



Privacy

Computer forensics

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- What is privacy?
 - The basic right
 - Giving "consent"
 - Exclusions
- Personal data in computer forensics
 - Web, networks, E-Mail
- Anonymisation proxies
 - Web
 - E-Mail
- Secure data deletion
 - Wiping hard disks
- Countermeasures against data retention



Introduction: Why privacy?

- "Why privacy? I don't have anything to conceal!"
 - In theory, yes, but actually....
 - » See film stars: Every photo in a private activity will be published
 - Whether it is scratching your nose or kissing someone
 - Harmless activity can easily be misunderstood or misused!
- A constant thought of "I'm being watched..." builds up
 - Psychologically this produces constant pressure and a general fear
 - "I don't trust you, because you are being watched!"
 - » This breeds conformity and prevents any kind of open discussion etc. if taken too far
 - » Example: Who will discuss politics if every word is recorded, stored, and later perhaps used against you?
- Constant supervision treats humans as objects
 - Reversal of "innocent until proved"

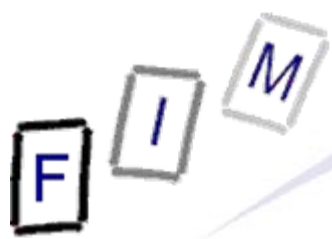


Why the need for personal data?

- Large desire for privacy by individuals
 - “The right to be left alone”
- Large desire for information by companies
 - Know your customers, advertising, credit rating, ...

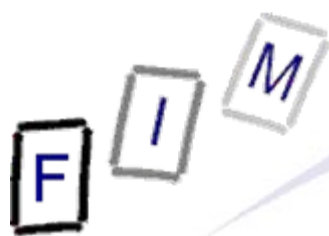
Some balance must be found!

- Otherwise there will be:
 - The danger of secretly gathering data
 - The danger of exchanging and correlating data uncontrolled
 - No advantages of personalization
 - No advantages of not requiring standard information
 - ...



Data: Protection / Security / Privacy / ... ?

- Data Protection: Protection against disclosure
 - Data should be kept secret
- (Data) Privacy = Data Protection
- Data Security: Protection against loss
 - Data should be available (to the subject and the owner)
- Data Safety = Data Security
- Both aspects are important
 - Here only the first one is discussed!



Privacy vs. terrorism

- But in some cases monitoring **is** necessary
 - This has already been acknowledged by privacy laws
 - The important discussion is: Where to draw the line!
- Terrorism is a very "public" crime: Although the number of people dying by it in western countries is negligible compared to car accidents, it is an excellent "reason"
 - Nobody fears being hit by a car,
 - but (almost) everybody is in panic of bombs!
- Terrorism is a problem, as "modern" terrorism is almost impossible to stop by surveillance. It only helps afterwards to identify terrorists and perhaps some of their associates
 - This is still important, but one step less than prevention
 - This area is currently hotly disputed, and politics (not necessarily the police!) requests lots of additional options



The basic right to privacy

- The right to privacy is "the right to be let alone"
 - Not everything a person does may be observed, noted, used, stored, calculated with etc.
- This includes the prohibition to **obtain** personal data!
 - The problem is not necessarily what happens with the data, but that data exists at all: It might be (un-)intentionally disclosed; and if data exists it **will** be used sometimes!
- Sometimes personal data is "known" inevitably
 - Example: Doctors secretaries/aides
 - Then privacy refers to the prohibition to disclose the information to third persons or use it for any other task

Please note: From here on the content refers to the EU privacy directive!



Who is protected?

- EU directive: **Only** natural persons
 - » Austria: extended to legal persons
 - The intention is to protect humans from everything else
 - » Children in relation to their parents
 - » Employees in relation to their employing company
 - Legal entities are often protected only to a lesser degree
 - » See e.g. publishing financial data; or environmental pollution
 - » **Included** in directive on privacy and el. communications!
- Only persons which are identified or identifiable
 - If nobody can say who the person is the data related to, there is no danger at all (purely statistical data)
 - Identification can be possible directly or indirectly
 - » E.g. one/more factors specific to physical, physiological, mental, economic, cultural, social identity
 - "The blonde girl working in the accounting department", if there is only one a) young woman, with b) blond hair, c) in that department



What is protected?

- All data relating to a protected person
 - Example: Hair colour, voice, letters, personal habits or preferences, income, sexual orientation, last breakfast meal, creditworthiness, ...
- Special protection exists for more "dangerous" data:
 - "Sensitive" data: Closed list
 - » Racial/ethnic origin, political opinion, religious/philosophical beliefs, trade-union membership, health, sex life
 - "Criminal" data: Closed list
 - » Offences, criminal convictions, security measures
 - Does NOT refer to administrative sanctions or judgements in civil cases (national law **may** include them, however!)
 - These two areas are more strongly restricted, but numerous exceptions are still possible (see later)
 - » Normal data: "public interest"
 - » Sensitive data: "substantial public interest"



What is protected?

- Only data that is processed
 - Gathered, related to other, transferred, ...
 - But **NOT** the data as such!
- “Public” data **might** still be protected!
 - Especially if known only to a restricted public
- Data **must** be either
 - automatically processed, or
 - » Computer systems in any form
 - contained (or intended to be contained) in a filing system
 - » Criteria related to individuals necessary
 - » Unimportant: local or distributed / functionally or geographically
 - » E. g. Database, filing cabinet with index
- NOT included are unordered collections
 - When there is at least one criteria for searching the content easily (not just serial exhaustive search), it is protected!

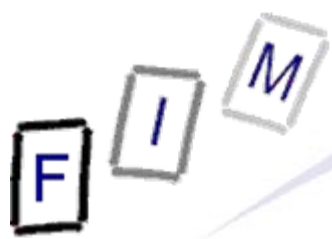


"Consent" in the context of privacy

- Must be "informed consent"
- This includes three aspects:
 - Must be given freely ("Freedom")
 - Must be specific ("Specificity")
 - Subject must be informed ("Information")
- Can be given explicitly or implied
 - What is needed depends on the category of data
 - » "Normal" data: Implied consent sufficient
 - » "Sensitive" data: Consent must be given explicitly
 - Usually there is no need for consent in "writing"
 - » At least not in the EU directive
 - » Germany previously required "written consent", which was a problem in the Internet, although el. signatures did exist then
 - But nobody used them, so this was abolished!



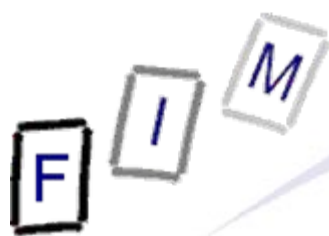
- No duress or compulsion
 - Denial of contract (if not unethical) possible if not given!
 - » BUT: Effective monopolies; e. g. banks???
 - » In practice quite a lot is possible under such a condition
- But these are necessary conditions for every legal act?!?
 - There must be a bit more freedom!
- One typical example are work contracts
 - In the contract usually quite a lot of conditions can be added
 - » Everyone is free to accept this contract or decline
 - This is perhaps not that true in practice....
 - But for an employee there is almost no possibility to give valid consent to his employer later!
 - » "You allow this or I'll sack you!"...



- Information necessary on
 - That some personal data is used
 - » "We will collect, store, your personal data ..."
 - What data is used
 - » "We collect your IP address, web sites visited and all information on the forms filled in"
 - Who is the person using it
 - » "We are the ACME Inc."
 - Whom it will be transferred to (if applicable)
 - » **NOT** "to all members of our company group"
- Especially important for implied consent
 - Consent is only possible to the things disclosed!



- Consent cannot be given for multiple applications
 - Only (a list of) single applications, but not a "general" consent
- Specificity means:
 - For a certain purpose: A closed list/described set
 - » **NOT** "we are allowed to do with it what we want"
 - » This is the most important part!
 - Example: "Advertisements" is not specific enough
 - » However, no absolutely closed list is required
 - "Marketing our own products" could be sufficient
 - For a certain controller
 - » **NOT** "we may transfer it to everyone we like"
 - Of certain data
 - » **NOT** "whatever we know or find out about you"



Exclusions: Overview

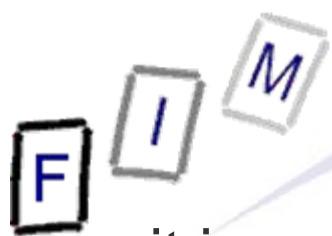
- The basic right prohibits any use of personal data
 - See above: This will not work in society
- Several exclusions exist, when personal data may be collected, used, stored etc.
 - Typically, transferring the data is much more restricted!
 - Fewer exclusions exist for the more "dangerous" subsets of data: sensitive and criminal data
- In the EU directive the exclusions are very general
 - National law can either define them in more detail, like in Austria, or leave it up to the courts
- In general, there is a weighing of interests between the person the data is about the person wanting to use it
 - Some decisions of this weighing has been included in the directive as a pre-determined result!



Normal data may only be processed if (1)

- the subject has unambiguously given consent
 - See previous definition of consent!
 - » "Unambiguous" → Implied consent is possible here
 - Everyone can do with his data as he wants
 - » The freedom not to use the protection of the law
 - » See e.g. television talkshows!
- it is necessary for the performance of a contract
 - Data subject must be party to contract, or
 - for taking steps at request of subject prior to contract
 - » E. g. checking creditworthiness, calculating shipping costs, ...
 - Otherwise this could be used as a right of withdrawal!
 - » If later you do not want the contract any more and prohibit the seller to use your address ⇒ He couldn't ship the goods!

Normal data may only be processed if (2)



- it is necessary for compliance with a legal obligation
 - Obligation of the controller, i.e. the one processing the data!
 - Examples: archiving of invoices, processing data of the employee by the employer (holidays, payment, ...)
- it is necessary to protect vital interests of the subject
 - E.g. looking up her own blood group on serious injuries
 - “Vital” must be seen narrowly
 - » “Of interest” or “possibly beneficial” is not enough!
- it is necessary for tasks of public interest/official authority
 - To avoid having to explicitly grant **all** processing by law
 - Must be an important or indispensable requirement, not just a reduction of work
- it is necessary for legitimate interests of the controller, third parties, or those to whom data is disclosed
 - **EXCEPT** where the interests of subject are stronger!



Weighing the interests

- **Weighing of interests required**

- This is an "opening clause": You may do whatever you want with any "normal" personal data, but you need to have:
 - » Some interests: Easy!
 - » They must be legitimate: Usually no problem!
 - » They must outweigh the interest of the person to keep the data private: Most important and typically difficult aspect!
- **Examples:**
 - » Vital interests of thirds: Searching DBs to find suitable blood donors
 - To contact them to ask, whether they would be willing to donate blood
 - » Required for pursuing a claim before public authorities
 - » Cooperation through official channels to improve public admin.
- May **not** be **just** a monetary comparison
 - » Gain for processor vs. damage to subject → Always insufficient!
- **General clause for all other uses!**



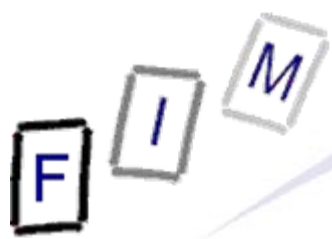
Sensitive data may only be processed if (1)

- the data subject has given explicit consent
 - Countries can define some areas, where even consent is not enough, i.e. where the person is protect from itself!
- processing is necessary for carrying out obligations/specific rights of the controller in employment law
 - If this is authorized by national law
 - Adequate safeguards must be ensured
 - Example: Accounting includes health information
 - » AT: Trade-union membership fee is partly collected by employer!
- processing is necessary to protect the vital interests of the subject or another person
 - Only if subject is physically/legally incapable of giving consent
 - » Otherwise: The subject must be asked!
 - No denying possible regarding vital interests of others!



Sensitive data may only be processed if (2)

- processing occurs by a foundation, association, ... with a political, philosophical, religious or trade-union aim for their members or persons with regular contact connected with their purpose
 - I.e., churches may have lists of members and supporters
 - Only for legitimate activities and with appropriate guarantees
 - This data may not be disclosed to thirds without consent!
- the processing of data manifestly made public by the subject
 - After a "coming-out" the sexual orientation may be stored
- the processing is necessary for the establishment, exercise or defense of legal claims
 - You may use personal data in courts to prove your case



Sensitive data may only be processed if (3)

- the processing regards preventive medicine, medical diagnosis, the provision of care or treatment or the management of health-care services
 - Data must be processed by a health professional with an obligation of professional secrecy (or persons with equivalent obligation of secrecy)
- Other national legal exemptions with suitable safeguards are possible for reasons of **substantial** public interest
 - Examples: Private use, scientific research, statistics, informing the data subject, catastrophies etc.



Personal data in computer forensics

- Almost all data in computer forensics is personal data
 - This is typically the interesting part: Data as evidence what a certain person did do (or did not do!)
- So care must be taken to only search for/extract/recreate data for which there is sufficient legal reason
 - Otherwise sanctions may be imposed
 - » Including criminal proceedings!
 - Attention: Several tools used for forensics are "dangerous"
 - » Already the simple possession may be illegal if combined with a certain intention (even more its distribution, making available, ...)
- Obtaining permission is therefore paramount
 - Either from all persons from which data may be on
 - » Attention: E.g. E-Mail → Consent of recipient **and sender!**
 - Or from someone else, for instance the court



Personal data on hard disk

- Files may contain any, including sensitive, personal data
 - So potentially a hard-disk as a complete unit is subject to the strongest restrictions
 - Inspecting a file needs therefore also the strongest exception
 - » However, the file name may be a guide for the content
- Attributes can also contain personal data:
 - Who created/accessed the file (last)
 - When was the file created/accessed
- Restrictions are possible to certain shares, partitions etc.
 - If the owner of this partition gives consent → no problem
 - This does **not** apply to partition slack or general partitions!
 - » Boot partition, swap partitions, ...
- Not all data is personal data: Program code, OS
 - But: Configuration files (Registry) etc. **do** contain such!



Personal data in network transmissions

- Observing network data also refers to personal data
 - Typically the content of the communication
 - » Files transferred, E-Mails being sent/received,
 - The recipient/sender address
 - » IP addresses can be personal data
 - WLAN: Typically only local, so with other content, DHCP server etc. the person can be identified
 - Almost everything becomes personal data!
- But there is also technical data
 - Protocol overhead, system communication, etc.
- Criminal sanctions of intercepting communication exist, too!
 - Convention on Cybercrime, national laws, ...



Personal data in E-Mails

- E-Mails are very typical personal data
 - Both recipient and sender need to be protected
- Personal data:
 - The actual textual content (or images, ...)
 - The subject line
 - The recipient/sender address
 - The sender IP-address
 - » Provides information on the location of the sending
 - Not necessarily where the E-Mail was written!
 - The timestamp(s): When the E-Mail was sent
 - Other headers: The software used, ...
- E-Mail, subject, and addresses can even be sensitive data
 - Example: `helpline@drugabuse.com`, "The pains in my leg", ...



Anonymisation proxies

- Basic principle of anonymisation is routing the traffic across one or several different computers, so it appears to be coming from there instead of the real origin
 - I.e., hiding your IP address!
 - Additionally, there no logs on the "real" source may be kept
- Problem: Communication must be secured, otherwise interception on the source side provides all the information!
 - Solution: Encrypted communication with the proxy and secure identification of the proxy
- Problem: Correlating input and output still possible
 - Solutions: Random delay, networks of proxies
 - » Requires lots of users to prevent this ("hiding in the masses")!
- Problem: The fact that a proxy is used can be interesting
 - Solution: Currently none (at least useful; → steganography)!



Web surfing anonymisation

- Problems:
 - Delays are not possible – "Realtime" forwarding necessary
 - Format of HTML requests is very simple and well-known
 - » Starting text is known, size of request can provide information
 - High throughput needed (binary downloads!)
- Security: The anonymisation does not apply to the proxy!
 - It can log all usernames, passwords, create copies of files, ...
 - » Cascading: Only the first and last one; others may be encrypted
- Locking out: Some servers reject requests from known anonymisation proxies!
 - To avoid legal problems (or spamming!)

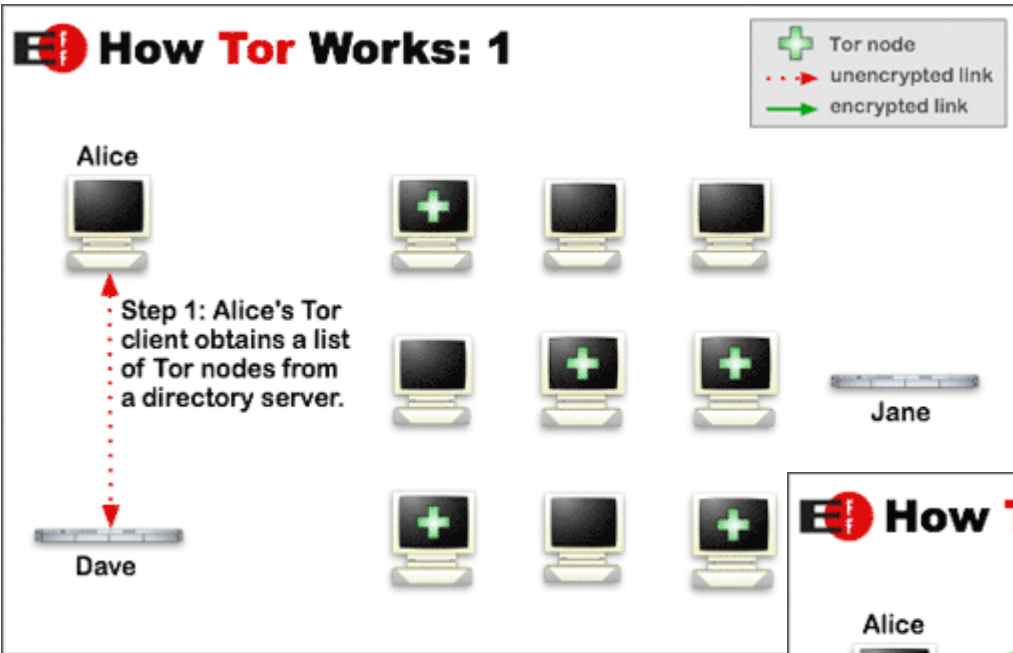


TOR (The Onion Router)

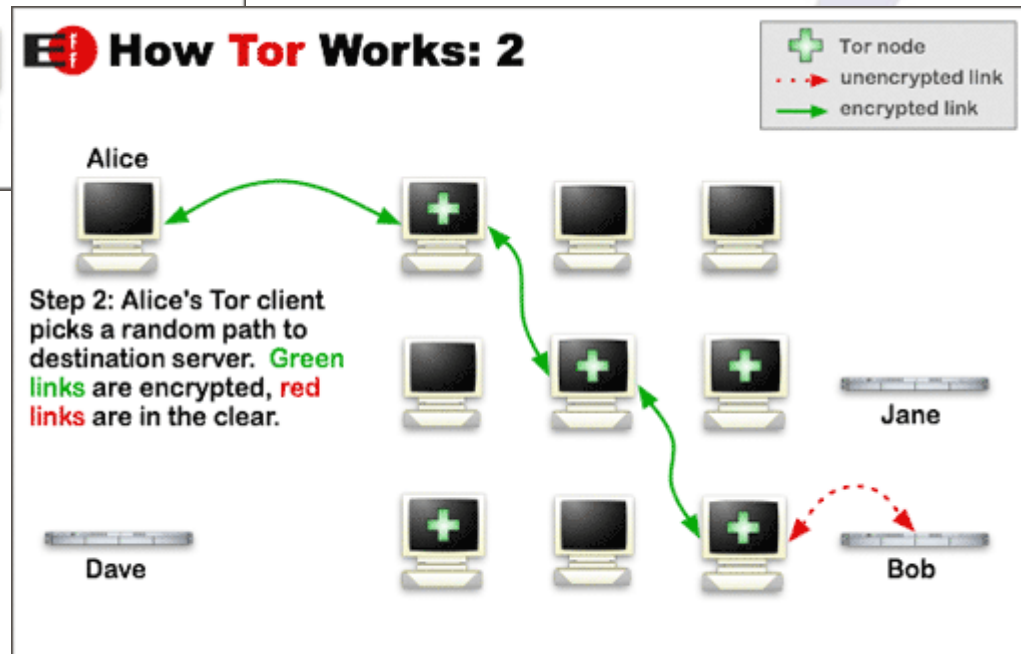
- TOR is a free TCP proxy
 - All TCP traffic can be anonymized, not only web browsing!
 - » But E-Mail is usually forbidden, to prevent SPAM!
- How does it work:
 - Each connection takes a random way over several nodes
 - » The next connection may use a different route!
 - Each hop is encrypted separately
- Problems:
 - Intermediate proxies are unknown: Whether they are trustworthy (no logging) or not, is unknown
 - DNS is not TCP, but UDP → No anonymisation
 - » DNS for "google.hu" → later anonymous request is known!
 - Traffic analysis: A paper showed, that even with only a partial view of the network, anonymisation can be reduced/broken

TOR (The Onion Router)

How Tor Works: 1

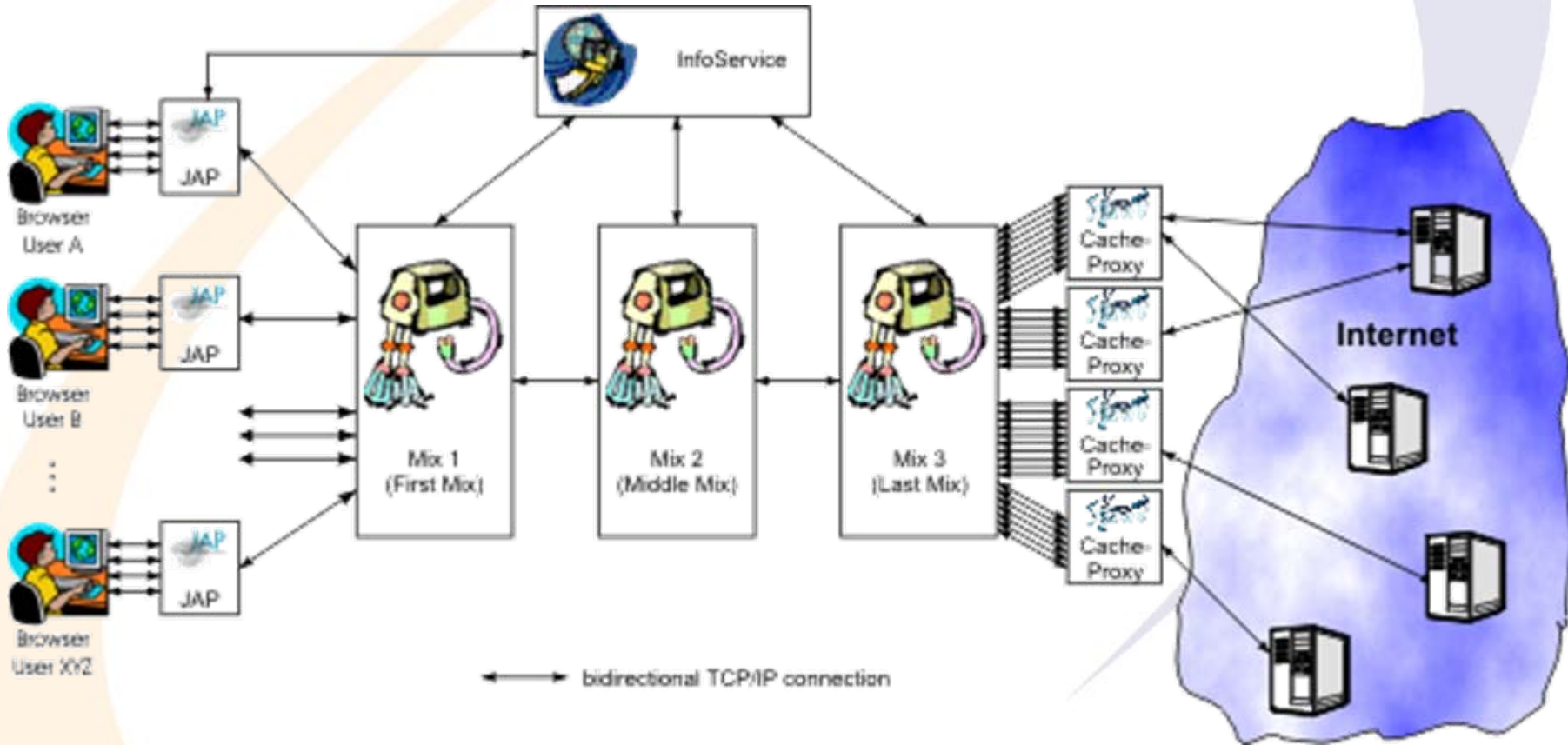


How Tor Works: 2





- Commercial successor of the Java anonymisation proxy JAP
- Consists of several features:
 - **Mixing:** Several proxies after each other, randomly selected
 - » Also mixes/combines the requests of several users
 - **Mix cascades:** Proxies from different operators are used
 - » Only a single one must be trusted to be anonymous
 - » The proxies are known to the end user, who can also select them
 - » In different countries, so court orders to log traffic of certain users will not work
 - Occurred with the predecessor JAP in Germany!
- Client program needed: Redirects the requests to the proxies and encrypts them
- Special functionality to avoid blocking the service:
 - **Other "normal" users may act as forwarders to the network**





E-Mail anonymisation

- Intention is especially hiding the sender address, not only the IP it was sent from
 - Chaining remailers increases privacy
 - Encryption can be used to render eavesdropping useless
 - » Encryption can be hop-by-hop or layered
 - Random delays are possible here (asynchronous comm.!)
- Problems:
 - Length attacks (correlating input and output length) possible
 - » 756 Bytes in and 756 Bytes out → Same message
 - Random padding can be used
 - Depending on the system, no answers are possible
 - » Some systems contain reference lists (Sender ↔ pseudonym)
 - These are then in danger of break-ins or official searches
 - E-Mail content can render the anonymisation meaningless
 - » "Send products to ...", signatures, metadata in attached files etc.



Secure deletion of data

- Possible according to various intentions:
 - Just not visible: Delete with any file program
 - Actually removed: Overwrite content with special programs
 - Removed without traces: Overwrite also directory and slack
 - » Better: Also overwrite remapped sectors
 - Really deleted: Remove all traces of the previous magnetic orientation on the disk
 - » Degaussing (difficult for modern disks), physical destruction
- RAM content can also be recovered
 - The longer a memory cell holds the same value, the better and the longer it will retain it after power-off
- CD-Roms, tapes: Shredding is the best method
- Note: Usually it is detectable, **that** a drive was wiped!



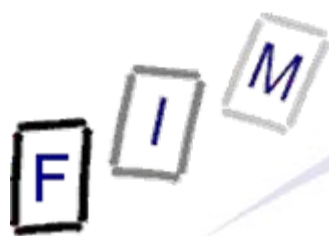
Wiping disks

- To avoid "normal" recovery by software tools, overwriting all data on the disk a single time is sufficient
 - Magnetic Force Microscopy (MFM), etc. → Much more difficult to protect against, but also rather rare and expensive
- Different approaches to wiping exist:
 - » Attention: "All bits" need not be the same on physical surface!
 - » Run-length-limited encoding (or others) is sometimes used!
 - Single pass: Random data, all zeros, or all ones
 - Triple pass: All Zeros, all one, random data
 - » DoD standard 5220.22 M ("NISPOM")
 - Seven passes: 1, 0, 1, 0, 1, 0, random
 - » Canadian standard
 - 35 passes: 4 random, 27 special for RLL, 4 random
 - » "Gutmann standard"

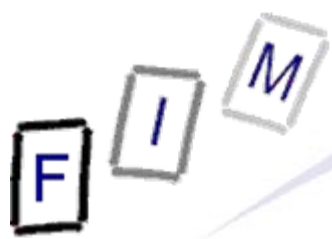


Selecting the correct privacy level

- Privacy can be enhanced significantly in various ways
 - But they are typically costly (money, time, effort, ...)
- So not everything possible makes sense
- Typical tradeoffs include:
 - Use secure wiping of disks with several passes
 - » Everything more is probably not useful: Are your systems so secure that there is no danger of infiltration by the secret service through other avenues (trojans, bribes, etc.)?
 - » Important for private persons and companies!
 - There is no need for E-Mail anonymisation
 - » Only special cases: Tipping of the press, repressive countries, ...
 - Web anonymisation might be useful in rare cases
 - » Difficult is not to forget it: A single time without → No anonymity!
 - » In general, there should be no need!



- Data retention according to the EU directive is rather "weak"
- It ensures the identifiability if the IP address is known
 - Through the provider the computer can be identified
 - » Or at least the calling number for dial-in
 - Which must be identifiable too!
 - Not necessarily the actual user, i.e. within companies (NAT!)
- Internet E-Mail and Telephony
 - Information to retain:
 - » Sender and recipient (caller and callee) are identified
 - » Date and time of checking/sending a mail respectively logging into the VoIP system are stored
 - » The Internet service used (i.e. provider, kind of service)
 - Both is possible through the E-Mail/VoIP provider
 - » But **only this** provider must store, **not** the access provider!



Countermeasures against data retention

- Several general approaches exist:
 - Hide the IP address
 - » Impossible: Every computer MUST have one!
 - » But we can make it look like coming from a different one ...
 - Use "anonymous" sender/recipient IDs for E-Mail and VoIP
 - » Sender is no problem: Leave it out or invent it!
 - » Recipient: Not really possible; but we might masquerade ...
 - Use providers data retention doesn't apply to
 - » The EU directive applies to the EU only ...
 - "Hide" the communication from the retention
 - » E-Mail and VoIP are the only ones under surveillance
 - » So use different ones!
- On the following pages various concrete examples are given
 - Other are possible!
 - These are just a few **trivial** ones!



Non-standard ports

- SMTP and VoIP traffic uses standardized ports
 - But they can be changed manually to any other number!
- Problem: This only works within a closed user group
 - No communication to or from "outsiders"
- Problem: These protocols can easily be recognized according to their content (HELLO - handshakes)
 - But this would mean inspecting the content!
 - » Typically illegal
 - » Compared to just logging the "normal" ports this requires an extreme increase in computing power!
 - Every single TCP connection must be checked!
- Note: This helps against "monitoring" E-Mail/VoIP by the access provider, which is NOT required!
 - The closed group **MIGHT (legally!)** have to retain the data ...



Alternative software

- Alternative software can be used:
 - This might still qualify as "E-Mail" or "Internet telephony", but with direct communication between the participants there is no provider who would have to retain this information ...
 - » Might also be excluded, as only defined protocols are probably stated to be monitored in the national laws
- Note: Chat is not E-Mail and not Internet telephony!
 - No obligation for data retention at all ...
- Problem:
 - Not trivial to create
 - » But only some programming skills are required
 - Complete traffic analysis would be necessary to detect



- Use encryption to communicate with other persons
 - This only works if there is no intermediate provider
 - Direct communication to the recipient or outside the EU
 - Result: No identification of the content possible at all
 - » Only that a certain communication took place → Alternative ports!
- Problems:
 - Online searches can subvert this, as they are before/after the en-/decryption takes place



- Privacy is an important aspect in a free society
- Computer forensics must take great care, as very often the intention is to uncover personal data, the person it relates to explicitly wanted to keep secret
 - Verification of the "permission" is very important
- Data retention will come to a certain degree
 - But it is unrealistic that it will ever reach its goal: Terrorism!
 - However, even very small misdemeanours could be included
 - Additionally, data collected is data misused
- So there is sufficient reason for everyone to take some care and perhaps try to reduce the personal "footprint"!

F I M

Questions?

Thank you for your attention!