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TWO YEARS ON THE IDENTITY TRAIL

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Nearly two years ago, a team of about a dozen privacy researchers received significant funding from the *Social Sciences and Humanities Research Council* for a series of joint and individual investigations based on our shared interest in studying the broad impact of identification technologies on our identities, and on our ability to be anonymous.

With a focus on interdisciplinary dialogue and on getting academic results out in plain language to policy makers and the broader public, our project brings together North American and European research talent from the academic, public, private, and not-for-profit sectors.

Having recruited additional world class research talent, our team has quadrupled to more than fifty participants, including a distinguished array of philosophers, ethicists, feminists, cognitive scientists, sociologists, lawyers, cryptographers, engineers, policy analysts, government policy makers, privacy experts, business leaders, blue chip companies, and successful start-ups. Also included are dozens of graduate and undergraduate students from various disciplines, who are receiving excellent training opportunities. Many of them are funded by the project.

Our work takes three different approaches to issues of privacy, anonymity and identity. The first is a social science and humanities perspective, the second addresses legal and policy questions, and the third explores the technologies themselves.

Researchers in the social sciences and humanities stream are comparing the conceptual differences and the social value associated with the various points along the continuum between anonymous and fully identified transactions. Philosophers are investigating these from the perspective of epistemology and ethics, researching topics such as the right to privacy, the link between privacy and knowledge, and the normativity of identifying and identification. Some of the social science research has adopted a behavioural approach to questions surrounding identification, examining the actual experience of anonymity and identifiability and how we behave in different circumstances. Other work explores sociological aspects of surveillance, including the surveillance of children. These research activities feed into the other two streams, providing insight, for example, into the perception of anonymity and its behaviour

consequences, which are important factors in building certain forms of social participation, such as electronic voting, or electronic health records.

The law and policy stream is exploring ways in which law regulates anonymity and privacy -- when law permits anonymity, when it imposes anonymity, when it requires identification, etc.

Some team members are investigating these issues in the public law context, focusing on the role of the *Canadian Charter of Rights and Freedoms* in maintaining privacy and anonymity. For example, does the right to be secure against unreasonable search and seizure and its “reasonable expectation of privacy” guarantee a space for anonymous interaction? How might this clash with the perceived need for expanding investigatory powers in response to the possible harms that might result through the use of global, digital networks? The answer to such questions is crucial, as Canada is currently considering how to implement the requirements of the Council of Europe’s *Convention on Cybercrime*.

Other members of the law and policy track are considering related questions in the private law context. For example, how will our recently proposed amendments to copyright laws – which protect the new surveillance technologies used to enforce digital copyright – affect our ability to control the collection, use and disclosure of information about our private consumption of intellectual products? Is it necessary to regulate the design, development and use of technological protection measures, such as digital rights management? Will policy makers need to play a direct role in standards setting, here or in the design of biometric devices or implantable RFID chips?

In addition to typical legal scholarship, members of the law and policy stream are developing resources and tools for people who are interested in making access and privacy laws work. One such tool is a *Canadian Access to Information* manual, which will be published and made freely available in the coming year. Another is an *Anonopedia*, a privacy glossary meant to familiarize non-specialists with the core concepts, language and labels used in the privacy field.

Finally, the information technologists and cryptographers working in the technology stream of *On the Identity Trail* are focusing on building privacy-enhancing technologies and, in some cases, bringing them to the market. The technologies we are working on include: wearable computing devices, applied cryptographic methods for developing secure private credentials, and secure electronic voting systems.

Through individual and collaborative work within and between these three research streams, our joint aim is to have a positive influence on privacy

policy, the development of new privacy enhancing technologies, and long term thinking regarding the nature and value of privacy.

Almost two years into *On the Identity Trail's* four year mandate, we have already made significant contributions to privacy research. In March 2005, we hosted a conference on anonymity, identity and the prospect of privacy, which drew more than 250 attendees, including policy-makers, students, and some of the world's best-known scholars on topics related to privacy and identity. For example, Alan Westin, who wrote the first book on privacy in 1967, opened the conference with a historical treatment of the concept of anonymity. Panel topics included the privacy implications of implantable microchips, the role and priorities of privacy commissioners, and a debate on national identity cards. A special issue of the *University of Ottawa Law and Technology Journal* will showcase selected papers from the conference.

The project also hosted a full-day workshop on vanishing anonymity at the 2005 *Computers, Freedom and Privacy* conference in Seattle. Some of the topics explored were electronic toll roads, digital rights management, RFIDs, and data-mining of young people's personal information.

In the final two years of the project we will continue our research and outreach activities, which will culminate in a book integrating the project's findings. For more information about *On the Identity Trail*, please visit our website, www.anonequity.org, which provides details of our team, project goals and ongoing research. It also links to the project's blog (<http://www.anonequity.org/weblog/>), home to a global online discussion on the issues of anonymity, privacy and identity.

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