs/monograph\\_reports/MR1251/MR1251.AppD.pdf](http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1251/MR1251.AppD.pdf). Charles Doyle and Jennifer K. Elsea (16 Aug 2012), "The Posse Comitatus Act and related matters: The use of the military to execute civilian law," Congressional Research Service, <http://www.fas.org/sgp/crs/natsec/R42659.pdf>.
  - 89 Rhett A. Hernandez (Oct 2012), "U.S. Army Cyber Command: Cyberspace for America's force of decisive action," *Army*, <http://connection.ebscohost.com/c/articles/82115370/u-s-army-cyber-command-cyberspace-americas-force-decisive-action>.
  - 90 ここ数十年、NSAは民間企業へのデータと通信セキュリティの提供を増やしている。企業がそのような政府の支援を必要としていることは間違いないが、それはもっと透明化されるべきだ。Susan Landau (29 Sep 2014), "Under the radar: NSA's efforts to secure private-sector telecommunications infrastructure," *Journal of National Security Law and Policy*, <http://jnsplp.com/2014/09/29/under-the-radar-nsas-efforts-to-secure-private-sector-telecommunications-infrastructure>.
  - 91 Robert A. Roe et al. (11 Jun 1987), "Computer Security Act of 1987: Report," Committee on Science, Space, and Technology, US House of Representatives, <https://beta.congress.gov/congressional-report/107th-congress/senate-report/239/1>. Electronic Privacy Information Center (2014), "Computer Security Act of 1987," <http://epic.org/crypto/csa>.

- 92 Milton Mueller (21 Jun 2012), "Threat analysis of the WCIT part 4: The ITU and cybersecurity," Internet Governance Project, <http://www.internetgovernance.org/2012/06/21/threat-analysis-of-the-wcit-4-cybersecurity>.
- 93 ブラジル政府はそれを義務づける法律まで提案したが、のちに取り下げた。Esteban Israel and Anthony Boadle (28 Oct 2013), "Brazil to insist on local Internet data storage after U.S. spying," Reuters, <http://www.reuters.com/article/2013/10/28/net-us-brazil-internet-idUSBRE99R10Q20131028>. Anthony Boadle (18 Mar 2014), "Brazil to drop local data storage rule in Internet bill," Reuters, <http://www.reuters.com/article/2014/03/19/us-brazil-internet-idUSBREA2I03O20140319>.
- 94 Michael Birnbaum (1 Nov 2013), "Germany looks at keeping its Internet, e-mail traffic inside its borders," *Washington Post*, [http://www.washingtonpost.com/world/europe/germany-looks-at-keeping-its-internet-e-mail-traffic-inside-its-borders/2013/10/31/981104fe-424f-11e3-a751-f032898f2dbc\\_story.html](http://www.washingtonpost.com/world/europe/germany-looks-at-keeping-its-internet-e-mail-traffic-inside-its-borders/2013/10/31/981104fe-424f-11e3-a751-f032898f2dbc_story.html).
- 95 Charles Maynes (11 Jul 2014), "Russia tightens Internet screws with 'server law,'" Deutsche Welle, <http://www.dw.de/russia-tightens-internet-screws-with-server-law/a-17779072>. Adrien Henni (12 Jul 2014), "New personal data storage rules to affect both foreign and domestic players — but still no 'Chinese wall' surrounding Russia," *East-West Digital News*, <http://www.ewdn.com/2014/07/12/new-personal-data-storage-rules-to-affect-both-foreign-and-domestic-players-but-no-chinese-wall-surrounding-russia>.
- 96 Jacquelyn Burkell et al. (2 Jan 2014), "Facebook: Public space, or private space?" *Information, Communication and Society*, <http://www.tandfonline.com/doi/abs/10.1080/1369118X.2013.870591>.
- 97 利用規約に目を通したとしても、内容は曖昧で、会社側が望みどおりのことをし、通知や同意なしに規約を変更する権利も認められている。
- 98 Scott Lybarger (1999), "Conduit or forum? Regulatory metaphors for the Internet," *Free Speech Yearbook* 37, <http://www.tandfonline.com/doi/abs/10.1080/08997225.1999.10556239>.
- 99 Noah D. Zatz (Fall 1998), "Sidewalks in cyberspace: Making space for public forums in the electronic environment," *Harvard Journal of Law & Technology* 12, <http://jolt.law.harvard.edu/articles/pdf/v12/12HarvJLTech149.pdf>. Laura Stein (Jan 2008), "Speech without rights: The status of public space on the Internet," *Communication Review* 11, <http://www.tandfonline.com/doi/abs/10.1080/10714420801888385>. Lyrrisa Lidsky (Dec 2011), "Public forum 2.0," *Boston University Law Review* 91, <http://www.bu.edu/law/central/jd/organizations/journals/bulr/volume91n6/documents/LIDSKY.pdf>.

#### 第14章 企業に関する提案

- 1 地球環境の破壊は、資源の保全によってではなく、新しいテクノロジーの誕生によって回避される可能性のほうが高い。Björn Lomborg (2001), *The Skeptical Environmentalist: Measuring the Real State of the World*, Cambridge University Press, <https://>

[encrypted.google.com/books?id=JuLko8UASpwC](http://encrypted.google.com/books?id=JuLko8UASpwC). [邦訳／「環境危機をあおってはいけない——地球環境のホントの実態」(文藝春秋)]

- 2 Organization for Economic Cooperation and Development (2013), "The OECD privacy framework," [http://www.oecd.org/sti/ieconomy/oecd\\_privacy\\_framework.pdf](http://www.oecd.org/sti/ieconomy/oecd_privacy_framework.pdf).

#### 〈資料 2〉 OECD プライバシー枠組み (1980年)

- ・収集制限の原則——個人データの収集には、制限が設けられるべきである。また、いかなるデータの収集も、適法かつ公正な方法により、必要に応じてデータ主体への通知と同意をへたうえで実施されなくてはならない。
- ・データ内容の原則——収集される個人データは、利用目的に沿い、その目的に必要な範囲内のものであるべきである。また、そのデータは、正確、完全、最新の内容でなくてはならない。
- ・目的明確化の原則——個人データを収集する目的は、収集時よりも前に特定されなくてはならない。また、収集したデータは、収集目的を達成するためだけに用いられるべきである。それ以外の目的で利用する場合は、収集目的と矛盾しない用途であること、そして、目的変更の都度新たな用途を明示することが必要である。
- ・利用制限の原則——個人データは、a データ主体の同意がある場合、またはb法律で認められている場合を除き、前項に従って明示された以外の目的のために公開されたり、提供されたり、その他の形で利用されたりしてはならない。
- ・安全保障措置の原則——個人データは、消失、不正アクセス、毀損、不正な利用、改竄、漏洩などのリスクに対して、合理的な安全保障措置によって守られなくてはならない。
- ・公開の原則——個人データの状況、扱い方、方針については、原則として公開すべきである。保管されている個人データの有無とそのデータの種類の、主な利用目的、そしてデータ収集者の素性と通常の所在地を知る手立てが容易に得られなくてはならない。
- ・個人参加の原則——個人は、以下の権利をもつ。
  - a データ管理者が自身に関するデータを保有しているかどうかを、データ管理者またはその他の者に確認する権利
  - b 自身のデータを保有している者から、そのデータについて、合理的期間内に、有料の場合も過度に高くない料金で、合理的な方法により、本人に理解しやすい形で知らされる権利
  - c 上記の a および b に基づく要請を拒否された場合に、理由の説明を受け、その決定に対して異議を申し立てる権利
  - d 自身に関するデータの内容に異を唱え、それが受け入れられた場合は、そのデータを抹消、訂正、補正、修正される権利
- ・責任の原則——データ管理者は、以上の諸原則に実効性をもたせるための措置を実施する責任を負う。

- 3 European Parliament and Council of Europe (24 Oct 1995), "Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data," <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046>:

- en:HTML. Neil Robinson et al. (2009), "Review of the European Data Protection Directive," Report TR-710-ICO, Information Commissioner's Office, RAND Corporation, [http://ico.org.uk/~media/documents/library/data\\_protection/detailed\\_specialist\\_guides/review\\_of\\_eu\\_dp\\_directive.aspx](http://ico.org.uk/~media/documents/library/data_protection/detailed_specialist_guides/review_of_eu_dp_directive.aspx).
- 4 Karlin Lillington (14 May 2014), "Analysis: Google takes another hit with EU privacy rulings," *Irish Times*, <http://www.irishtimes.com/business/sectors/technology/analysis-google-takes-another-hit-with-eu-privacy-rulings-1.1793749>. Price Waterhouse Coopers (Jul 2014), "EU data protection reforms: Challenges for businesses," [http://www.pwc.com/en\\_US/us/risk-assurance-services/publications/assets/pwc-eu-data-protection-reform.pdf](http://www.pwc.com/en_US/us/risk-assurance-services/publications/assets/pwc-eu-data-protection-reform.pdf).
  - 5 European Commission (25 Jan 2012), "Commission proposes a comprehensive reform of the data protection rules," [http://ec.europa.eu/justice/newsroom/data-protection/news/120125\\_en.htm](http://ec.europa.eu/justice/newsroom/data-protection/news/120125_en.htm).
  - 6 European Commission (25 Jan 2012), "Why do we need an EU data protection reform?" [http://ec.europa.eu/justice/data-protection/document/review2012/factsheets/1\\_en.pdf](http://ec.europa.eu/justice/data-protection/document/review2012/factsheets/1_en.pdf). European Commission (12 Mar 2014), "Progress on EU data protection now irreversible following European Parliament vote," [http://europa.eu/rapid/press-release\\_MEMO-14-186\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-186_en.htm).
  - 6 次の論文は、データプライバシーの経済原理に関する入門として優れている。Tyler Moore (2011), "Introducing the economics of cybersecurity: Principles and policy options," in *Proceedings of a Workshop on Detering CyberAttacks: Informing Strategies and Developing Options for U.S. Policy*, National Academies Press, <http://cs.brown.edu/courses/cscl1800/sources/lec27/Moore.pdf>.
  - 7 Patrick J. O'Toole, Corey M. Dennis, and Douglas Levy (28 Mar 2014), "Best practices for avoiding data breach liability," *Michigan Lawyers Weekly*, <http://milawyersweekly.com/news/2014/03/28/commentary-best-practices-for-avoiding-data-breach-liability>.
  - 8 Sasha Romanosky, David Hoffman, and Alessandro Acquisti (25-26 Jun 2012), "Empirical analysis of data breach litigation," 11th Annual Workshop on the Economics of Information Security, Berlin, Germany, [http://weis2012.econinfosc.org/papers/Romanosky\\_WEIS2012.pdf](http://weis2012.econinfosc.org/papers/Romanosky_WEIS2012.pdf).
  - 9 Alex Williams (23 Dec 2013), "Target may be liable for up to \$3.6 billion for card data breach," *Tech Crunch*, <http://techcrunch.com/2013/12/23/target-may-be-liable-for-up-to-3-6-billion-from-credit-card-data-breach>. Lance Duroi (3 Apr 2014), "JPML centralizes Target data breach suits in Minn.," *Law360*, <http://www.law360.com/articles/524968/jpml-centralizes-target-data-breach-suits-in-minn>.
  - 10 Brian Krebs (8 Jan 2014), "Firm bankrupted by cyberheist sues bank," *Krebs on Security*, <http://krebsonsecurity.com/2014/01/firm-bankrupted-by-cyberheist-sues-bank>. Brian Krebs (20 Jun 2014), "Oil Co. wins \$350,000 cyberheist settlement," *Krebs on Security*, <http://krebsonsecurity.com/2014/06/oil-co-wins-350000-cyberheist-settlement>. Brian Krebs (13 Aug 2014), "Tenn. firm sues bank over \$327K cyberheist," *Krebs on Security*, <http://krebsonsecurity.com/2014/08/tenn-utility-sues-bank-over-327k-cyberheist>.
  - 11 次の論文は、それを確定する方法を提案している。Maurizio Naldi, Marta Flamini, and Giuseppe D'Acquisto (2013), "Liability for data breaches: A proposal for a revenue-based sanctioning approach," in *Network and System Security* (Lecture Notes in Computer Science Volume 7873), Springer, [http://link.springer.com/chapter/10.1007/978-3-642-38631-2\\_20](http://link.springer.com/chapter/10.1007/978-3-642-38631-2_20).
  - 12 Willis H. Ware et al. (Jul 1973), "Records, computers and the rights of citizens: Report of the Secretary's Advisory Committee on Automated Personal Data Systems," DHEW Publication (OS) 73-94, US Department of Health, Education and Welfare, <http://www.justice.gov/sites/default/files/opcl/docs/rec-com-rights.pdf>.
- 〈資料3〉アメリカ公正情報取り扱い綱領 (1973年)  
公正情報取り扱い綱領は、以下の5つの原則に基づいている。
- 1 存在自体が秘密にされた個人データ記録システムがあってはならない。
  - 2 個人は、自身に関してどのような情報が記録されていて、それがどのように用いられているかを知る手立てを与えられなくてはならない。
  - 3 個人は、同意なしに、自身に関する情報が収集目的以外の目的に利用されたり、提供されたりすることを阻止する手立てを与えられなくてはならない。
  - 4 個人は、自身の個人特定可能な情報の記録について、訂正・変更する手立てを与えられなくてはならない。
  - 5 個人特定可能な情報を生成し、保管し、利用し、配布する組織は、そのデータが所期の目的で利用されることを保証し、不正利用を防ぐための措置を講じなくてはならない。
- 13 プライバシー規制が環境保護規制から学ぶべき点について論じた著作は多い。Dennis D. Hirsch (Fall 2006), "Protecting the inner environment: What privacy regulation can learn from environmental law," *Georgia Law Review* 41, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1021623](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1021623). Ira S. Rubinstein (2011), "Privacy and regulatory innovation: Moving beyond voluntary codes," *I/S, A Journal of Law and Policy for the Information Society* 6, [http://www.ftc.gov/sites/default/files/documents/public\\_comments/privacy-roundtables-comment-project-no.p095416-544506-00022/544506-00022.pdf](http://www.ftc.gov/sites/default/files/documents/public_comments/privacy-roundtables-comment-project-no.p095416-544506-00022/544506-00022.pdf).
  - 14 ただし、オープンソースの無料ソフトウェアの場合など、ユーザーと契約関係がない場合には、ある程度の例外扱いが必要だ。
  - 15 Giuseppe Dari-Mattiacci and Nuno Garoupa (May 2009), "Least cost avoidance: The tragedy of common safety," *Journal of Law, Economics, and Organization* 25, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=560062](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=560062). Paul Rosenzweig (5 Nov 2013), "Cybersecurity and the least cost avoider," *Lawfare*, <http://www.lawfareblog.com/2013/11/cybersecurity-and-the-least-cost-avoider>.
  - 16 個人データに対する所有権は、かなり複雑な概念である。Ali M. Al-Khouri (Nov 2012), "Data



- ownership: Who owns 'my data'?" *International Journal of Management and Information Technology* 2, <http://www.id.gov.ae/assets/FNukwmhbQ4k.pdf>. aspx. Jacob M. Victor (Nov 2013), "The EU General Data Protection Regulation: Toward a property regime for protecting data privacy," *Yale Law Journal* 123, <http://www.yalelawjournal.org/comment/the-eu-general-data-protection-regulation-toward-a-property-regime-for-protecting-data-privacy>.
- 17 Jennifer Valentino-DeVries and Jeremy Singer-Vine (7 Dec 2012), "They know what you're shopping for," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB10001424127887324784404578143144132736214>. Jeremy Singer-Vine (7 Dec 2012), "How Dataium watches you," *Wall Street Journal*, <http://blogs.wsj.com/digits/2012/12/07/how-dataium-watches-you>.
- 18 Frank Pasquale (21 Apr 2009), "The troubling trend toward trade secret-protected ranking systems," Chicago Intellectual Property Colloquium, Chicago, Illinois, <http://www.chicagoip.com/pasquale.pdf>.
- 19 Ethan Zuckerman (5 Sep 2012), "TSA pre-check, fairness and opaque algorithms," *My Heart's in Accra*, <http://www.ethanzuckerman.com/blog/2012/09/05/tsa-pre-check-fairness-and-opaque-algorithms>.
- 20 Daniel Weitzner (29–30 Jan 2014), "The jurisprudence of accountability," 2nd International Workshop on Accountability: Science, Technology and Policy, Cambridge, Massachusetts, <http://dig.csail.mit.edu/2014/AccountableSystems2014/abs/weitzner-account-jurisprudence-abs.pdf>. Ed Felten (19 Mar 2014), "Algorithms can be more accountable than people," *Freedom to Tinker*, <https://freedom-to-tinker.com/blog/felten/algorithms-can-be-more-accountable-than-people>. Ed Felten (12 Sep 2012), "Accountable algorithms," *Freedom to Tinker*, <https://freedom-to-tinker.com/blog/felten/accountable-algorithms>.
- 21 たとえば、マイクロソフトや世界経済フォーラムもその動きに加わっている。Craig Mundie (Mar/Apr 2014), "Privacy pragmatism: Focus on data use, not data collection," *Foreign Affairs* 93, <http://www.foreignaffairs.com/articles/140741/craig-mundie/privacy-pragmatism>. William Hoffman et al. (May 2014), "Rethinking personal data: A new lens for strengthening trust," World Economic Forum, <http://reports.weforum.org/rethinking-personal-data>. William Hoffman et al. (May 2014), "Rethinking personal data: Trust and context in user-centred data ecosystems," World Economic Forum, <http://reports.weforum.org/rethinking-personal-data>. William Hoffman et al. (May 2014), "Rethinking personal data: Trust and context in user-centred data ecosystems," World Economic Forum, [http://www3.weforum.org/docs/WEF\\_RethinkingPersonalData\\_TrustandContext\\_Report\\_2014.pdf](http://www3.weforum.org/docs/WEF_RethinkingPersonalData_TrustandContext_Report_2014.pdf). William H. Dutton et al. (May 2014), "The Internet trust bubble: Global values, beliefs and practices," World Economic Forum, [http://www3.weforum.org/docs/WEF\\_InternetTrustBubble\\_Report2\\_2014.pdf](http://www3.weforum.org/docs/WEF_InternetTrustBubble_Report2_2014.pdf). Fred H. Cate, Peter Cullen, and Viktor Mayer-Schönberger (Mar 2014), "Data protection principles for the 21st century: Revising the 1980 OECD Guidelines," Oxford Internet Institute, University of Oxford, [http://www.oii.ox.ac.uk/publications/Data\\_Protection\\_Principles\\_for\\_the\\_21st\\_Century.pdf](http://www.oii.ox.ac.uk/publications/Data_Protection_Principles_for_the_21st_Century.pdf). President's Council of Advisors on Science and Technology (May 2014), "Big data and privacy: A technology perspective," [http://www.whitehouse.gov/sites/default/files/microsites/ostp/PCAST/pcast\\_big\\_data\\_and\\_privacy\\_-\\_may\\_2014.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ostp/PCAST/pcast_big_data_and_privacy_-_may_2014.pdf).
- 22 Chris Jay Hoofnagle (2 Sep 2014), "The Potemkinism of privacy pragmatism," *Slate*, [http://www.slate.com/articles/technology/future\\_tense/2014/09/data\\_use\\_regulation\\_the\\_libertarian\\_push\\_behind\\_a\\_new\\_take\\_on\\_privacy.single.html](http://www.slate.com/articles/technology/future_tense/2014/09/data_use_regulation_the_libertarian_push_behind_a_new_take_on_privacy.single.html).
- 23 A. Michael Froomkin (23 Feb 2014), "Regulating mass surveillance as privacy pollution: Learning from environmental impact statements," University of Miami, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2400736](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2400736).
- 24 Julie Brill (2 Jun 2014), "Weaving a tapestry to protect privacy and competition in the age of Big Data," European Data Protection Supervisor's Workshop on Privacy, Consumer Protection and Competition in the Digital Age, Brussels, Belgium, [http://www.ftc.gov/system/files/documents/public\\_statements/313311/140602edpsbrill2.pdf](http://www.ftc.gov/system/files/documents/public_statements/313311/140602edpsbrill2.pdf). Jules Polonetsky and Omer Tene (6 Dec 2012), "It's not how much data you have, but how you use it: Assessing privacy in the context of consumer data integration," Future of Privacy Forum, [http://www.futureofprivacy.org/wp-content/uploads/FPF-White-Paper-Its-Not-How-Much-Data-You-Have-But-How-You-Use-It\\_FINAL.pdf](http://www.futureofprivacy.org/wp-content/uploads/FPF-White-Paper-Its-Not-How-Much-Data-You-Have-But-How-You-Use-It_FINAL.pdf).
- 25 European Union (9 Dec 2013), "National data protection authorities," [http://ec.europa.eu/justice/data-protection/bodies/authorities/index\\_en.htm](http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm).
- 26 Alon Halevy, Peter Norvig, and Fernando Pereira (Mar/Apr 2009), "The unreasonable effectiveness of data," *IEEE Intelligent Systems* 24, <https://static.googleusercontent.com/media/research.google.com/en/us/pubs/archive/35179.pdf>.
- 27 Doug Gross (7 Jan 2013), "Library of Congress digs into 170 billion tweets," CNN, <http://www.cnn.com/2013/01/07/tech/social-media/library-congress-twitter>.
- 28 Martin Fowler (12 Dec 2013), "Datensparsamkeit," <http://martinfowler.com/bliki/Datensparsamkeit.html>.
- 29 もちろん、法律さえあれば、かならず実際に保護されるとは限らない。2011年には、ドイツ政府が自国の強力なデータ保護法を破り、「トロイの木馬」型のマルウェアで自国民をスパイしていたことが明らかになった。多くの事例が繰り返し浮き彫りにしているように、どんな法律をつくっても、法律に従う意思のない政府から私たちを守ることはできないのだ。Chaos Computer Club (8 Oct 2011), "Chaos Computer Club analyzes government malware," <http://ccc.de/en/updates/2011/staatsstrojaner>.
- 30 DLA Piper (7 Mar 2013), "Data protection laws of the world," [http://files.dlapiper.com/files/Uploads/Documents/Data\\_Protection\\_Laws\\_of\\_the\\_World\\_2013.pdf](http://files.dlapiper.com/files/Uploads/Documents/Data_Protection_Laws_of_the_World_2013.pdf). Theodore I. Kobus III and Gonzalo S. Zeballos (19 Feb 2014), "2014 international compendium of data privacy laws," Baker Hostetler,

- <http://www.bakerlaw.com/files/Uploads/Documents/Data%20Breach%20documents/International-Compendium-of-Data-Privacy-Laws.pdf>.
- 31 ただし、検索履歴を消去する設定にしていなければ、ある程度は確認できる。Dave Greenbaum (12 Jul 2014), "Google's new account history page helps further control your privacy," *Life Hacker*, <http://lifehacker.com/googles-new-account-history-page-helps-further-control-1603125500>.
  - 32 Hugh Campos (19 Nov 2011), "Hugo Campos fights for the right to open his heart's data," TEDxCambridge, Cambridge, Massachusetts, <http://tedxtalks.ted.com/video/TEDxCambridge-Hugo-Campos-fight>.
  - 33 Bruce Schneier (Jul/Aug 2010), "A taxonomy of social networking data," *IEEE Security & Privacy* 8 (4), [http://ieeexplore.ieee.org/xpls/abs\\_all.jsp?arnumber=5523874](http://ieeexplore.ieee.org/xpls/abs_all.jsp?arnumber=5523874).
  - 34 Blake Ross (13 Sep 2011), "Improved friend lists," Facebook, <https://www.facebook.com/notes/facebook/improved-friend-lists/10150278932602131>.
  - 35 Tony Bradley (13 Oct 2010), "Think your tweet is private? Think again," *PC World*, [http://www.pcworld.com/article/207710/think\\_your\\_twitter\\_dm\\_is\\_private\\_think\\_again.html](http://www.pcworld.com/article/207710/think_your_twitter_dm_is_private_think_again.html).
  - 36 Leslie Meredith (15 Jan 2013), "Why you should make Instagram private before Saturday," *NBC News*, <http://www.nbcnews.com/tech/internet/why-you-should-make-instagram-private-saturday-11B7987618>.
  - 37 Serge Malenkovich (25 Jan 2013), "How to protect your privacy on Pinterest," *Kaspersky Lab Daily*, <http://blog.kaspersky.com/protect-your-privacy-on-pinterest>.
  - 38 US Executive Office of the President (Feb 2012), "Consumer data privacy in a networked world: A framework for protecting privacy and promoting innovation in the global digital economy," <http://www.whitehouse.gov/sites/default/files/privacy-final.pdf>.
- 〈資料4〉アメリカ消費者プライバシー権利章典（2012年）
- ・個人によるコントロール——消費者は、企業が自分についてどのような個人データを収集し、それをどのようにに用いるかをコントロールする権利をもつ。
  - ・透明性——消費者は、プライバシーとセキュリティの扱いについて、わかりやすい情報を容易に得る権利をもつ。
  - ・文脈の尊重——消費者は、データを提供した文脈に沿う範囲で、個人データを収集、利用、公開される権利をもつ。
  - ・セキュリティ——消費者は、個人データを安全に、そして責任をもって取り扱われる権利をもつ。
  - ・アクセスと正確性——消費者は、扱いやすい形式で自身の個人データにアクセスし、それを訂正する権利をもつ。この権利は、データの機密性の高さと、そのデータが不正確だった場合に本人に及ぶ悪影響の大きさにさわしい形で行使できなくてはならない。
  - ・収集範囲の限定——消費者は、合理的な範囲内でのみ個人データを収集・保管される権利をもつ。
  - ・責任——消費者は、本権利章典を確実に守るために適切な措置を講じている企業によって、個人データを扱われる権利をもつ。
- 39 US Executive Office of the President (1 May 2014), "Big data: Seizing opportunities, preserving values," [http://www.whitehouse.gov/sites/default/files/docs/big\\_data\\_privacy\\_report\\_may\\_1\\_2014.pdf](http://www.whitehouse.gov/sites/default/files/docs/big_data_privacy_report_may_1_2014.pdf).
  - 40 Jaron Lanier (2013), *Who Owns the Future?* Simon and Schuster, <http://books.google.com/books?id=LobtmRYmQC>.
  - 41 European Commission (8 Jul 2014), "Factsheet on the 'Right to be Forgotten' ruling (C-131/12)," [http://ec.europa.eu/justice/data-protection/files/factsheets/factsheet\\_data\\_protection\\_en.pdf](http://ec.europa.eu/justice/data-protection/files/factsheets/factsheet_data_protection_en.pdf).
  - 42 Rory Cellan-Jones (13 May 2014), "EU court backs 'right to be forgotten' in Google case," *BBC News*, <http://www.bbc.com/news/world-europe-27388289>.
  - 43 Court of Justice of the European Union (13 May 2014), "Judgment in Case C-131/12: *Google Spain SL, Google Inc. v Agencia Española de Protección de Datos, Mario Costeja González*," <http://curia.europa.eu/jcms/upload/docs/application/pdf/2014-05/cp140070en.pdf>.
  - 43 Jane Wakefield (15 May 2014), "Politician and pedophile ask Google to 'be forgotten,'" *BBC News*, <http://www.bbc.com/news/technology-27423527>.
  - 44 Alessandro Mantelero (Jun 2013), "The EU Proposal for a General Data Protection Regulation and the roots of the 'right to be forgotten,'" *Computer Law and Security Review* 29, <http://www.sciencedirect.com/science/article/pii/S0267364913000654>.
  - 45 この点を明らかにするための実験が多くおこなわれている。Patricia A. Norberg, Daniel R. Horne, and David A. Horne (Summer 2007), "The privacy paradox: Personal information disclosure intentions versus behaviors," *Journal of Consumer Affairs* 41, <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-6606.2006.00070.x/abstract>. Leslie K. John, Alessandro Acquisti, and George Loewenstein (6 Jul 2009), "The best of strangers: Context-dependent willingness to divulge personal information," Social Sciences Research Network, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1430482](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1430482). Susan Waters and James Ackerman (Oct 2011), "Exploring privacy management on Facebook: Motivations and perceived consequences of voluntary disclosure," *Journal of Computer-Mediated Communication* 17, <http://onlinelibrary.wiley.com/doi/10.1111/j.1083-6101.2011.01559.x/full>. Fred Stutzman, Ralph Gross, and Alessandro Acquisti (Apr 2013), "Silent listeners: The evolution of privacy and disclosure on Facebook," *Journal of Privacy and Confidentiality* 4, [https://www.cylab.cmu.edu/news\\_events/news/2013/acquisti-7-year-study-facebook-privacy.html](https://www.cylab.cmu.edu/news_events/news/2013/acquisti-7-year-study-facebook-privacy.html).
  - 46 そのように人々を操作することは驚くほど簡単だ。Idris Adjerid et al. (22 Mar 2013), "Sleights of privacy: Framing, disclosures, and the limits of transparency," *SOUPS '13: Proceedings of the Ninth Symposium on Usable Privacy and Security*, <http://www.heinz.cmu.edu/~acquisti/papers/acquisti-sleights-privacy.pdf>.
  - 47 Sara M. Watson (29 Apr 2014), "If customers knew how you use their data, would they call it creepy?" *HBR Blog Network*, <http://blogs.hbr.org/2014/04/if-customers-knew-how-you-use-their-data-would-they>.

- call-it-creepy.
- 48 Chris Jay Hoofnagle and Jan Whittington (28 Feb 2014), "Free: Accounting for the costs of the Internet's most popular price," *UCLA Law Review* 61, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2235962](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2235962).
- 49 Kirsten Martin (2 Dec 2013), "Transaction costs, privacy, and trust: The laudable goals and ultimate failure of notice and choice to respect privacy online," *First Monday* 18, <http://firstmonday.org/ojs/index.php/fm/article/view/4838/3802>.
- 50 私が知るかぎり、2人の法学者が別個にこのアイデアを提唱している。Jerry Kang et al. (Mar 2012), "Self-surveillance privacy," *Iowa Law Review* 97, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1729332](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1729332). Jack M. Balkin (5 Mar 2014), "Information fiduciaries in the digital age," *Balkinization*, <http://balkin.blogspot.co.uk/2014/03/information-fiduciaries-in-digital-age.html>.
- 51 Jonathan Zittrain (1 Jun 2014), "Facebook could decide an election without anyone ever finding out," *New Republic*, <http://www.newrepublic.com/article/117878/information-fiduciary-solution-facebook-digital-gerrymandering>.
- 52 Dan Geer (9 Oct 2013), "Tradeoffs in cyber security," <http://geer.tinbo.net/geerunc9x13.txt>.
- 53 ポップアップ広告の発明者は謝罪をしている。The inventor of the pop-up ad has apologized. Ethan Zuckerman (14 Aug 2014), "The Internet's own original sin," *Atlantic*, <http://www.theatlantic.com/technology/archive/2014/08/advertising-is-the-internets-original-sin/376041>.
- 54 Ann Cavoukian (Jan 2011), "Privacy by Design: The 7 foundational principles," *Privacy by Design*, <http://www.privacybydesign.ca/content/uploads/2009/08/7foundationalprinciples.pdf>. US Federal Trade Commission (Mar 2012), "Protecting consumer privacy in an era of rapid change: Recommendations for businesses and policymakers," <http://www.ftc.gov/sites/default/files/documents/reports/federal-trade-commission-report-protecting-consumer-privacy-era-rapid-change-recommendations/120326privacyreport.pdf>.
- 55 Ingrid Lunden (30 Sep 2013), "Digital ads will be 22% of all U.S. ad spend in 2013, mobile ads 3.7%; total global ad spend in 2013 \$503B," *Tech Crunch*, <http://techcrunch.com/2013/09/30/digital-ads-will-be-22-of-all-u-s-ad-spend-in-2013-mobile-ads-3-7-total-global-ad-spend-in-2013-503b-says-zenithoptimedia>. Marketing Charts (23 Dec 2013), "Data dive: US TV ad spend and influence (Updated — Q3 2013 data)," <http://www.marketingcharts.com/wp/television/data-dive-us-tv-ad-spend-and-influence-22524>.
- 56 James Kunstler (21 Oct 2005), "The psychology of previous investment," *Raise the Hammer*, <http://www.raisethehammer.org/article/181>.
- 57 Charlie Savage (14 May 2014), "Phone company pushed back against NSA's data collection, court papers show," *New York Times*, <http://www.nytimes.com/2014/05/15/us/politics/phone-company-pushed-back-against-nsas-data-collection-court-papers-show.html>. Claire Cain Miller (13 Jun 2013), "Secret court ruling put tech companies in data bind," *New York Times*, <http://www.nytimes.com/2013/06/14/technology/secret-court-ruling-put-tech-companies-in-data-bind.html>.
- 58 Ewen MacAskill (9 Sep 2013), "Yahoo files lawsuit against NSA over user data requests," *Guardian*, <http://www.theguardian.com/world/2013/sep/09/yahoo-lawsuit-nsa-surveillance-requests>. Mike Masnick (27 Jan 2014), "Feds reach settlement with Internet companies allowing them to report not nearly enough details on surveillance efforts," *Tech Dirt*, <https://www.techdirt.com/articles/20140127/17253826014/feds-reach-settlement-with-internet-companies-allowing-them-to-report-not-nearly-enough-details-surveillance-efforts.shtml>. Spencer Ackerman (3 Feb 2014), "Microsoft, Facebook, Google and Yahoo release US surveillance requests," *Guardian*, <http://www.theguardian.com/world/2014/feb/03/microsoft-facebook-google-yahoo-fisa-surveillance-requests>.
- 59 Google (2014), "Transparency report," <https://www.google.com/transparencyreport/userdatarequests/US>.
- 60 Brian Fung (9 Jan 2014), "The first phone company to publish a transparency report isn't AT&T or Verizon," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2014/01/09/the-first-phone-company-to-publish-a-transparency-report-isnt-at-or-verizon>.
- 61 Verizon (22 Jan 2014), "Verizon transparency report," <http://transparency.verizon.com/us-data>.
- 62 Glenn Greenwald (5 Jun 2013), "NSA collecting phone records of millions of Verizon customers daily," *Guardian*, <http://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order>.
- 63 Craig Timberg (1 May 2014), "Apple, Facebook, others defy authorities, notify users of secret data demands," *Washington Post*, [http://www.washingtonpost.com/business/technology/apple-facebook-others-defy-authorities-increasingly-notify-users-of-secret-data-demands-after-snowden-revelations/2014/05/01/b41539c6-cfd1-11e3-b812-0c92213941f4\\_story.html](http://www.washingtonpost.com/business/technology/apple-facebook-others-defy-authorities-increasingly-notify-users-of-secret-data-demands-after-snowden-revelations/2014/05/01/b41539c6-cfd1-11e3-b812-0c92213941f4_story.html).
- 64 Jacob Siegal (30 Aug 2013), "Microsoft, Google team up to sue federal government over NSA spying," *BGR*, <http://bgr.com/2013/08/30/microsoft-google-nsa-lawsuit>.
- 65 Ewan MacAskill (9 Sep 2013), "Yahoo files lawsuit against NSA over user data requests," *Guardian*, <http://www.theguardian.com/world/2013/sep/09/yahoo-lawsuit-nsa-surveillance-requests>. Kevin Collier (15 Jul 2013), "Yahoo wins court order to release records of its fight against PRISM," *Daily Dot*, <http://www.dailydot.com/news/yahoo-prism-court-win-fisa-declassified>. Craig Timberg (11 Sep 2014), "U.S. threatened massive fine to force Yahoo to release data," *Washington Post*, [http://www.washingtonpost.com/business/technology/us-threatened-massive-fine-to-force-yahoo-to-release-data/2014/09/11/38a7f69e-39e8-11e4-9c9f-ebb47272e40e\\_story.html](http://www.washingtonpost.com/business/technology/us-threatened-massive-fine-to-force-yahoo-to-release-data/2014/09/11/38a7f69e-39e8-11e4-9c9f-ebb47272e40e_story.html).
- 66 Cyrus Farivar (5 Nov 2013), "Apple takes strong privacy stance in new report, publishes rare 'warrant

- canary," *Ars Technica*, <http://arstechnica.com/tech-policy/2013/11/apple-takes-strong-privacy-stance-in-new-report-publishes-rare-warrant-canary>.
- 67 アップルの「カナリア」は姿を消した。それがなにを意味するのか、確かなことは誰にもわからない。Jeff John Roberts (18 Sep 2014), "Apple's 'warrant canary' disappears, suggesting new Patriot Act demands," *Gigaom*, <https://gigaom.com/2014/09/18/apples-warrant-canary-disappears-suggesting-new-patriot-act-demands>.
  - 68 The Electronic Frontier Foundation is keeping a scorecard. Nate Cardozo, Parker Higgins, and Kurt Opsahl (13 Mar 2014), "Update: Encrypt the Web report: Who's doing what," Electronic Frontier Foundation, <https://www.eff.org/deeplinks/2013/11/encrypt-web-report-whos-doing-what>.
  - 69 Sean Gallagher (6 Nov 2013), "Googlers say 'F\*\*\* you' to NSA, company encrypts internal network," *Ars Technica*, <http://arstechnica.com/information-technology/2013/11/googlers-say-f-you-to-nsa-company-encrypts-internal-network>.
  - 70 Barton Gellman and Ashkan Soltani (14 Oct 2013), "NSA collects millions of e-mail address books globally," *Washington Post*, [http://www.washingtonpost.com/world/national-security/nsa-collects-millions-of-e-mail-address-books-globally/2013/10/14/8e58b5be-34f9-11e3-80c6-7e6dd8d22d8f\\_story.html](http://www.washingtonpost.com/world/national-security/nsa-collects-millions-of-e-mail-address-books-globally/2013/10/14/8e58b5be-34f9-11e3-80c6-7e6dd8d22d8f_story.html).
  - 71 Andrea Peterson, Barton Gellman, and Ashkan Soltani (14 Oct 2013), "Yahoo to make SSL encryption the default for Webmail users. Finally," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2013/10/14/yahoo-to-make-ssl-encryption-the-default-for-webmail-users-finally>; Craig Timberg, Barton Gellman, and Ashkan Soltani (26 Nov 2013), "Microsoft, suspecting NSA spying, to ramp up efforts to encrypt its Internet traffic," *Washington Post*, [http://www.washingtonpost.com/business/technology/microsoft-suspecting-nsa-spying-to-ramp-up-efforts-to-encrypt-its-internet-traffic/2013/11/26/44236b48-56a9-11e3-8304-caf30787c0a9\\_story.html](http://www.washingtonpost.com/business/technology/microsoft-suspecting-nsa-spying-to-ramp-up-efforts-to-encrypt-its-internet-traffic/2013/11/26/44236b48-56a9-11e3-8304-caf30787c0a9_story.html).
  - 72 いくつかの例を挙げよう。Danny Yadron (3 Jun 2014), "Comcast to encrypt email for security," *Wall Street Journal*, <http://online.wsj.com/articles/comcast-to-encrypt-email-for-security-1401841512>; Mikey Campbell (13 Jun 2014), "Apple will soon encrypt iCloud emails in transit between service providers," *Apple Insider*, <http://appleinsider.com/articles/14/06/13/apple-will-soon-encrypt-icloud-emails-in-transit-between-service-providers>.
  - 73 Nate Cardozo, Parker Higgins, and Kurt Opsahl (13 Mar 2014), "Update: Encrypt the web report: Who's doing what," Electronic Frontier Foundation, <https://www.eff.org/deeplinks/2013/11/encrypt-web-report-whos-doing-what>. Claire Cain Miller (13 Jun 2013), "Secret court ruling put tech companies in data bind," *New York Times*, <http://www.nytimes.com/2013/06/14/technology/secret-court-ruling-put-tech-companies-in-data-bind.html>.
  - 74 2014年後半、アップルはすべてのデータを暗号化するようシステムを修正。アンドロイド端末は2011年から暗号化機能を搭載していたが、2014年にアップルに追隨する形でそれを初期設定で採用するようにした。David E. Sanger and Brian X. Chen (26 Sep 2014), "Signaling post-Snowden era, new iPhone locks out NSA," *New York Times*, <http://www.nytimes.com/2014/09/27/technology/iphone-locks-out-the-nsa-signaling-a-post-snowden-era.html>. Craig Timberg (18 Sep 2014), "Newest Androids will join iPhones in offering default encryption, blocking police," *Washington Post*, <http://www.washingtonpost.com/blogs/the-switch/wp/2014/09/18/newest-androids-will-join-iphones-in-offering-default-encryption-blocking-police>.
  - 75 Google (3 Jun 2014), "Transparency report: Protecting emails as they travel across the web," *Google Official Blog*, <http://googleblog.blogspot.com/2014/06/transparency-report-protecting-emails.html>.
  - 76 Claire Cain Miller (13 Jun 2013), "Secret court ruling put tech companies in data bind," *New York Times*, <http://www.nytimes.com/2013/06/14/technology/secret-court-ruling-put-tech-companies-in-data-bind.html>. Craig Timberg (11 Sep 2014), "U.S. threatened massive fine to force Yahoo to release data," *Washington Post*, [http://www.washingtonpost.com/business/technology/us-threatened-massive-fine-to-force-yahoo-to-release-data/2014/09/11/38a7f69e-39e8-11e4-9c9f-ebb47272e40e\\_story.html](http://www.washingtonpost.com/business/technology/us-threatened-massive-fine-to-force-yahoo-to-release-data/2014/09/11/38a7f69e-39e8-11e4-9c9f-ebb47272e40e_story.html).
  - 77 Kim Zetter (28 Aug 2012), "Twitter fights back to protect 'Occupy Wall Street' protester," *Wired*, <http://www.wired.com/2012/08/twitter-appeals-occupy-order>. Tiffany Kary (14 Sep 2012), "Twitter turns over Wall Street protester posts under seal," *Bloomberg News*, <http://www.bloomberg.com/news/2012-09-14/twitter-turns-over-wall-street-protester-posts-under-seal.html>.
  - 78 Vinu Goel and James C. McKinley Jr. (26 Jun 2014), "Forced to hand over data, Facebook files appeal," *New York Times*, <http://www.nytimes.com/2014/06/27/technology/facebook-battles-manchattan-da-over-warrants-for-user-data.html>.
  - 79 3つの非営利団体が意見書を提出した。電子フロンティア財団、アメリカ自由人権協会 (ACLU)、エンピーブドである。Electronic Frontier Foundation (24 Oct 2013), "Brief of amicus curiae," *United States of America v. Under Seal 1; Under Seal 2* [Lavabit], Case Nos. 13-4625, 13-4626, United States Court of Appeals for the Fourth Circuit, <https://www.eff.org/document/lavabit-amicus>. American Civil Liberties Union (25 Oct 2013), "Brief of amicus curiae," *United States of America v. Under Seal 1; Under Seal 2* [Lavabit], Case Nos. 13-4625, 13-4626, United States Court of Appeals for the Fourth Circuit, [https://www.aclu.org/sites/default/files/assets/stamped\\_lavabit\\_amicus.pdf](https://www.aclu.org/sites/default/files/assets/stamped_lavabit_amicus.pdf). Empeopled LLC (24 Oct 2013), "Brief of amicus curiae," *United States of America v. Under Seal 1; Under Seal 2* [Lavabit], Case Nos. 13-4625, 13-4626, United States Court of Appeals for the Fourth Circuit, <http://justsecurity.org/wp-content/uploads/2013/10/empeopled-lavabit-amicus.pdf>.
  - 80 Rebecca Kinninnon (2006), "Race to the bottom: Corporate complicity in Chinese Internet

- censorship," Human Rights Watch, <http://www.hrw.org/reports/2006/china0806/5.htm>.
- 81 Thomas Lee (25 May 2014), "Mind your business: Slow flex of tech's lobbying muscle," *San Francisco Chronicle*, <http://www.sfgate.com/technology/article/Mind-Your-Business-Slow-flex-of-tech-s-lobbying-5504172.php>. Joseph Menn (5 Jun 2014), "U.S. technology companies beef up security to thwart mass spying," Reuters, <http://www.reuters.com/article/2014/06/05/us-cybersecurity-tech-idUSKBN0EG2BN20140605>. Reform Government Surveillance (2014), <https://www.reformgovernmentsurveillance.com>.
  - 82 Zack Whittaker (4 Feb 2013), "Privacy groups call on US government to stop lobbying against EU data law changes," *ZDNet*, <http://www.zdnet.com/privacy-groups-call-on-us-government-to-stop-lobbying-against-eu-data-law-changes-7000010721>. James Pontanella-Khan (26 Jun 2013), "Brussels: Astrourfing takes root," *Financial Times*, <http://www.ft.com/cms/s/0/74271926-dd9f-11e2-a756-00144feab7de.html>. David Meyer (12 Mar 2014), "Web firms face a strict new set of privacy rules in Europe: Here's what to expect," *Gigaom*, <http://gigaom.com/2014/03/12/web-firms-face-a-strict-new-set-of-privacy-rules-in-europe-heres-what-to-expect>.
  - 83 Tim Berners-Lee (Dec 2010), "Long live the Web," *Scientific American*, [http://www.cs.virginia.edu/~robins/Long\\_Live\\_the\\_Web.pdf](http://www.cs.virginia.edu/~robins/Long_Live_the_Web.pdf); Jemima Kiss (11 Mar 2014), "An online Magna Carta: Berners-Lee calls for bill of rights for web," *Guardian*, <http://www.theguardian.com/technology/2014/mar/12/online-magna-carta-berners-lee-web>.
  - 84 Thomas Hobbes (1651), *Leviathan*, Printed for Andrew Crooke, <http://www.gutenberg.org/files/3207/3207-h/3207-h.htm>. [邦訳／「リヴァイアサン」]
  - 85 John Locke (1690), *Two Treatises of Government*, Printed for Awnsham Churchill, <http://books.google.com/books?id=LqA4nQEACAAJ>. [邦訳／「統治二論」]
  - 86 Rebecca MacKinnon (2012), *Consent of the Networked: The Worldwide Struggle for Internet Freedom*, Basic Books, [http://www.owlslylum.net/owl\\_underground/social/ConsentoftheNetworked.pdf](http://www.owlslylum.net/owl_underground/social/ConsentoftheNetworked.pdf).
  - 87 The Public Voice (3 Nov 2009), "The Madrid Privacy Declaration," International Conference of Data Protection and Privacy Commissioners, Madrid, Spain, [http://privacyconference2011.org/htmls/adoptedResolutions/2009\\_Madrid/2009\\_M1.2.pdf](http://privacyconference2011.org/htmls/adoptedResolutions/2009_Madrid/2009_M1.2.pdf).

〈資料 5〉マドリッド・プライバシー宣言 (2009年)  
市民社会は、この「プライバシー・データ保護コミッション国際会議」の第31回年次総会において――

- 1 個人データを収集・処理する者に義務を課し、個人データを収集される者の権利を認める「公正情報取扱い」に関するグローバルな枠組みへの支持を再確認し、
- 2 商業的利益や政治的影響力と無関係に、法的枠組みに準拠して透明性のある決定をくだせる独立のデータ保護機関への支持を再確認し、
- 3 個人を特定可能な情報の収集を最少化、もしくは完全になくすための真の「プライバシー強化手法」

- と、プライバシー基準の遵守を求める実効的な「プライバシー影響評価」への支持を再確認し、
- 4 欧州評議会の条約第108号および2001年の議定書を批准していない国に対して、可及的速やかな批准を促し、
- 5 包括的なプライバシー保護の枠組みと独立のデータ保護機関の設置していない国に対して、可及的速やかな設置を促し、
- 6 プライバシー保護の法的枠組みを設置している国に対して、その枠組みの実効的な実施と、世界レベルと地域レベルの協力を促し、
- 7 各国に対し、個人データが不正に公開されたり、収集目的と合致しない形で用いられたりした場合にたまたちに本人に通知されるようにすることを促し、
- 8 各国に対し、データを匿名化する手法の適切さについて包括的な調査を実施し、その手法が実際にプライバシーと匿名性を脅かしているか判断するためのデータを集めることを勧告し、
- 9 顔認識、全身スキャン、生体認証、皮膚埋め込み型無線IDタグなどの新しい大量監視システムの開発と導入を一時停止し、独立機関による透明性のある徹底した検討と民主的議論の対象にすることを要求し、
- 10 法の支配、基本的人権の尊重、民主的制度への支援を土台に、市民社会が全面的に参加する形で、プライバシー保護の新しい国際的枠組みを確立することを要求する。

## 第15章 私たちができること

- 1 Eben Moglen (27 May 2014), "Privacy under attack: The NSA files revealed new threats to democracy," *Guardian*, <http://www.theguardian.com/technology/2014/may/27/sp-privacy-under-attack-nsa-files-revealed-new-threats-democracy>.
- 2 社会学者のゲーリー・マルクスは、監視への対抗策を11の類型において紹介している。本章では、マルクスの用語を借りて説明を進めたい。Gary T. Marx (May 2003), "A tack in the shoe: Neutralizing and resisting the new surveillance," *Journal of Social Issues* 59, <http://web.mit.edu/gtmarx/www/tack.html>.
- 3 R. Jason Cronk (25 Nov 2013), "Thoughts on the term 'privacy enhancing technologies,'" *Privacy Maverick*, <http://privacymaverick.com/2013/11/25/thoughts-on-the-term-privacy-enhancing-technologies>.
- 4 Jon Brodtkin (2 May 2014), "EFF 'Privacy Badger' plugin aimed at forcing websites to stop tracking users," *Ars Technica*, <http://arstechnica.com/information-technology/2014/05/eff-privacy-badger-plugin-aimed-at-forcing-websites-to-stop-tracking-users>.
- 5 Electronic Privacy Information Center (2014), "EPIC online guide to practical privacy tools," <http://epic.org/privacy/tools.html>.
- 6 Sara M. Watson (24 Sep 2014), "Ask the Decoder: How private is private browsing, really?" Al Jazeera, <http://america.aljazeera.com/articles/2014/9/24/private-browsing.html>.
- 7 Microsoft Corporation (21 Aug 2013), "BitLocker overview," <http://technet.microsoft.com/en-us/library/hh831713.aspx>.
- 8 Apple Corporation (Aug 2012), "Best practices for deploying FileVault 2," <http://training.apple.com/pdf/>

- WP\_FileVault2.pdf.
- 9 James Lyne (29 May 2014), "Open source crypto TrueCrypt disappears with suspicious cloud of mystery," *Forbes*, <http://www.forbes.com/sites/jameslyne/2014/05/29/open-source-crypto-truecrypt-disappears-with-suspicious-cloud-of-mystery>.
  - 10 Nikita Borisov, Ian Goldberg, and Eric Brewer (28 Oct 2004), "Off-the-record communication, or, Why not to use PGP," ACM Workshop on Privacy in the Electronic Society (WPES'04), Washington, D.C., <https://otr.cypherpunks.ca/otr-wpes.pdf>.
  - 11 Stephan Somogyi (3 Jun 2014), "Making end-to-end encryption easier to use," *Google Online Security Blog*, <http://googleonlinesecurity.blogspot.com/2014/06/making-end-to-end-encryption-easier-to.html>.
  - 12 Tim Dierks and Eric Rescorla (17 Apr 2014), "The Transport Layer Security (TLS) Protocol Version 1.3," Internet Engineering Task Force Trust, Network Working Group, <http://tools.ietf.org/html/draft-ietf-tls-rlc5246-bis-00>.
  - 13 Electronic Frontier Foundation (2014), "HTTPS Everywhere," <https://www.eff.org/Https-everywhere>.
  - 14 次のウェブページが手引きになるだろう。Electronic Privacy Information Center (2014), "EPIC online guide to practical privacy tools," <http://epic.org/privacy/tools.html>.
  - 15 Peter Bright and Dan Goodin (14 Jun 2013), "Encrypted e-mail: How much annoyance will you tolerate to keep the NSA away?" *Ars Technica*, <http://arstechnica.com/security/2013/06/encrypted-e-mail-how-much-annoyance-will-you-tolerate-to-keep-the-nsa-away>.
  - 16 インターネット・エンジニアリング・タスクフォース (IETF) は、セキュリティと蔓延する監視についての次の声明を発表している。Jari Arkko and Stephen Farrell (7 Sep 2014), "Security and pervasive monitoring," Internet Engineering Task Force, <https://www.ietf.org/blog/2013/09/security-and-pervasive-monitoring>.
  - 17 Mirimir (2014), "Advanced privacy and anonymity using VMs, VPN's, Tor, etc," *IVPN*, <https://www.ivpn.net/privacy-guides/advanced-privacy-and-anonymity-part-1>.
  - 18 Andy Greenberg (21 May 2014), "Free app lets the next Snowden send big files securely and anonymously," *Wired*, <http://www.wired.com/2014/05/onionshare>.
  - 19 ただし、最近の冷蔵庫の大半は金属の箱ではなくなっているため、この目的にはあまり適さない。実際に試す前に、冷蔵庫の材質を確認することをお勧めする。
  - 20 John Farrier (16 Apr 2014), "What is a job that exists only in your country?" *Neatorama*, <http://www.neatorama.com/2014/04/16/What-Is-a-Job-That-Exists-Only-in-Your-Country>.
  - 21 Robinson Meyer (24 Jul 2014), "Anti-surveillance camouflage for your face," *Atlantic*, <http://www.theatlantic.com/features/archive/2014/07/makeup/374929>. Joseph Cox (14 Sep 2014), "The rise of the anti-facial recognition movement," *Kernel*, <http://kernelmag.dailydot.com/issue-sections/features-issue-sections/10247/anti-facial-recognition-movement>.
  - 22 Adam Harvey (2013), "Stealth wear," *AH Projects*, <http://ahprojects.com/projects/stealth-wear>.
  - 23 具体的な手法に関しては、以下が参考になるだろう。Finn Brunton and Helen Nissenbaum (2 May 2011), "Vernacular resistance to data collection and analysis: A political theory of obfuscation," *First Monday* 15, <http://firstmonday.org/article/view/3493/2955>.
  - 24 この手法は、ロバート・ハインラインの小説にも登場する。Robert A. Heinlein (1956), *Double Star*, Doubleday, <http://books.google.com/books?id=bnoGAQAIAAJ>. [邦訳/『ダブル・スター』(創元 SF 文庫)]
  - 25 その気まずさを克服することが重要だ。次の記事にあるように、以前、コムキャストのサービスを解約しようとした顧客が解約理由を執拗に尋ねられたが、回答を拒んだことがあった。一見すると、顧客の態度は無礼に思えるかもしれないが、よく考えれば、コムキャスト側は回答を要求する権利などない。Xeni Jardin (14 Jul 2014), "Listen to Comcast torture Ryan Block and Veronica Belmont as they try to cancel service," *Boing Boing*, <http://boingboing.net/2014/07/14/listen-to-comcast-torture-ryan.html>.
  - 26 ジュリア・アングウィンは著書で、監視を逃れるために奮闘した1年間を振り返っている。Julia Angwin (2014), *Dragnet Nation: A Quest for Privacy, Security, and Freedom in a World of Relentless Surveillance*, Times Books, <http://books.google.com/books?id=bbS6AQAAQBAJ>. [邦訳/『ドラグネット 監視網社会——オンライン・プライバシーの守り方』(祥伝社)]
  - 27 スチュアート・ペイカーがこの点を指摘している。Stewart A. Baker (29 Oct 2013), "Potential amendments to the Foreign Intelligence Surveillance Act," Testimony before the Permanent Select Committee on Intelligence of the United States House of Representatives, <http://intelligence.house.gov/sites/intelligence.house.gov/files/documents/Baker10292013.pdf>.
  - 28 David E. Sanger (13 Aug 2013), "NSA leaks make plan for cyberdefense unlikely," *New York Times*, <http://www.nytimes.com/2013/08/13/us/nsa-leaks-make-plan-for-cyberdefense-unlikely.html>.
  - 29 DLA Piper (7 Mar 2013), "Data protection laws of the world," DLA Piper, [http://files.dlapiper.com/files/Uploads/Documents/Data\\_Protection\\_Laws\\_of\\_the\\_World\\_2013.pdf](http://files.dlapiper.com/files/Uploads/Documents/Data_Protection_Laws_of_the_World_2013.pdf).
  - 30 マイクロソフトは2014年、もっぱらアイルランドに保管しているデータの提供を要求された際に抵抗したが、裁判所はその主張を認めなかった(本書執筆時点で上訴中)。Joseph Ax (31 Jul 2014), "U.S. judge orders Microsoft to submit customer's emails from abroad," Reuters, <http://www.reuters.com/article/2014/07/31/usa-tech-warrants-idUSL2N0Q61WN20140731>.
  - 31 Guardian (19 Sep 2014), "Former UK ambassador to the United States given data-access role," *Guardian*, <http://www.theguardian.com/technology/2014/sep/19/sir-nigel-shienwald-data-access-role-david-cameron>.
  - 32 Rich Mogull (25 Jun 2014), "Why Apple really cares about your privacy," *Macworld*, <http://www>.

- macworld.com/article/2366921/why-apple-really-cares-about-your-privacy.html. Charles Arthur (18 Sep 2014), "Apple's Tim Cook attacks Google and Facebook over privacy flaws," *Guardian*, <http://www.theguardian.com/technology/2014/sep/18/apple-tim-cook-google-facebook-privacy-surveillance>.
- 33 ヨーロッパ諸国はアメリカに比べて、政府による監視に対する制約が緩い。Cyrus Farivar (13 Oct 2013), "Europe won't save you: Why e-mail is probably safer in the US," *Ars Technica*, <http://arstechnica.com/tech-policy/2013/10/europe-wont-save-you-why-e-mail-is-probably-safer-in-the-us>.
- 34 James Kanter (8 Apr 2014), "European court rejects data retention rules, citing privacy," *New York Times*, <http://www.nytimes.com/2014/04/09/business/international/european-court-rejects-data-retention-rules-citing-privacy.html>.
- 35 David Meyer (17 Jul 2014), "The UK's 'emergency' DRIP surveillance law is now a done deal," *Gigaom*, <http://gigaom.com/2014/07/17/the-uks-emergency-drip-surveillance-law-is-now-a-done-deal>.
- 36 Ray Corrigan (11 Jul 2014), "Mass surveillance and scared politicians," *B2fxxx*, <http://b2fxxx.blogspot.com/2014/07/mass-surveillance-and-scared-politicians.html>.
- 37 No CCTV, [http://www.no-cctv.org.uk/camera\\_locations/default.asp](http://www.no-cctv.org.uk/camera_locations/default.asp). The CCTV Treasure Hunt, <http://cctvtreasurehunt.wordpress.com>. NYC Surveillance Camera Project, <http://www.mediaeater.com/cameras>.
- 38 Christian (24 Jun 2004), "After the Saturday large demonstration against NEIS South Korean government shows how it understand the democracy," *Jinbo*, <http://act.jinbo.net/drupal/node/5819>. Seoyong Kim and Sunhee Kim (Oct 2004), "The conflict over the use of information technology in South Korean schools," *Innovation* 17, <http://ajou.ac.kr/~seoyong/paper/Seoyong%20Kim-2004-The%20Conflict%20Over%20the%20Use%20of%20Information%20Technology.pdf>.
- 39 IBM Corporation (16 Dec 2004), "METRO Group's Future Store takes German public by storm – thanks to wireless technology," [ftp://ftp.software.ibm.com/software/solutions/pdfs/10704035\\_Metro\\_cs\\_1b.pdf](ftp://ftp.software.ibm.com/software/solutions/pdfs/10704035_Metro_cs_1b.pdf). Kim Zetter (28 Feb 2004), "Germans protest radio-ID plans," *Wired*, <http://archive.wired.com/techbiz/media/news/2004/02/62472>. Jan Libbenga (1 Mar 2004), "German revolt against RFID," *Register*, [http://www.theregister.co.uk/2004/03/01/german\\_revolt\\_against\\_rfid](http://www.theregister.co.uk/2004/03/01/german_revolt_against_rfid).
- 40 K. C. Jones (17 Feb 2009), "Facebook's terms of use draw protest," *Information Week*, <http://www.informationweek.com/software/social/facebook/terms-of-use-draw-protest/d/d-id/1076697>. Bobbie Johnson and Afua Hirsch (18 Feb 2009), "Facebook backtracks after online privacy protest," *Guardian*, <http://www.theguardian.com/technology/2009/feb/19/facebook-personal-data>.
- 41 Ashley Halsey III and Derek Kravitz (25 Nov 2010), "Protests of TSA airport pat-downs, body scanners don't delay Thanksgiving travel," *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2010/11/24/AR2010112406989.html>. Jason Keyser (25 Oct 2012), "TSA quietly removing some full body scanners," Associated Press, <http://bigstory.ap.org/article/government-replaces-body-scanners-some-airports-0>.
- 42 漸進的に変化を遂げ、悪戦苦闘しながらも前に進むのだ。Charles E. Lindblom (Spring 1959), "The science of 'muddling through,'" *Public Administration Review* 19, <http://www.jstor.org/stable/973677>.

#### 第16章 新しい社会規範

- 1 Paul Blumenthal (2 Mar 2009), "Congress had no time to read the USA PATRIOT Act," Sunlight Foundation, <http://sunlightfoundation.com/blog/2009/03/02/congress-had-no-time-to-read-the-usa-patriot-act>.
- 2 Leonie Huddy and Stanley Feldman (Sep 2011), "Americans respond politically to 9/11: Understanding the impact of the terrorist attacks and their aftermath," *American Psychologist* 66, <http://www.ncbi.nlm.nih.gov/pubmed/21823777>.
- 3 Tim Dawson (9 Jun 2014), "More like the Stasi than James Bond," National Union of Journalists, <http://www.nuj.org.uk/news/more-like-the-stasi-than-james-bond>.
- 4 Joseph H. Campos III (7 Sep 2013), "Memory and remembrance: The diffusion of fear, horror and terror into control and legitimacy," At the Interface, Mansfield College, Oxford, UK, <http://www.inter-disciplinary.net/at-the-interface/wp-content/uploads/2013/07/camposhtpaper.pdf>.
- 5 Jack Goldsmith (9 Aug 2013), "Reflections on NSA oversight, and a prediction that NSA authorities (and oversight, and transparency) will expand," *Lawfare*, <http://www.lawfareblog.com/2013/08/reflections-on-nsa-oversight-and-a-prediction-that-nsa-authorities-and-oversight-and-transparency-will-expand>.
- 6 Donna G. Bair-Mundy (Aug 2009), "Of terrorists, tyrants, and social turmoil: A competing-fears theoretical model for the evolution of law relating to telecommunication privacy vis-a-vis law enforcement surveillance in America," University of Hawai'i at Manoa, <http://books.google.com/books?id=8LveYgEACAAJ>. Samuel Best et al. (Dec 2012), "Al Qaeda versus Big Brother: Anxiety about government monitoring and support for domestic counterterrorism policies," *Political Behavior* 34, <http://link.springer.com/article/10.1007%2Fs1109-011-9177-6>. Keven G. Ruby (2012), *Society, State, and Fear: Managing National Security at the Boundary between Complicity and Panic*, University of Chicago Press, <http://books.google.com/books?id=UPLNwEACAAJ>.
- 7 Dawn Rothe and Stephen L. Muzzatti (Nov 2004), "Enemies everywhere: Terrorism, moral panic, and U.S. civil society," *Critical Criminology* 12, [http://www.researchgate.net/publication/227209259\\_Enemies\\_Everywhere\\_Terrorism\\_Moral\\_Panic\\_and\\_US\\_Civil\\_Society/file/32bfe50d3c7fe0d03b.pdf](http://www.researchgate.net/publication/227209259_Enemies_Everywhere_Terrorism_Moral_Panic_and_US_Civil_Society/file/32bfe50d3c7fe0d03b.pdf). David Rothkopf (6 Aug 2013), "The real risks," *Foreign Policy*, [http://www.foreignpolicy.com/articles/2013/08/06/the\\_real\\_risks\\_war\\_on\\_terror](http://www.foreignpolicy.com/articles/2013/08/06/the_real_risks_war_on_terror).
- 8 これは保身のための行動にほかならない。Bruce Schneier (22 Feb 2007), "Why smart cops do dumb



- things,” *Wired*, <http://archive.wired.com/politics/security/commentary/securitymatters/2007/02/t2774>.
- 9 リークされたNSAの内部マニュアルでは、9.11テロを引き合いに出して監視を正当化しよう動いている。「第2の9.11テロを阻止できず、その事件について説明することになるよりは、いまここでこれらのプログラムについて説明したいのです」。Jason Leopold (30 Oct 2013), “Revealed: NSA pushed 9/11 as key ‘sound bite’ to justify surveillance,” *Al Jazeera*, <http://america.aljazeera.com/articles/2013/10/30/revealed-nsa-pushed911askeysoundbitetotofjustifysurveillance.html>.
- 10 Clay Shirky (14 Mar 2010), Remarks at South by Southwest (SXSW), Austin, TX, quoted in Kevin Kelly (2 Apr 2010), “The Shirky principle,” *Kevin Kelly*, <http://kk.org/thetechnium/2010/04/the-shirky-prin>.
- 11 Stewart Baker (24 Feb 2014), Remarks at 2014 Executive Security Action Forum Annual Meeting, RSA Conference, San Francisco, California.
- 12 Jack Goldsmith (9 Aug 2013), “Reflections on NSA oversight, and a prediction that NSA authorities (and oversight, and transparency) will expand,” *Lawfare*, <http://www.lawfareblog.com/2013/08/reflections-on-nsa-oversight-and-a-prediction-that-nsa-authorities-and-oversight-and-transparency-will-expand>.
- 13 北朝鮮やキューバの人々はテロから守られているかもしれないが、それと引き換えに払っている代償はあまりに大きいように思える。
- 14 Bruce Schneier (17 May 2007), “Virginia Tech lesson: Rare risks breed irrational responses,” *Wired*, [http://archive.wired.com/politics/security/commentary/securitymatters/2007/05/securitymatters\\_0517](http://archive.wired.com/politics/security/commentary/securitymatters/2007/05/securitymatters_0517).
- 15 この表現は、昔の連邦最高裁判所が用いたものだ。「これは、秩序か自由かの選択ではない。秩序のある自由か、それとも秩序も自由もない無法状態かという選択である。もし、裁判所がささやかな現実的な知恵を発揮せず、教条主義的な論理を抑えなければ、憲法の権利章典を自殺条項に変えてしまうことになる」。US Supreme Court (16 May 1949), Opinion, *Terminiello v. Chicago*, <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=337&invol=1>。「自殺条項」については次も参照。Linda Greenhouse (22 Sep 2002), “Suicide pact,” *New York Times*, <http://www.nytimes.com/2002/09/22/weekinreview/the-nation-suicide-pact.html>。「自殺条項」という言葉をタイトルに用いた書籍もある。Richard A. Posner (2006), *Not a Suicide Pact: The Constitution in a Time of National Emergency*, Oxford University Press, <http://books.google.com/books?id=hp6PAAAAAAAJ>.
- 16 Richard Orange (14 Apr 2012), “Answer hatred with love”: How Norway tried to cope with the horror of Anders Breivik,” *Guardian*, <http://www.theguardian.com/world/2012/apr/15/anders-breivik-norway-copes-horror>. Balazs Koranyi and Victoria Klesty (26 Apr 2012), “Tens of thousands protest at Norway Breivik trial,” *Reuters*, <http://in.reuters.com/article/2012/04/26/norway-breivik-protest-idINDEE83P0B720120426>. Tim Cushing (26 Jul 2012), “One year after the Breivik massacre, Norway continues to fight terrorism with democracy, openness and love,” *Tech Dirt*, <https://www.techdirt.com/articles/20120724/20363519819/one-year-after-breivik-massacre-norway-continues-to-fight-terrorism-with-democracy-openness-love.shtml>.
- 17 Bruce Schneier (7 Jan 2012), “Our reaction is the real security failure,” *AOL News*, [https://www.schneier.com/essays/archives/2010/01/our\\_reaction\\_is\\_the.html](https://www.schneier.com/essays/archives/2010/01/our_reaction_is_the.html).
- 18 John Mueller and Mark G. Stewart (2011), *Terror, Security, and Money: Balancing the Risks, Benefits, and Costs of Homeland Security*, Oxford University Press, chap. 9, <http://books.google.com/books?id=11ImjCdgUc&pg=PA172>.
- 19 私は「恐怖を乗り越えて (= beyond fear)」という言葉を書いた。Bruce Schneier (2003), *Beyond Fear: Thinking Sensibly about Security in an Uncertain World*, Wiley, <http://books.google.com/books/about/?id=wuNlmmQuGcS>。[邦訳/「セキュリティはなぜやぶられたのか」(日経BP)]
- 20 Nate Silver (10 Jul 2013), “Public opinion shifts on security-liberty balance,” *Fivethirtyeight, New York Times*, <http://fivethirtyeight.blogs.nytimes.com/2013/07/10/public-opinion-shifts-on-security-liberty-balance>.
- 21 ニューヨーク大学のヘレン・ニッセンbaum教授が指摘するように、文脈、そして人々がいく期待を抜きに、プライバシーについて正しく論じることできない。Helen Nissenbaum (Fall 2011), “A contextual approach to privacy online,” *Daedalus* 11, [http://www.amacad.org/publications/daedalus/11\\_fall\\_nissenbaum.pdf](http://www.amacad.org/publications/daedalus/11_fall_nissenbaum.pdf). Alexis C. Madrigal (29 Mar 2012), “The philosopher whose fingerprints are all over the FTC’s new approach to privacy,” *Atlantic*, <http://www.theatlantic.com/technology/print/2012/03/the-philosopher-whose-fingerprints-are-all-over-the-ftcs-new-approach-to-privacy/254365>.
- 22 インターネットは国際的な性格ゆえに世界中で均質化していく半面、土地による違いはずっと残るのだ。
- 23 Sarah Grider Cronan and Neal F. Bailen (5 Apr 2007), “Should I Google the jury?” and other ethical considerations,” Section of Litigation, American Bar Association, [http://apps.americanbar.org/litigation/committees/products/articles/0407\\_cronan.html](http://apps.americanbar.org/litigation/committees/products/articles/0407_cronan.html).
- 24 Samantha Henig (Mar 2013), “Why you should stop Googling your dates,” *Glamour*, <http://www.glamour.com/sex-love-life/2013/03/why-you-should-stop-googling-your-dates>. 次の動画は、これがエスカレートするとどうなるかを描いている。Mario Contreras (29 May 2014), “Meet in a public place,” *Vimeo*, <http://vimeo.com/96877066>.
- 25 Andrea Bartz and Brenna Ehrlich (7 Dec 2011), “The dos and don’ts of Googling people,” CNN, <http://www.cnn.com/2011/12/07/tech/social-media/netiquette-google-stalking>.
- 26 Joe Coscarelli (12 Dec 2010), “Does Julian Assange have a profile on OKCupid?” *Village Voice*, [http://blogs.villagevoice.com/runninscared/2010/12/does\\_julian\\_ass.php](http://blogs.villagevoice.com/runninscared/2010/12/does_julian_ass.php).
- 27 Economist (5 Jun 2014), “Misery merchants,” *Economist*, <http://www.economist.com/news>

- international/21606307-how-should-online-publication-explicit-images-without-their-subjects-consent-be.
  - 28 David Kravets (15 Jul 2013), "Mugshot-removal sites accused of extortion," *Wired*, <http://www.wired.com/2013/07/mugshot-removal-extortion>. David Segal (6 Oct 2013), "Mugged by a mug shot online," *New York Times*, <http://www.nytimes.com/2013/10/06/business/mugged-by-a-mug-shot-online.html>.
  - 29 David Brin (1998), *The Transparent Society: Will Technology Force Us to Choose between Privacy and Freedom?* Basic Books, <http://www.davidbrin.com/transparentociety1.html>.
  - 30 Emily Nussbaum (12 Feb 2007), "Say everything," *New York Magazine*, <http://nymag.com/news/features/27341>.
  - 31 Jessy Irwin (7 Oct 2014), "Grooming students for a lifetime of surveillance," *Model View Culture*, <http://modelviewculture.com/pieces/grooming-students-for-a-lifetime-of-surveillance>.
  - 32 電子バッジの着用を生徒に義務づけている学校もある。これは、畜産農家が家畜の管理に用いるのと同じテクノロジーだ。Associated Press (11 Oct 2010), "Houston-area schools tracking students with radio frequency badges," *Dallas Morning News*, <http://www.dallasnews.com/news/education/headlines/20101011-Houston-area-schools-tracking-students-with-6953.ece>.
  - 33 United Nations (10 Dec 1948), "The Universal Declaration of Human Rights," <http://www.un.org/en/documents/udhr>.
  - 34 この条約は、2010年に追加議定書が採択されている。European Court of Human Rights (1 Jun 2010), "European Convention of Human Rights," Council of Europe, [http://www.echr.coe.int/documents/convention\\_eng.pdf](http://www.echr.coe.int/documents/convention_eng.pdf).
  - 35 Doug Linder (2014), "Exploring constitutional conflicts: The right of privacy," University of Missouri, Kansas City, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/rightofprivacy.html>.
  - 36 2000年に発表された時点では法的拘束力のない文書だったが、2009年のリスボン条約の一部として批准されて法的拘束力を持つようになった。European Union (18 Dec 2000), "Charter of Fundamental Rights of the European Union," [http://ec.europa.eu/justice/fundamental-rights/charter/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/charter/index_en.htm).
- 〈資料 6〉 EU 基本権憲章 (2000年)
- 第 7 条 私的生活・家庭生活の尊重。すべての人は、私生活・家庭生活、住居、通信を尊重される権利をもつ。
  - 第 8 条 個人データの保護。
    - 1 すべての人は、みずからに関する個人データを保護される権利をもつ。
    - 2 個人データは、明示された目的のために、そして本人の承諾など法律で定められた適法な根拠に基づいて、公正に扱われなくてはならない。すべての人は、みずからに関して収集されたデータにアクセスし、それを修正する権利をもつ。
    - 3 これらのルールの遵守は、独立した機関により監督を受けなくてはならない。
- 37 この国連決議は、「プライバシー、家族、家庭、通信を恣意的もしくは不法に干渉されないというプライバシーの権利、そして、そのような干渉に対する法的保護を与えられる権利を確認し、プライバシーの権利を行使することが表現の自由と思想の自由を実現するうえで重要な役割を果たし、民主社会の1つの基盤を成すものであることを確認」している。United Nations General Assembly (21 Jan 2014), "Resolution adopted by the General Assembly on 18 December 2013, 68/167. The right to privacy in the digital age," [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/68/167](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/68/167).
  - 38 アメリカ建国の父の1人であるベンジャミン・フランクリンは、こう述べている。「その場限りのささやかな安全を得ようとして、本質的な自由を手放すような人間は、自由も安全も得る資格がない」
  - 39 Marcia Stepanek (8 Aug 2013), "The Snowden effect: An opportunity?" *Stanford Social Innovation Review*, [http://www.ssrreview.org/blog/entry/the\\_snowden\\_effect\\_an\\_opportunity](http://www.ssrreview.org/blog/entry/the_snowden_effect_an_opportunity).
  - 40 Gerald F. Seib (21 Nov 2008), "In crisis, opportunity for Obama," *Wall Street Journal*, <http://online.wsj.com/news/articles/SB122721278056345271>.
  - 41 Bruce Schneier (2012), *Liars and Outliers: Enabling the Trust That Society Needs to Thrive*, Wiley, <http://www.wiley.com/WileyCDA/WileyTitle/productCd-1118143302.html>. [邦訳／「信頼と裏切りの社会」(NTT 出版)]
  - 42 Charles Safran et al. (Jan/Feb 2007), "Toward a national framework for the secondary use of health data: An American Medical Informatics Association white paper," *Journal of the American Medical Informatics Association* 14, <https://www.sciencedirect.com/science/article/pii/S106750270600212X>. Peter B. Jensen, Lars J. Jensen, and Søren Brunak (Jun 2012), "Mining electronic health records: Towards better research applications and clinical care," *Nature Reviews: Genetics* 13, <http://www.dartmouth.edu/~cbcc/courses/bio270/PDFs-13S/Tim.Byounggug.pdf>.
  - 43 Reynol Junco (2014), *Engaging Students through Social Media: Evidence Based Practices for Use in Student Affairs*, Wiley/Jossey-Bass, <http://www.wiley.com/WileyCDA/WileyTitle/productCd-1118647459.html>.
  - 44 Christian Rudder (28 Jul 2014), "We experiment on human beings!" *OK Trends*, <http://blog.okcupid.com/index.php/we-experiment-on-human-beings>. Christian Rudder (4 Sep 2014), "When websites peek into private lives," *Wall Street Journal*, <http://online.wsj.com/articles/when-websites-peek-into-private-lives-1409851575>.
  - 45 Mark Weinstein (2 Sep 2014), "OKCupid, that's OKStupid," *Huffington Post*, [http://www.huffingtonpost.com/mark-weinstein/okcupid-thats-okstupid\\_b\\_5739812.html](http://www.huffingtonpost.com/mark-weinstein/okcupid-thats-okstupid_b_5739812.html).
  - 46 US Executive Office of the President (2013), "Digital government: Building a 21st century platform to better serve the American people," <http://www.whitehouse.gov/sites/default/files/omb/egov/digital-government/digital-government.html>. Microsoft Corporation (27 Mar 2013), "State and local governments adopt Microsoft Dynamics CRM to

improve citizen service delivery," *Microsoft News Center*, <http://www.microsoft.com/en-us/news/press/2013/mar13/03-27dynamicscrmpr.aspx>.

- 47 イギリスのGCHQは、このような社会的議論を明らかに恐れている。スノーデンが暴露した文書の1つによれば、GCHQ内部では再三にわたり、監視の広がりに関して「有害な社会的議論」を避ける必要性が論じられていた。James Ball (25 Oct 2013), "Leaked memos reveal GCHQ efforts to keep mass surveillance secret," *Guardian*, <http://www.theguardian.com/uk-news/2013/oct/25/leaked-memos-gchq-mass-surveillance-secret-snowden>.
- 48 この言葉は、アメリカの奴隷制廃止活動家セオドア・パーカーの1853年の言葉をアレンジしたものだ。パーカーはこう述べた。「私は道徳の世界を知っているふりをするつもりなどない。そこに懸かる弧は長く、目を凝らしても先は見えない。弧の湾曲の仕方を計算し、経験に基づいてその行き着く先を推測することもできない。それでも、私に見えていることから確信をもって言えることがある。それは、その弧が正義のほうに向かって曲がっているということだ」。garson (15 Nov 2012), "The arc of the moral universe is long but it bends toward justice," *Quote Investigator*, <http://quoteinvestigator.com/2012/11/15/arc-of-universe>.