

THE AMERICAN DATA OCTOPUS

Data octopus. That's how one European Parliament official described the US' continued grab for unfettered access to more and more European data. (h/t WM)

"The Americans want to blackmail us," said an agitated Alexander Alvaro, home affairs spokesman of the Germany's Free Democratic Party (FDP) in the European Parliament. The Americans have become "like a data octopus," he said, as if their tentacles were reaching out to all the world's data.

Alvaro's reference to "blackmail" refers to the US' link of the Visa Waiver program—which allows citizens from a particular country to enter the US without a visa—with access to criminal investigation databases.

"Participation in the United States' 'Visa Waiver' program," Austrian Chancellor Werner Faymann wrote in a letter to the Viennese parliament, has been "linked to additional requirements for the exchange of information," including "an agreement to exchange data relating to the detection of terrorists." In other words, no data, no visa waiver.

The US is negotiating such deals, one by one, with individual countries. It seems to be an effort to undercut demands for more stringent protection of European data from the EUP, which previously demanded concessions from the US on the SWIFT program (though one of those concessions—for an approved EU bank data overseer who would monitor US access of SWIFT data—seems to be held up at the nominating stage).

I'm rather curious by this use of leverage. After all, to a point, the visa waiver program is a matter of convenience to international travelers, particularly business travelers. But after a point, it would just be a disincentive to do business with the US. We've already lost large numbers of the best researchers, as visa restrictions simply convinced them to study elsewhere. Is the US risking the same with business travelers?

Perhaps the most interesting revelation in this Spiegel article on the current tensions is that European investigators have repeatedly forced private companies to turn over their complete databases.

This attitude, [Sophie in 't Veld] said, is now beginning to rub off on European investigators. Time and again executives come to in 't Veld in her role as chair of the European Parliament's Civil Liberties, Justice and Home Affairs committee to tell her confidentially that they have been illegally forced to hand over "their complete customer data."

This would seem to follow the pattern used under Dick Cheney's illegal wiretap program. But given the higher data protection laws in Europe, would seem to be even more incendiary.

At least one EU expert voiced the same thought I had as I traveled through Europe during what was purportedly a time of heightened security—the security warnings of a terrorist threat to Europe sure seem like they are being treated as scaremongering.

Last weekend, the US issued a travel warning for Europe on the basis of possible imminent terrorist attacks. Germany Interior Minister Thomas de Maizièrè, however, has warned against scaremongering. There is apparently no concrete evidence of imminent attacks in

Germany. But perhaps, speculates one European Union security expert, it was just a little “background music” for the real questions to be discussed in the trans-Atlantic talks: How deeply can American terrorism investigators peer into European computers, how extensively can they monitor European bank accounts, tap into Blackberrys or listen in on Skype calls?

When Brian Ross first reported this, even he admitted that the US had no details of a real attack (I’m still looking for that video). But continued leaks to the ever-useful but unreliable Ross focused on tourists in major European airports. I just flew through Heathrow, undoubtedly one of the targets of any plot targeted at US tourists in major European airports. While American Airlines appeared to have heightened security, Delta had none, not even for those flying, as I was, on the same flight that the underwear bomber attempted to take down in December. Frankly, no one at the airport seemed even aware that there was a heightened alert. And if the fearmongering is designed to make European countries worried about the travel trade, then why not raise concerns about airports?

Ultimately, if the US achieves (or, more likely, continues to sustain) what it is seeking in these negotiations—unilateral control over much of the world’s data—then it can fearmonger like this at will, since only it will be able to claim to have a view of all the data points. Yes, there are undoubtedly real benefits to terror investigators to have access to data (balanced, no doubt, by the problem of having too much data to adequately scan). But this unquenchable thirst for more data sure seems to be as much about power as anything else.