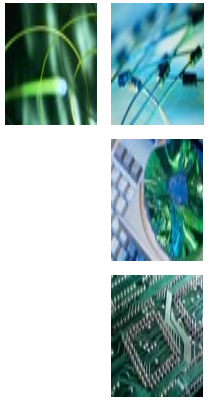

Compulsory Data Retention: Issues for CSIRTs

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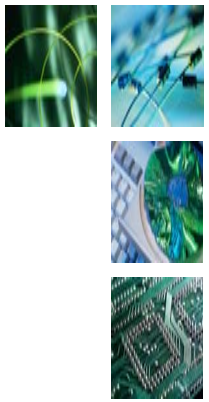
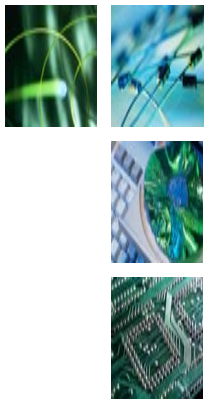


Why Now?

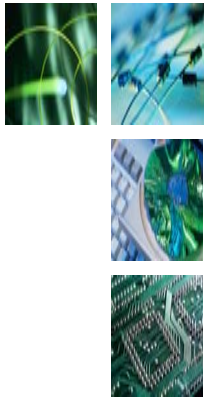
- Who wants data retention and why
  - Council of Ministers – crime and security (terrorism)
  - Commission – distort markets equally
  - Parliament – wants to be consulted
- Who doesn't
  - European Data Protection Supervisor
  - EC Article 29 Working Party
    - General data retention not clearly justified
    - Retention periods not convincing
    - Safeguards not adequate
- Draft agreed Dec.2005 (not yet published)

Likely Content of Directive



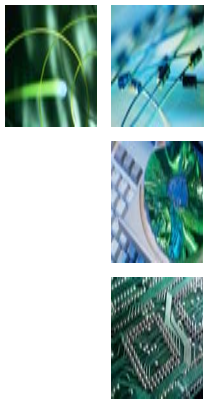
- Concerns *traffic* data, i.e.
  - Users' (real-world) identities and addresses
  - Login times, DHCP logs, etc.
  - Time, source, destination, etc. of communications
    - But NOT content of them
- Compulsory collection
  - By specified types of networks
  - Of data about specified services (see next slide)
  - Whether you need the data yourself or not
- Compulsory retention: 6 months to 2 years
  - Must disclose to competent authorities "without undue delay"
- Need to log and report access requests

Which Records?



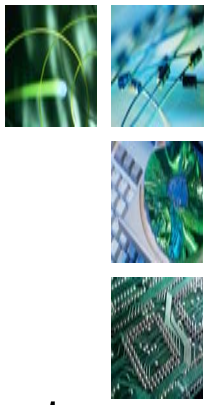
- Internet e-mail
  - Source IP, userID and subscriber details
  - Destination userID and subscriber details
- Internet telephony
  - Source IP, userID, (number if passed to PTTY) and subscriber details
  - Destination userID, number and subscriber details
- All
  - Logon and logoff times to Internet and service
  - “Internet service used”
  - Calling phone number or DSL endpoint

Definition Problems



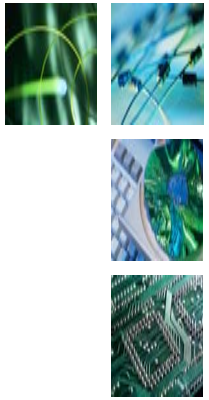
- What is/isn't "Internet e-mail"?
- What is/isn't "Internet telephony"?
- What if you only move the packets?
  - Must retain data you "generate or process"
- What about IM? IRC? Webmail? VoIP? Skype? ...
- Wording relates to domestic ISP connection
  - Not clear how it applies to business or NREN

Lost in Translation?



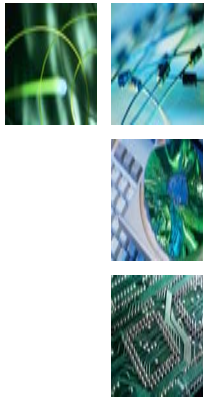
- Directive must be transposed into national laws
- Lots of flexibility/ambiguity for individual governments
  - Duration of retention (6 months to 2 years)
  - Which networks are included (“public” ones)
  - Whether new logs must be created
  - Which (if any) costs can be recovered
  - Purpose/process for authorised access
    - Just “serious crime” or any crime? And how to control this?
- Likely to be much uncertainty in short term
- And significant differences in long term

How are CSIRTs affected?



- Good news: should be more logfiles out there
  - But may not be lawful for you to use them
    - Use only permitted for serious crime investigations
    - Some countries restrict use of any data about crimes
  - How to separate it from routine logging?
- Bad news: logfiles are interesting
  - To good guys (so expect more requests)
  - To bad guys (so expect more attacks, and fake requests)
  - To interested parties (can MPAA demand them?)
- Bad news: now they do know you are a dog!

What should CSIRTs do?



- Minimum
  - Work out whether your organisation will be covered
  - Advise on secure/safe ways to store/search/access data
  - Ensure requests for disclosure are verified
- Recommended
  - Work with legislators to produce practical/effective law
  - Work with enforcers to ensure enforcement doesn't make a network we can't or don't want to use
  - Security of storage and access processes are critical