

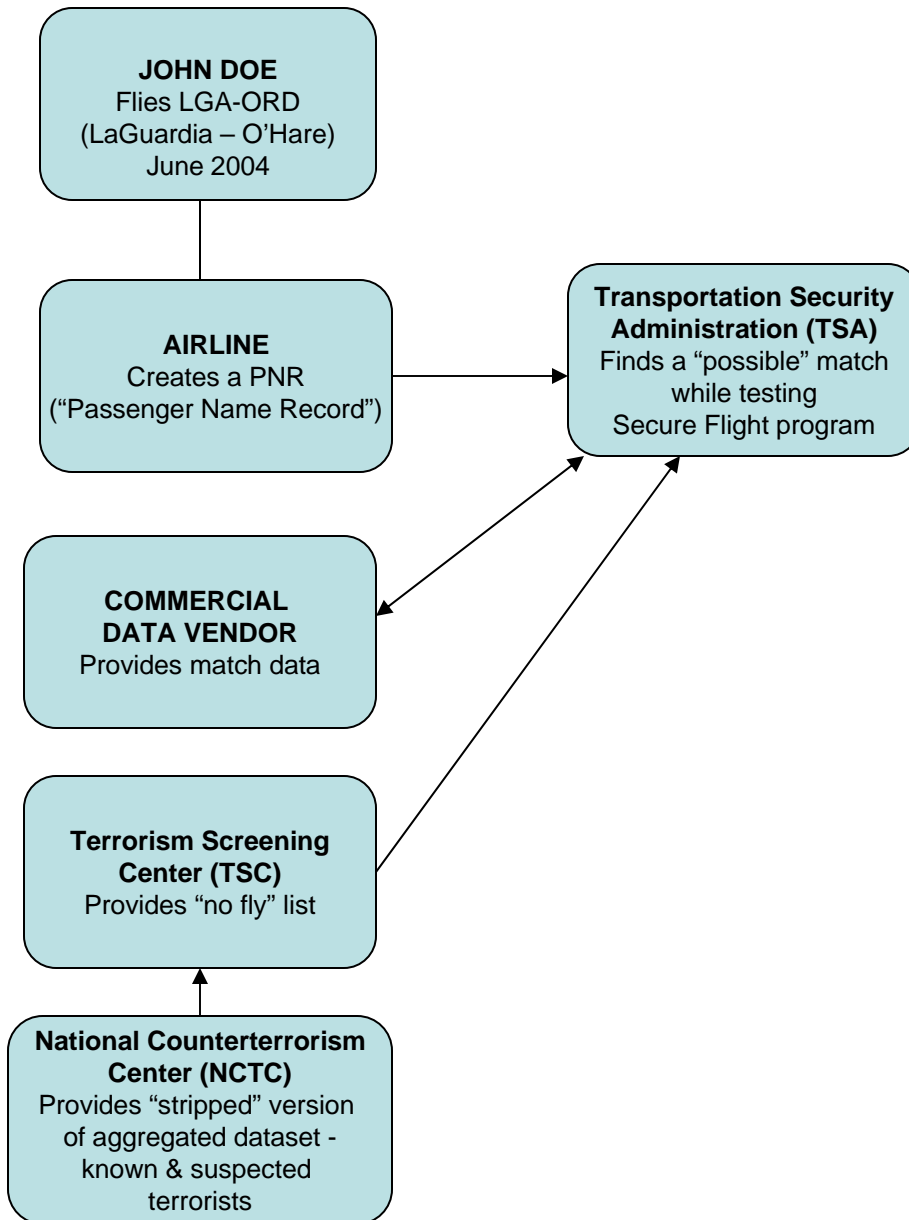
6.898
**Notions & Notations
of the Semantic Web**

Hypothetical 2

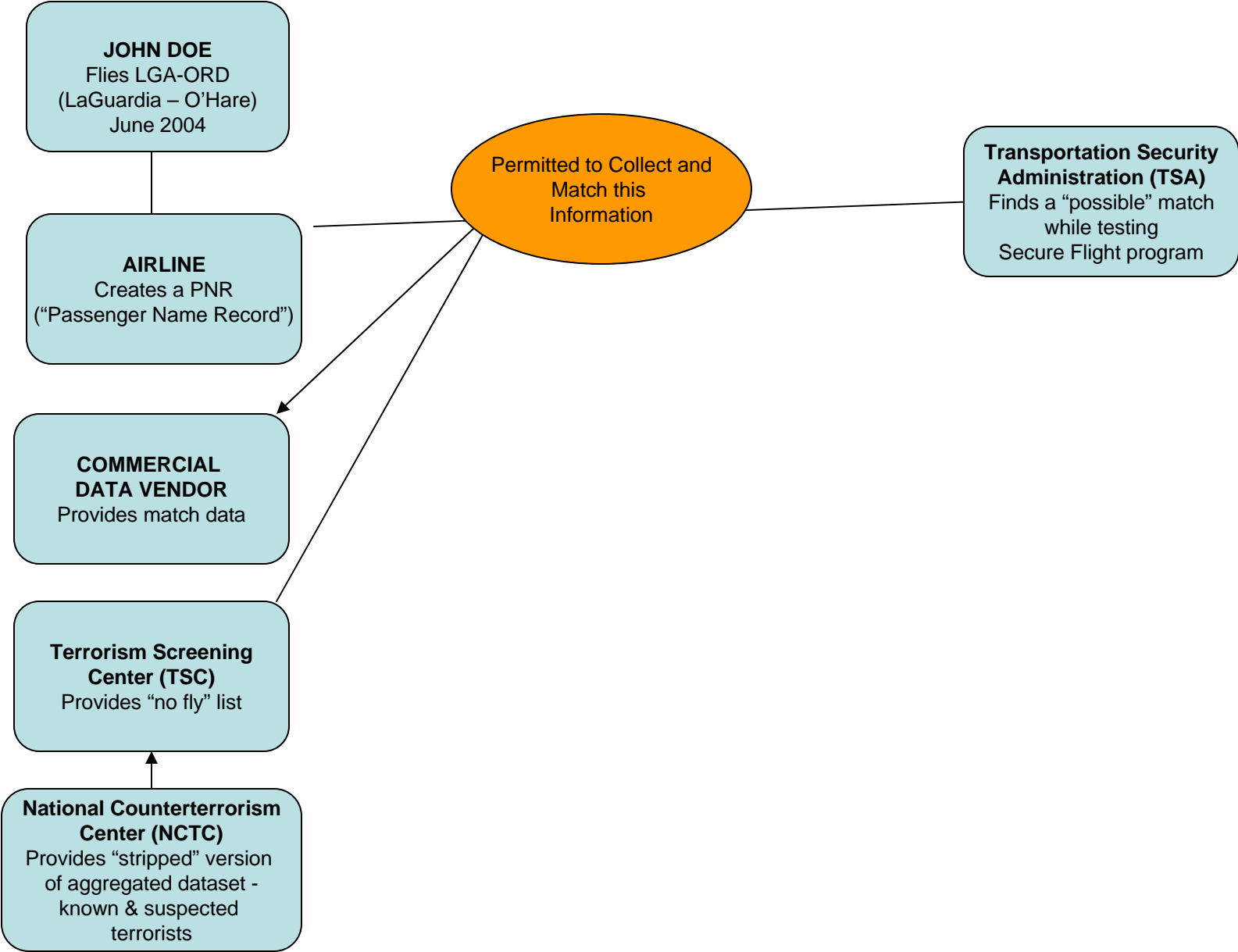
K. Krasnow Waterman

November 3, 2005

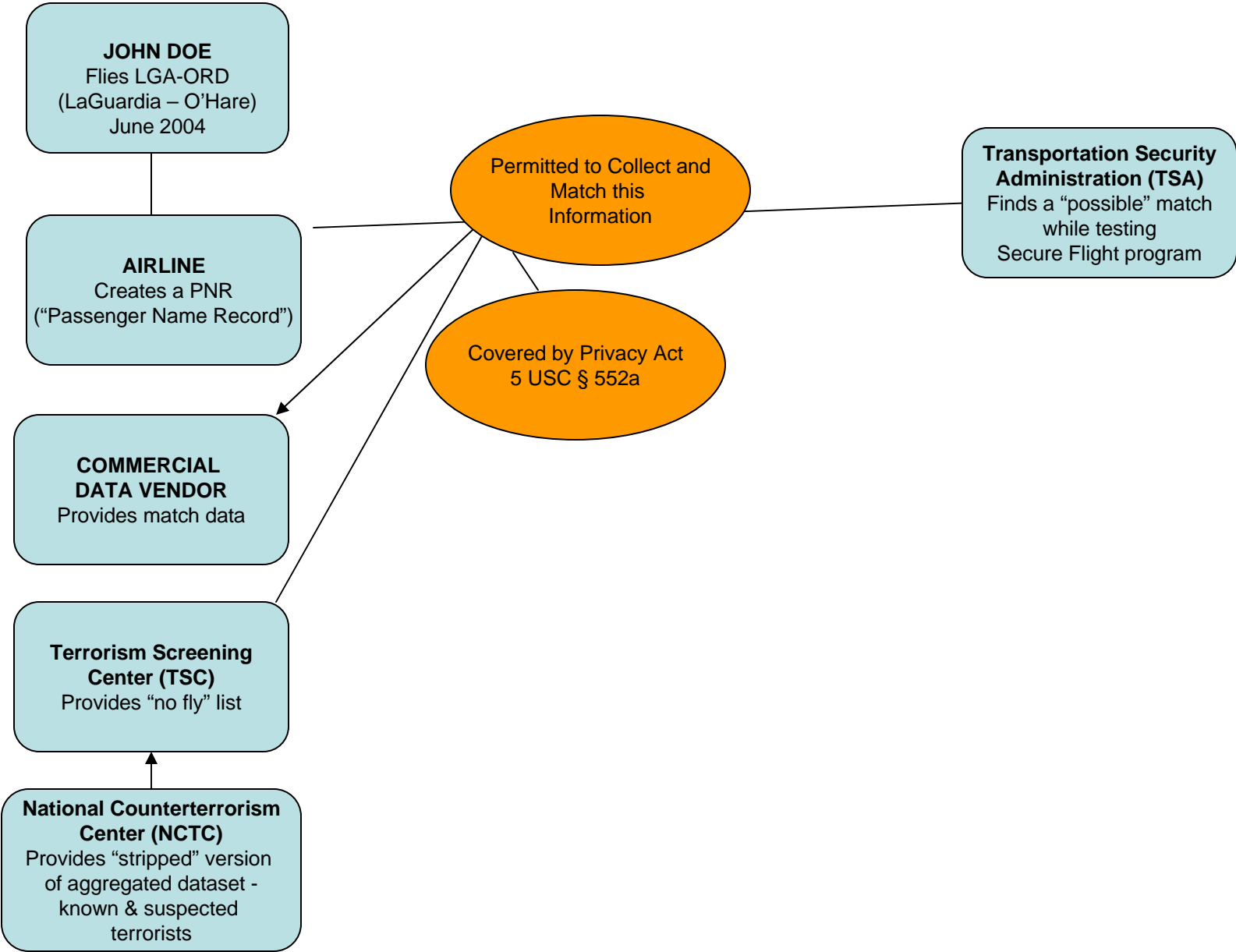
TAMI Hypothetical – Part 2



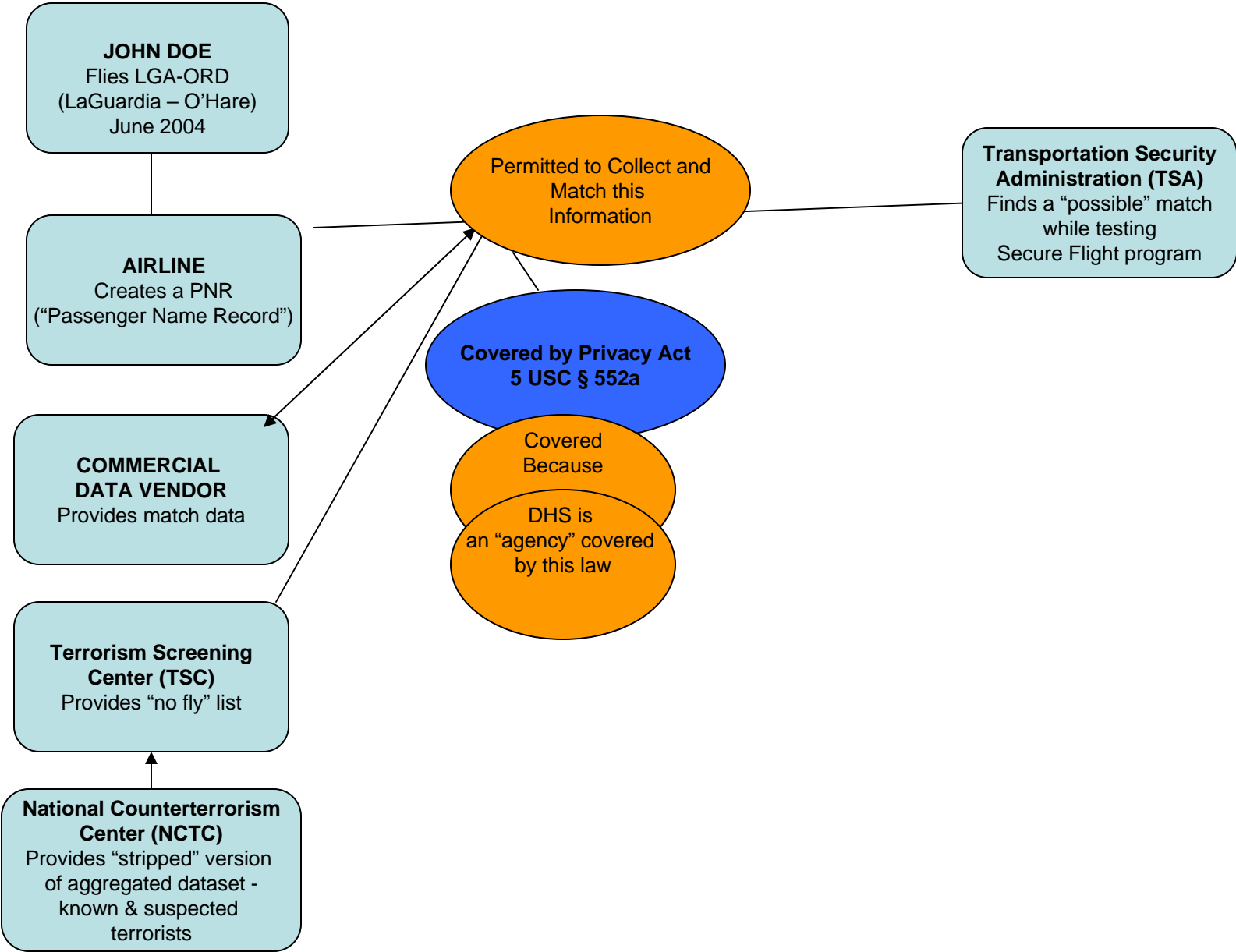
DHS/TSA Justifications



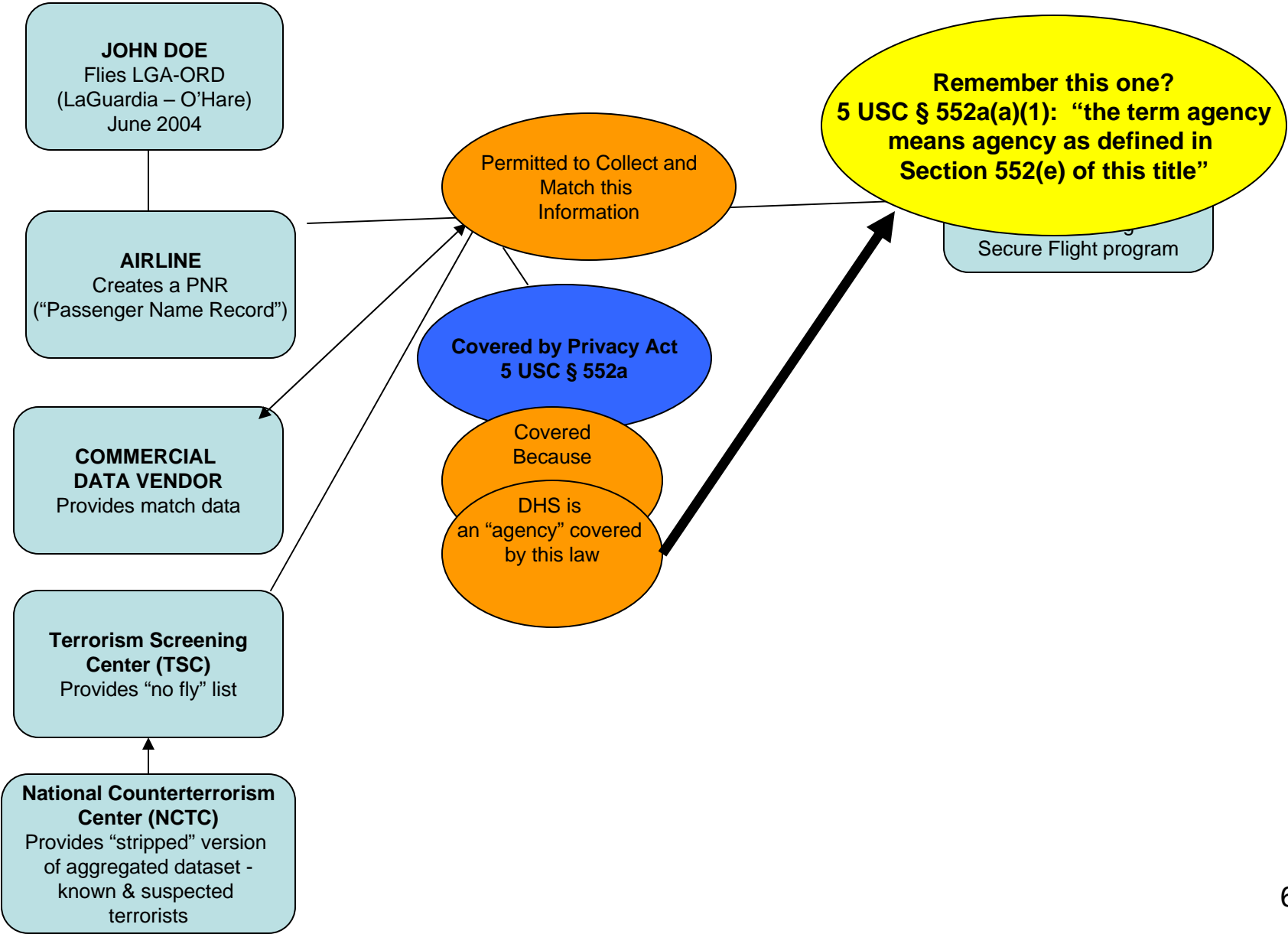
DHS/TSA Justifications



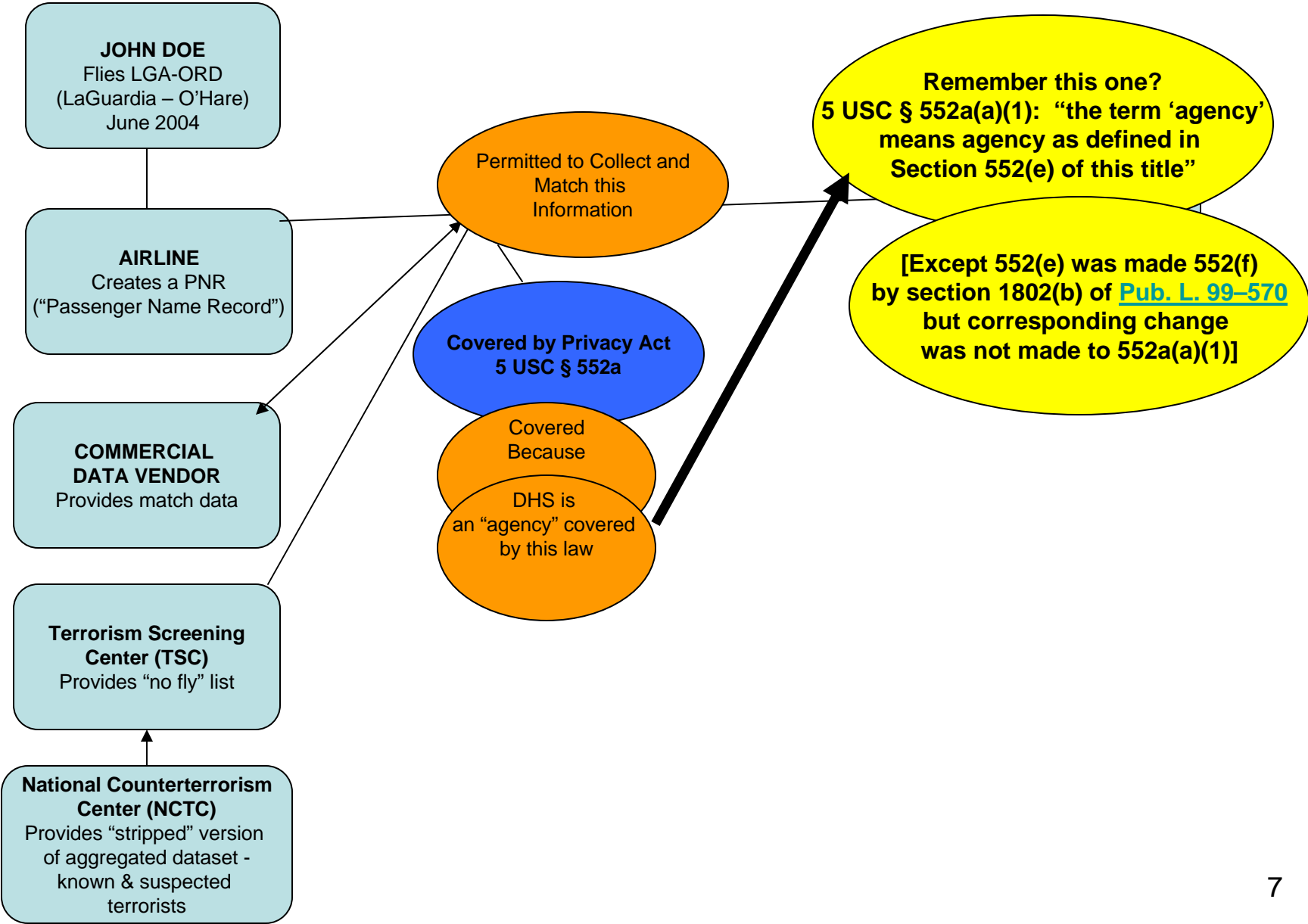
DHS/TSA Justifications



DHS/TSA Justifications



DHS/TSA Justifications



Challenge

- (1) If we write rules that don't dynamically call the actual statute (the way we wrote the "deadbeat dad" rule), we can't tell that the law has changed.
- (2) If we do call the law dynamically, how do we address scrivener's errors?

5 USC § 552a	Is a	Statute	
5 USC § 552a	Popular Name	Privacy Act	
5 USC § 552a	Regulates (applies to)	Privacy Act: Agency ^[1]	
Privacy Act: Agency	Definition	5 USC § 552(e) ^[2]	
5 USC § 552	Popular Name	Freedom of Information Act	
Freedom of Information Act	Acronym	FOIA	
5 USC § 552(f)(1)	Defines	FOIA: Agency	
Privacy Act: Agency	Includes	FOIA: Agency	
FOIA: Agency	Is	Executive Branch	5 USC § 552(f)(1)
Executive Branch	Includes	Executive Department	5 USC § 552(f)(1)
Executive Branch	Includes	Military	5 USC § 552(f)(1)
Military	Is	Department of Defense	
Executive Branch	Includes	Government Corporation	5 USC § 552(f)(1)
Executive Branch	Includes	Government Controlled Corporation	5 USC § 552(f)(1)
Executive Branch	Includes	Independent Regulatory Agency	5 USC § 552(f)(1)
FOIA: Agency	Definition also	5 USC § 551	5 USC § 552(f)(1)
FOIA: Agency	Includes	Agency ³	
5 USC § 551(1)	Defines	Agency ³	
Agency ³	Is	Authority of US Government	
Agency ³	Is not (excludes)	Congress	5 USC § 551(1)(A)
Agency ³	Is not (excludes)	US courts	5 USC § 551(1)(B)
Agency ³	Is not (excludes)	US territorial government	5 USC § 551(1)(C)
US Territorial Government	Is	Puerto Rico	

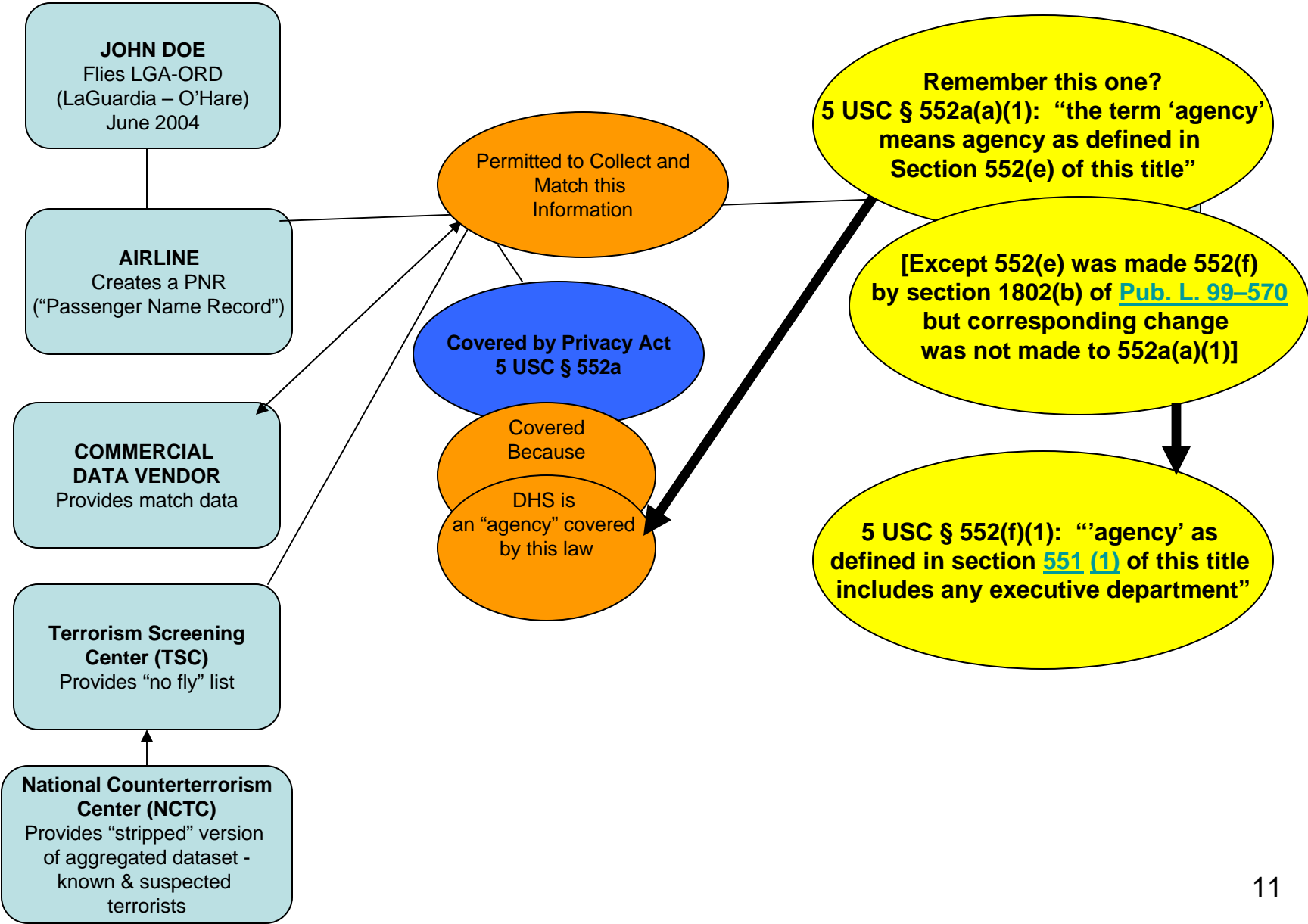
^[1] “Agency” is used by other statutes with other definitions.

^[2] This is an error. 5 USC § 552(e) was moved to 5 USC § 552(f) in 1999.

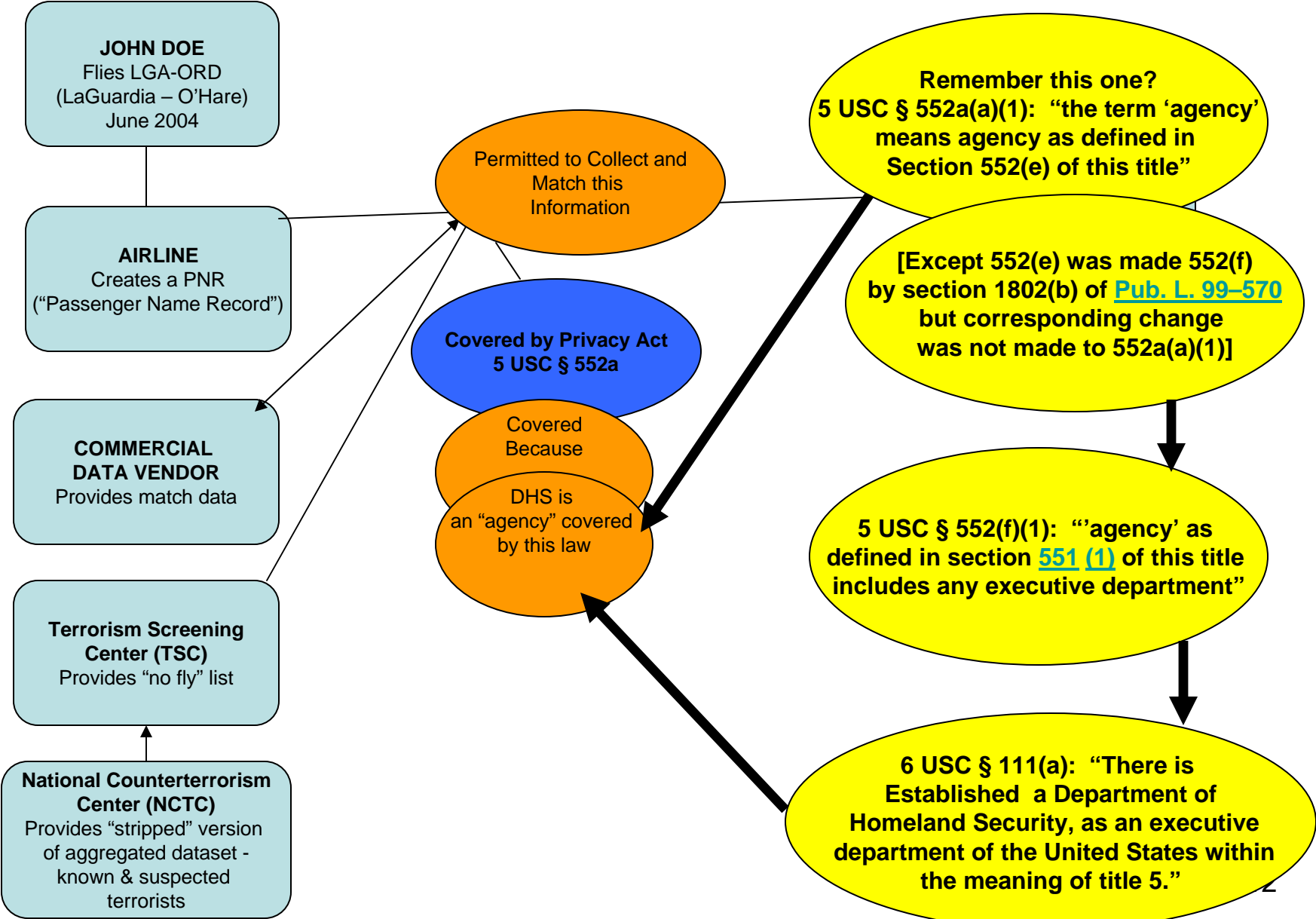
Challenge

- (3) If we call a rule that references other rules, we need to dynamically call them, too.
- (4) If the law uses a word or phrase that has a legal meaning but doesn't provide that meaning (ie., "US territorial government"), how do we recognize that? How do we dynamically find the meaning (ie., find and interpret 48 USC that has sections on the territories)?

DHS/TSA Justifications



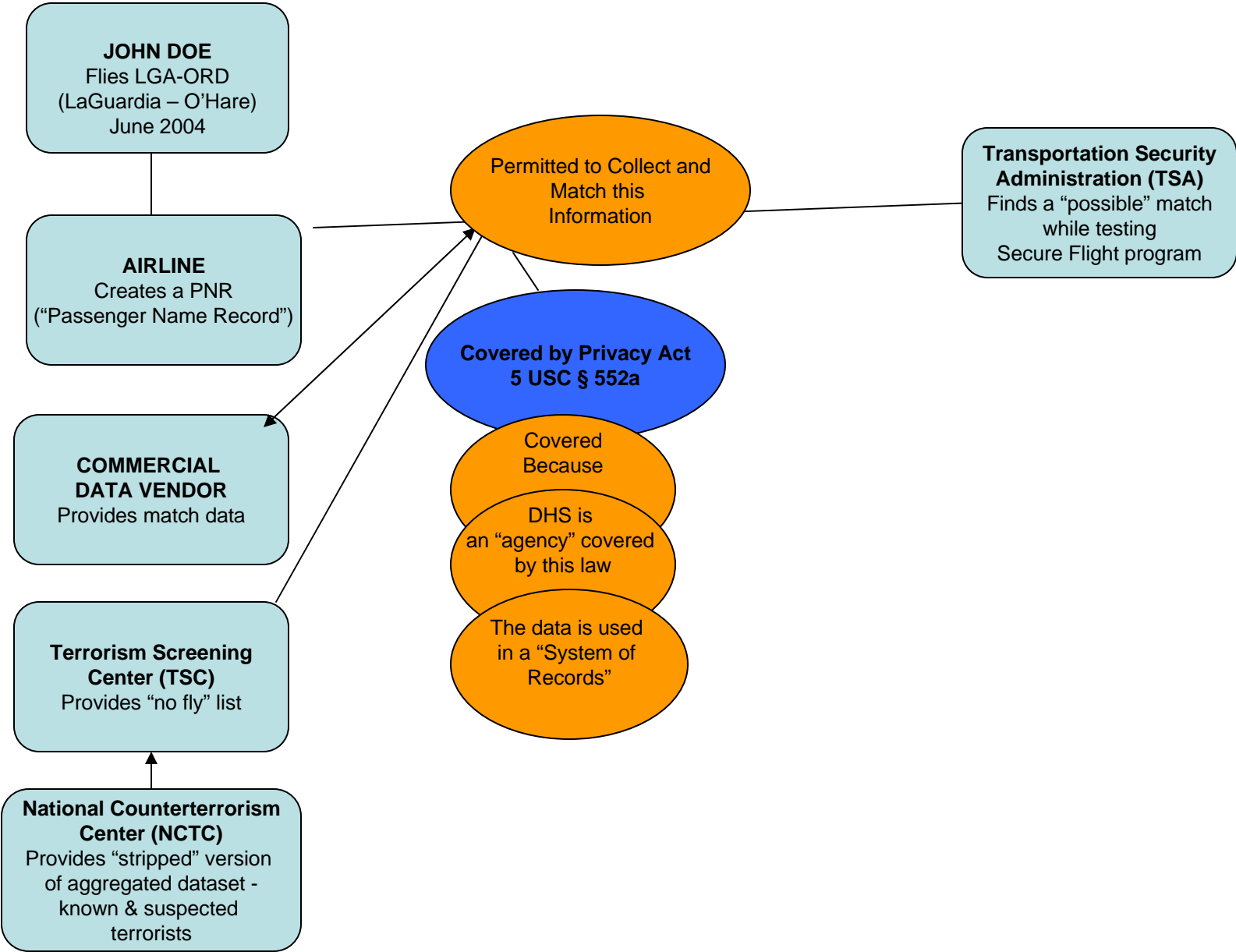
DHS/TSA Justifications



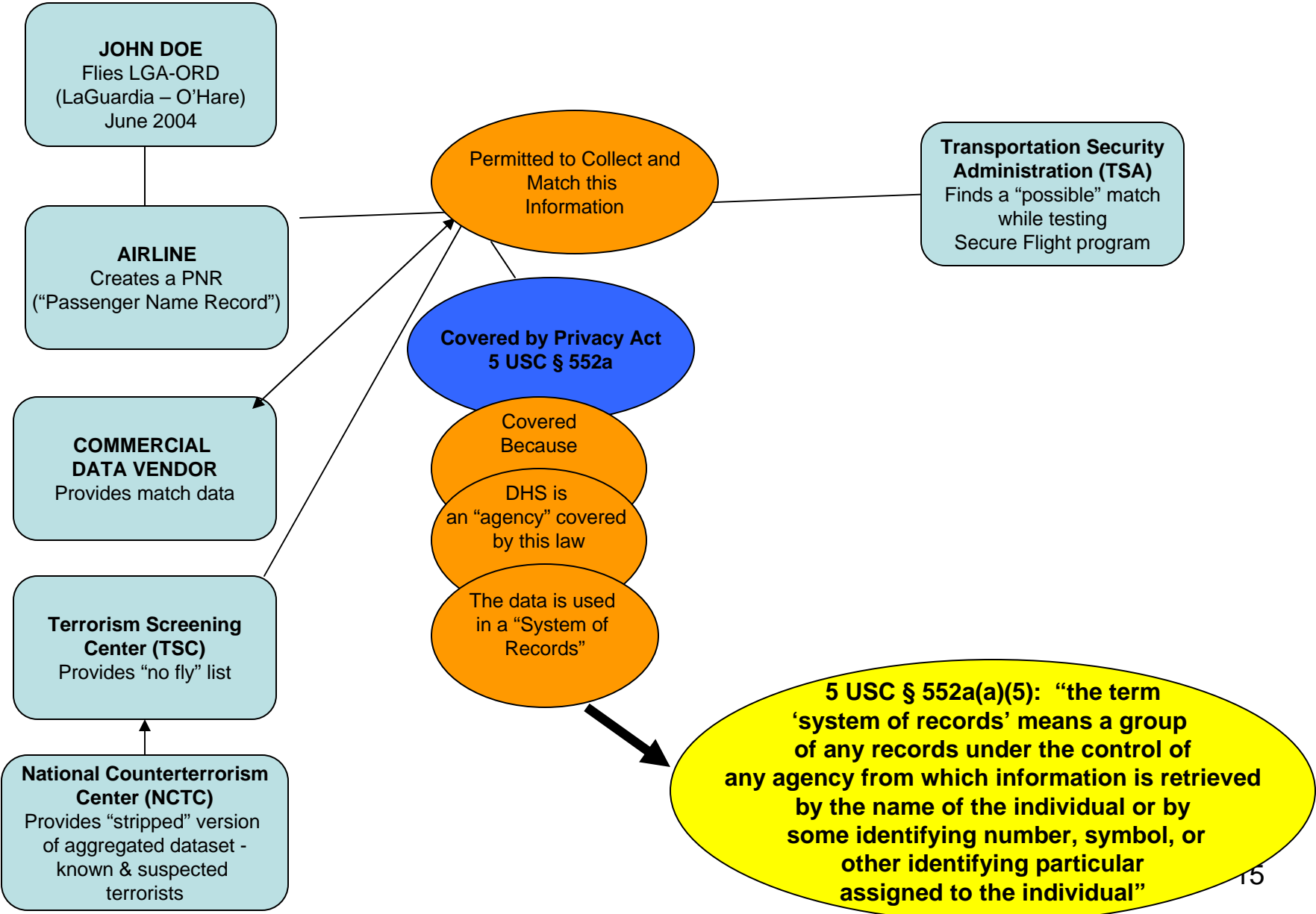
Challenge

- (5) If the Government's justification may contain a law, do we have to anticipate every possible answer in advance (i.e., identify everything that could be an "agency")?

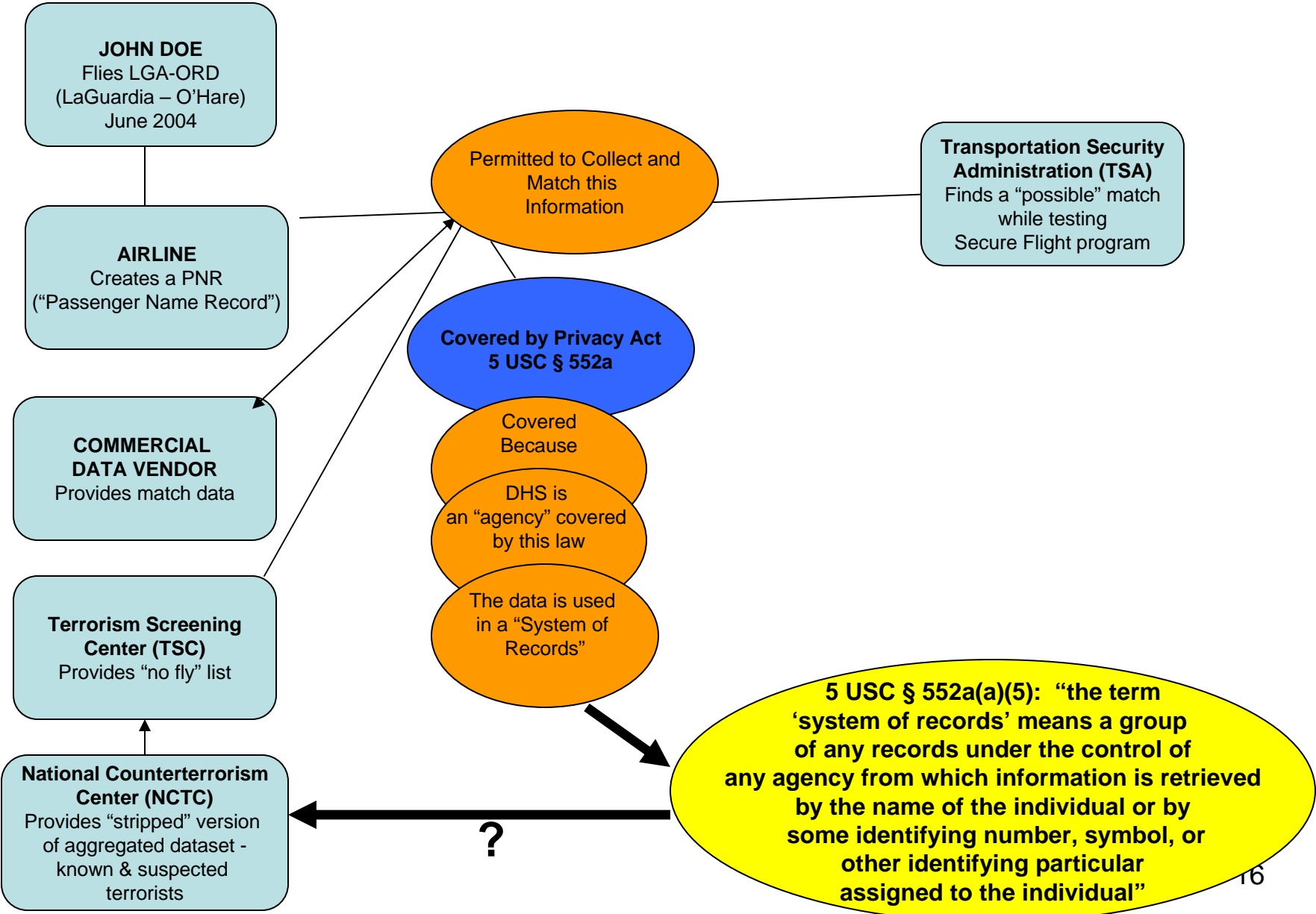
DHS/TSA Justifications



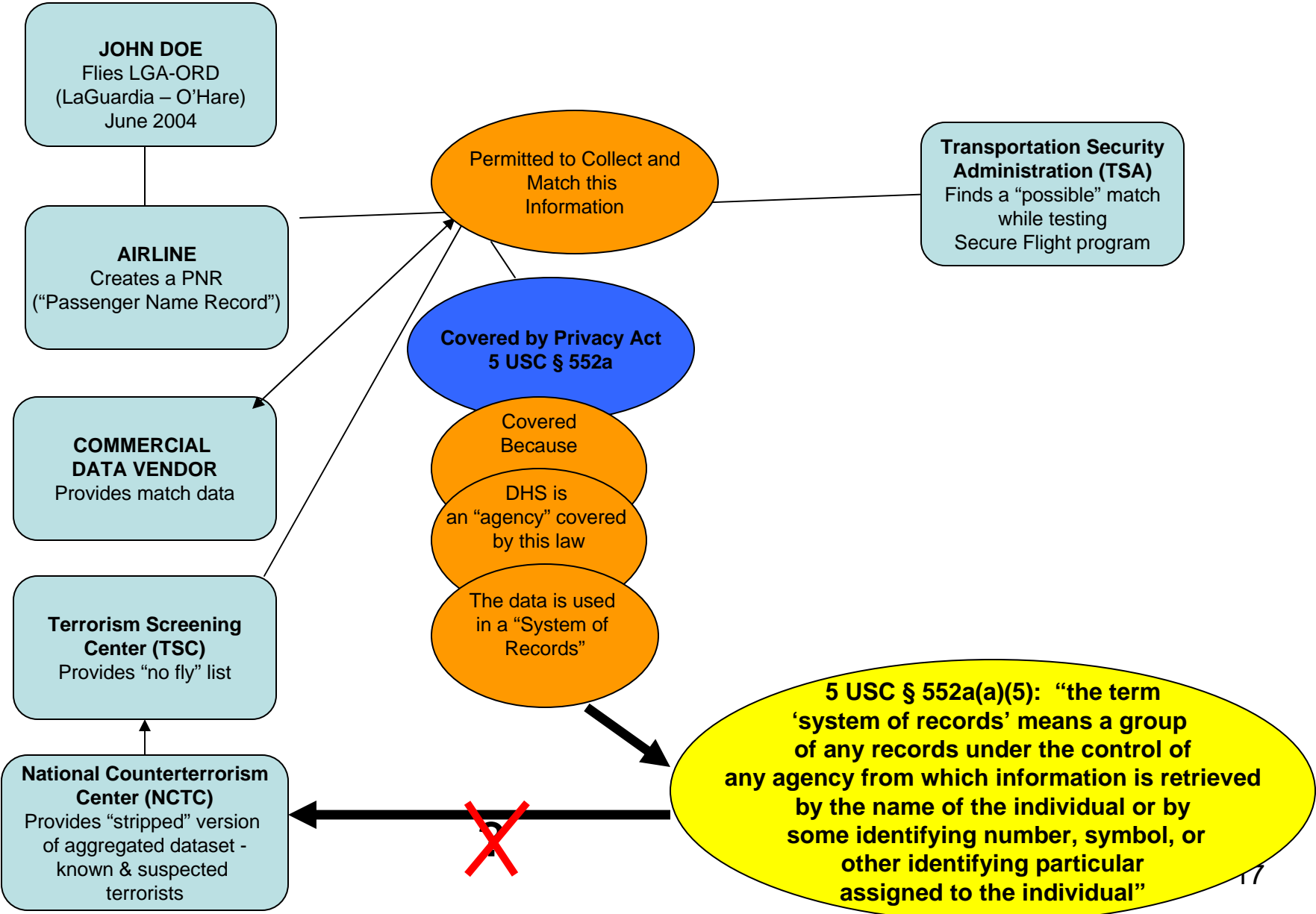
DHS/TSA Justifications



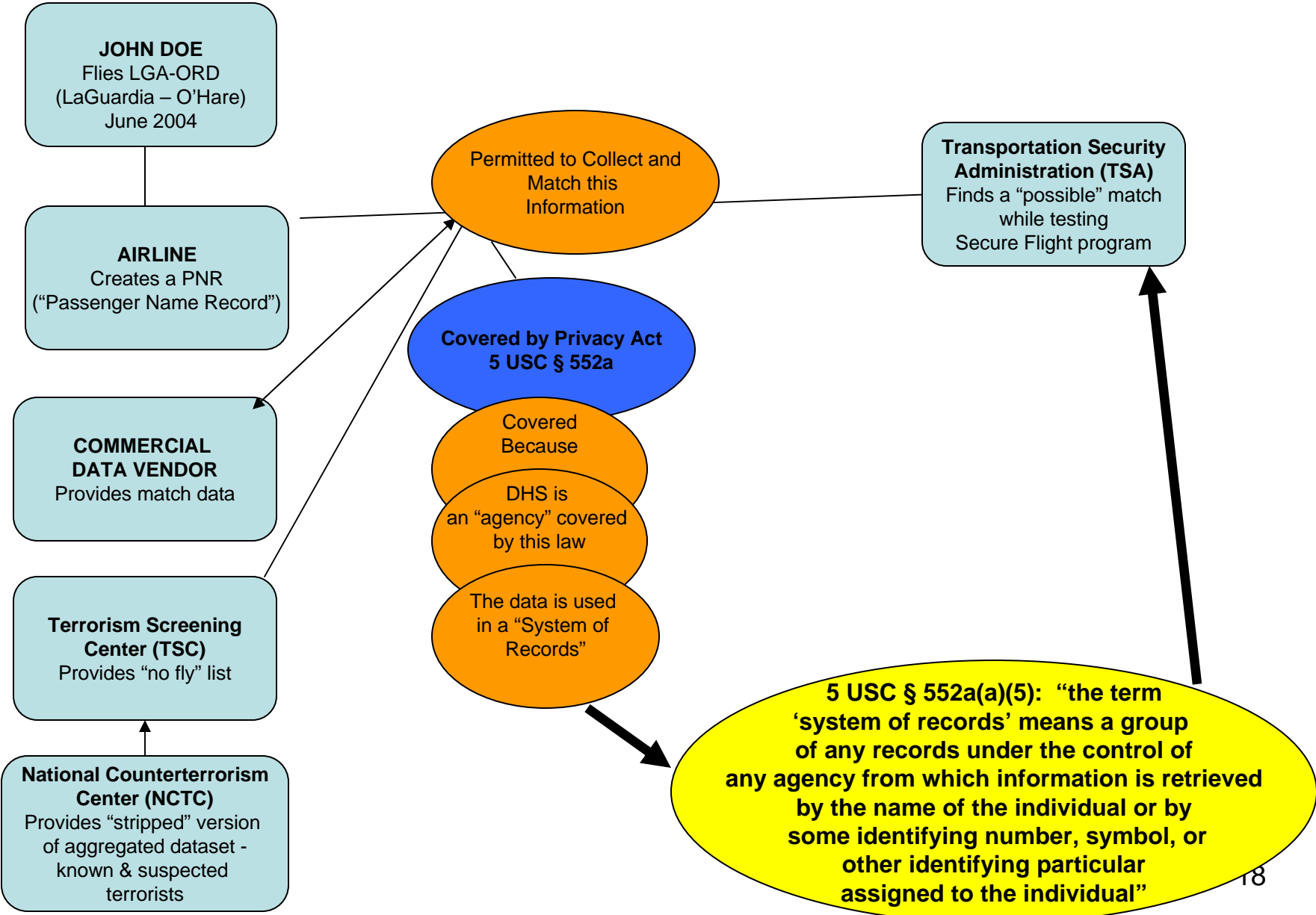
DHS/TSA Justifications



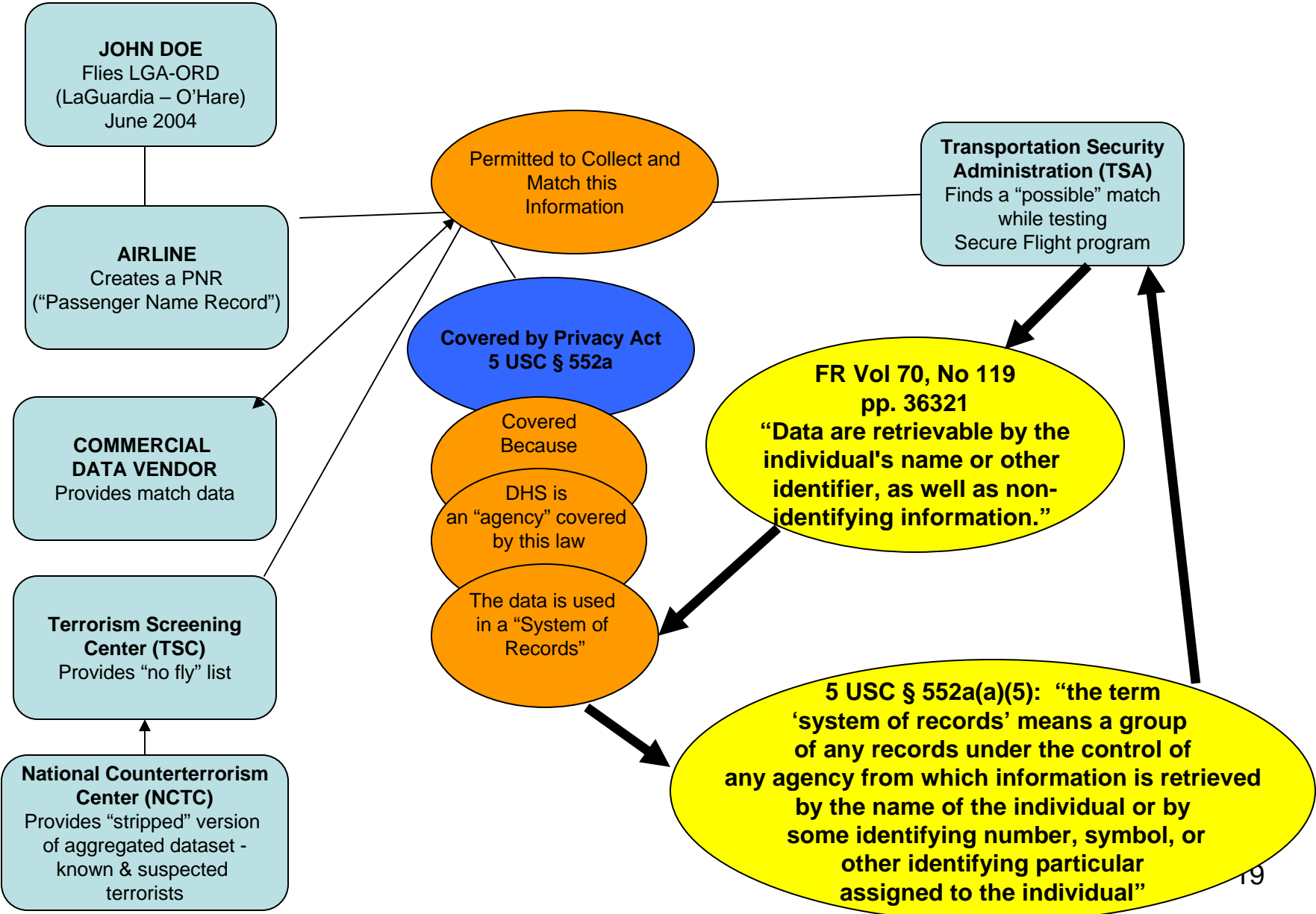
DHS/TSA Justifications



DHS/TSA Justifications



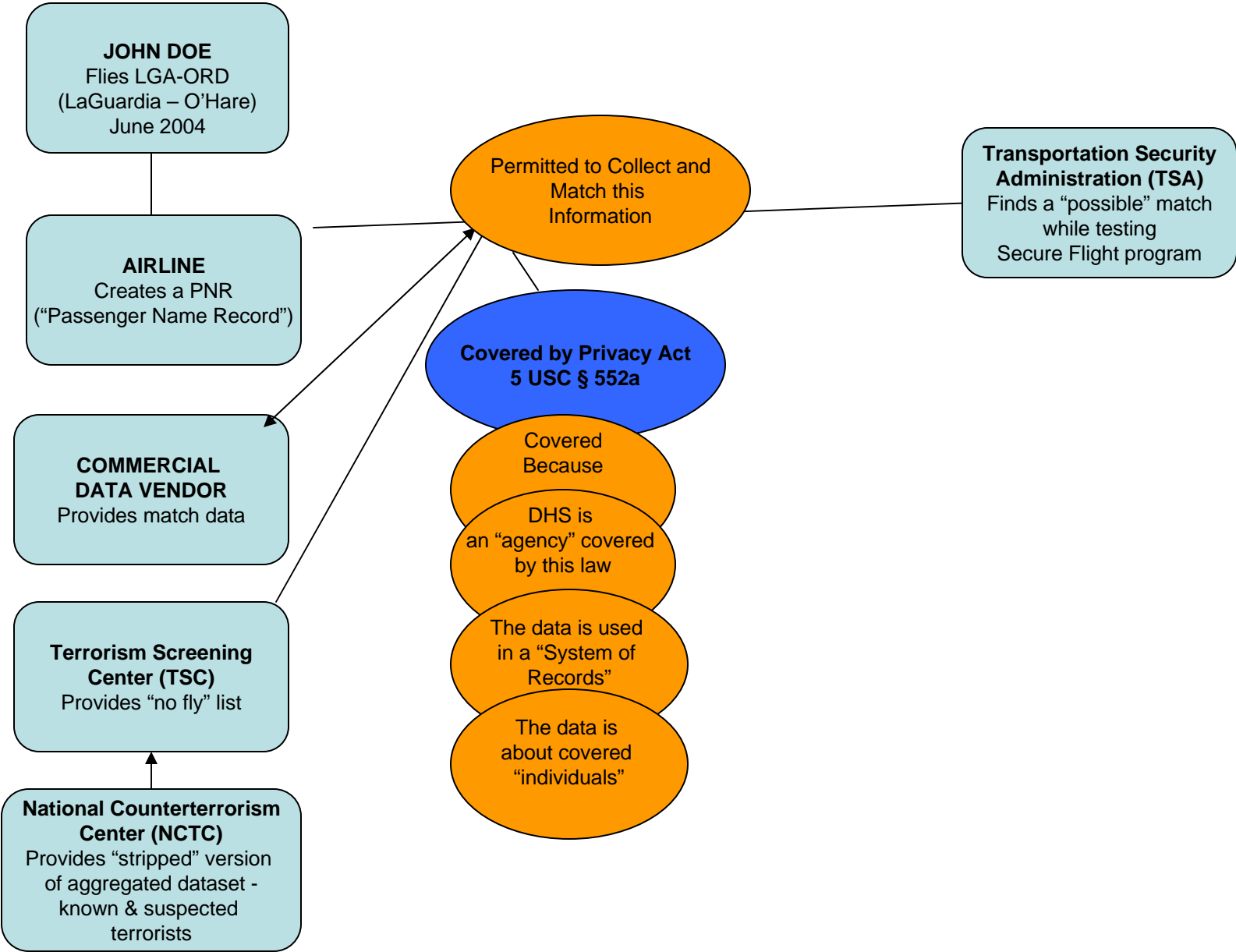
DHS/TSA Justifications



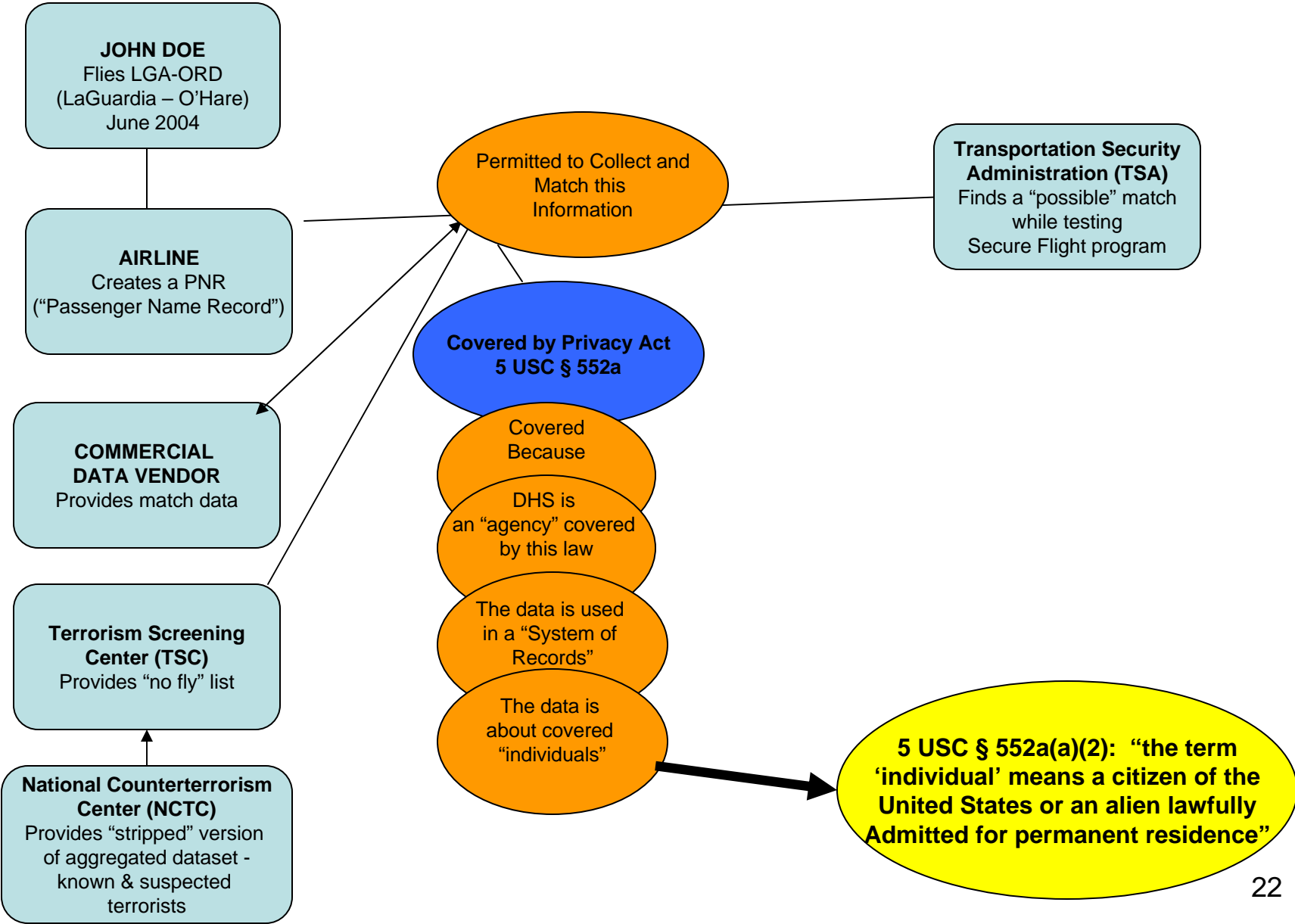
Challenge

- (6) What if an agency is arguing that it's not covered by this law?
 - (1) If it argues that the system is not under its control?
 - (2) If it argues that the records are not retrieved by an identifying particular?

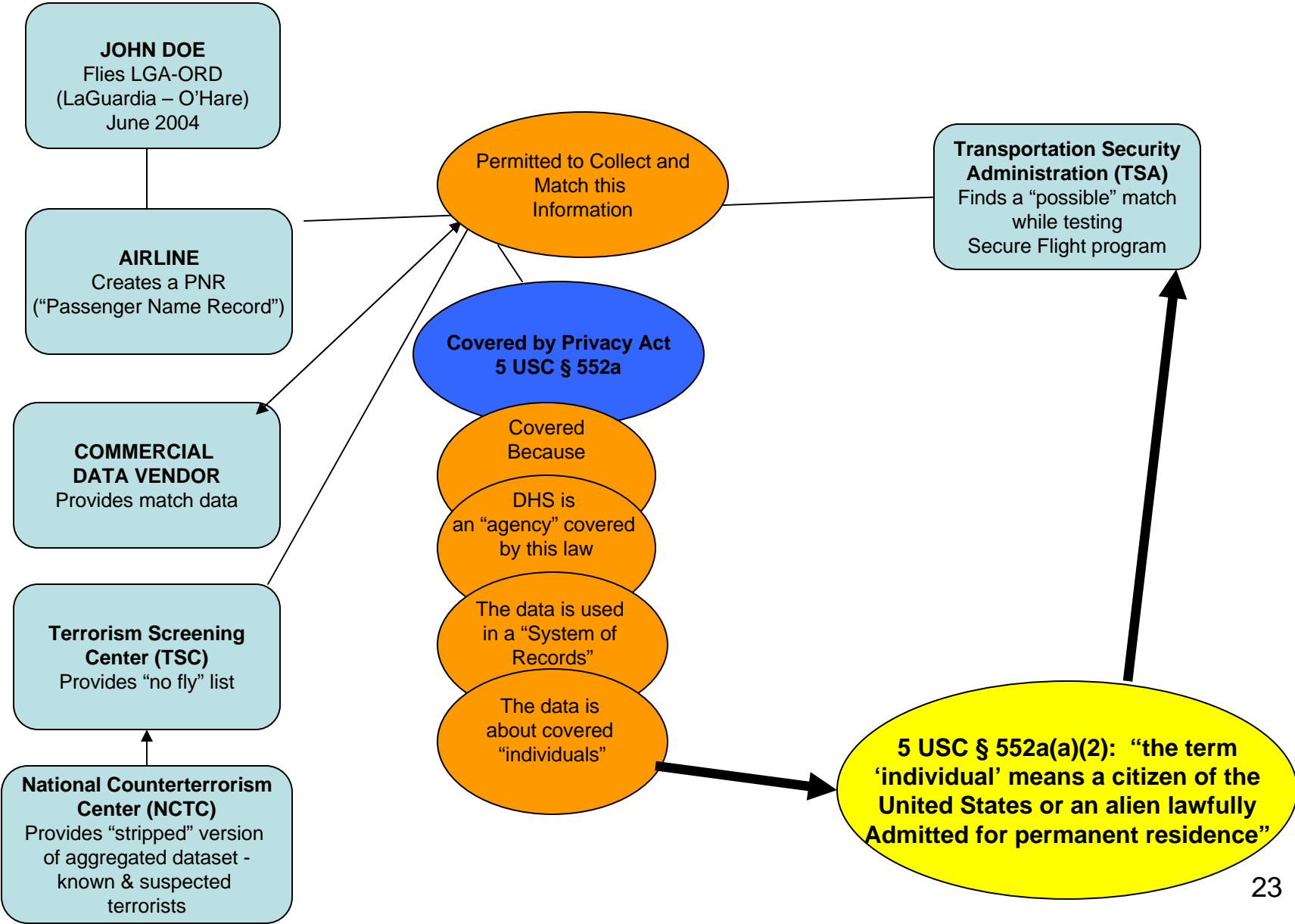
DHS/TSA Justifications



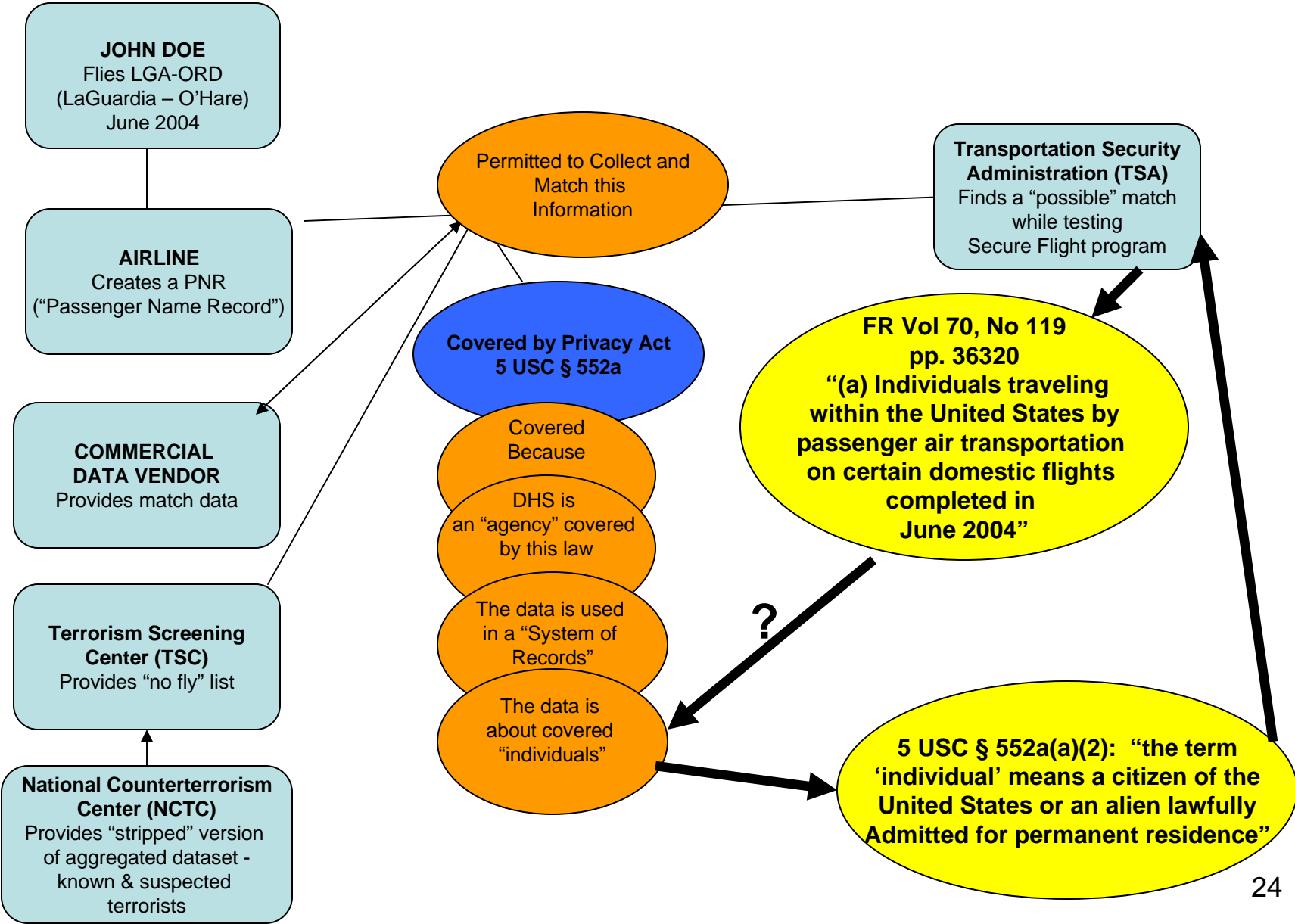
DHS/TSA Justifications



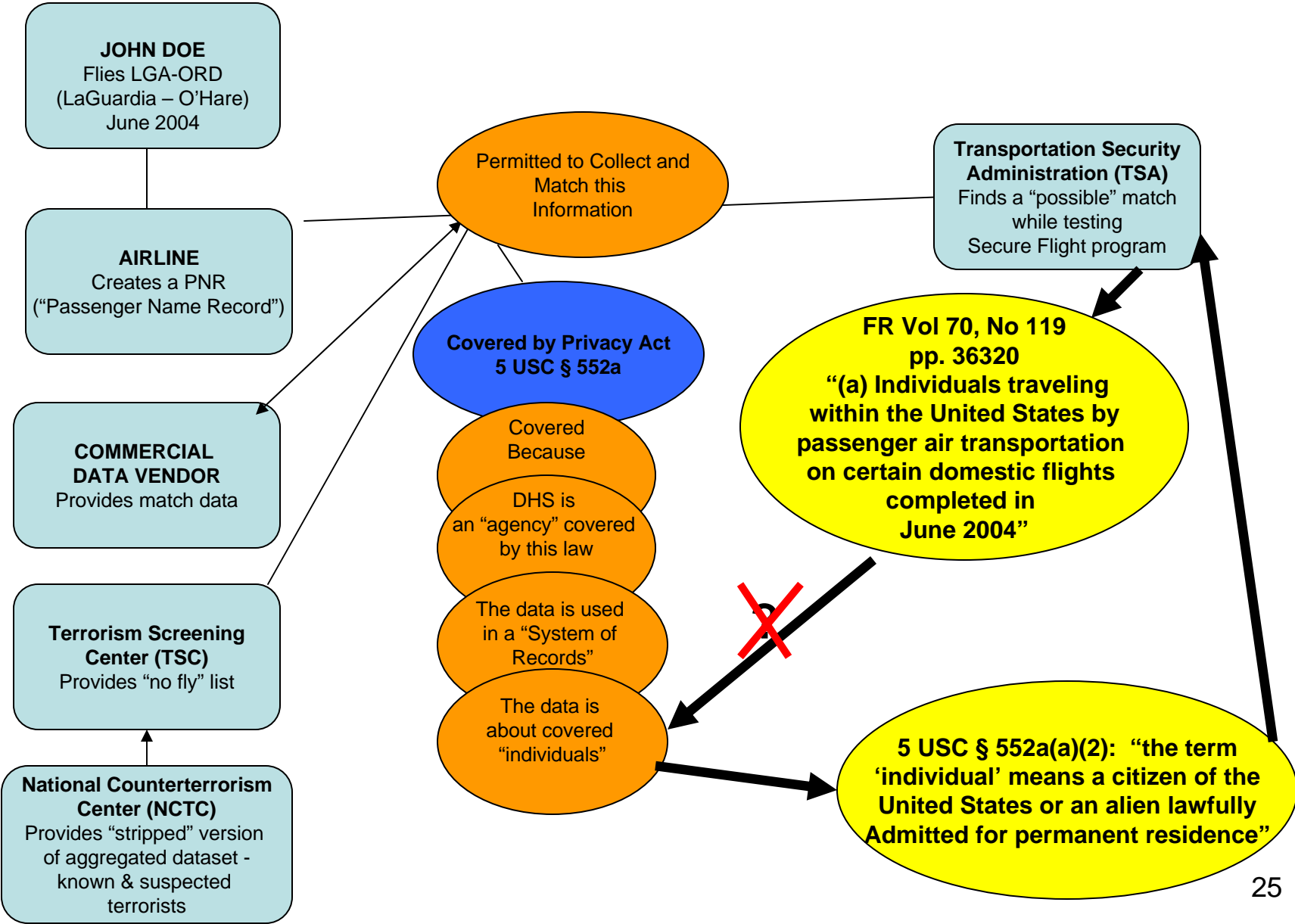
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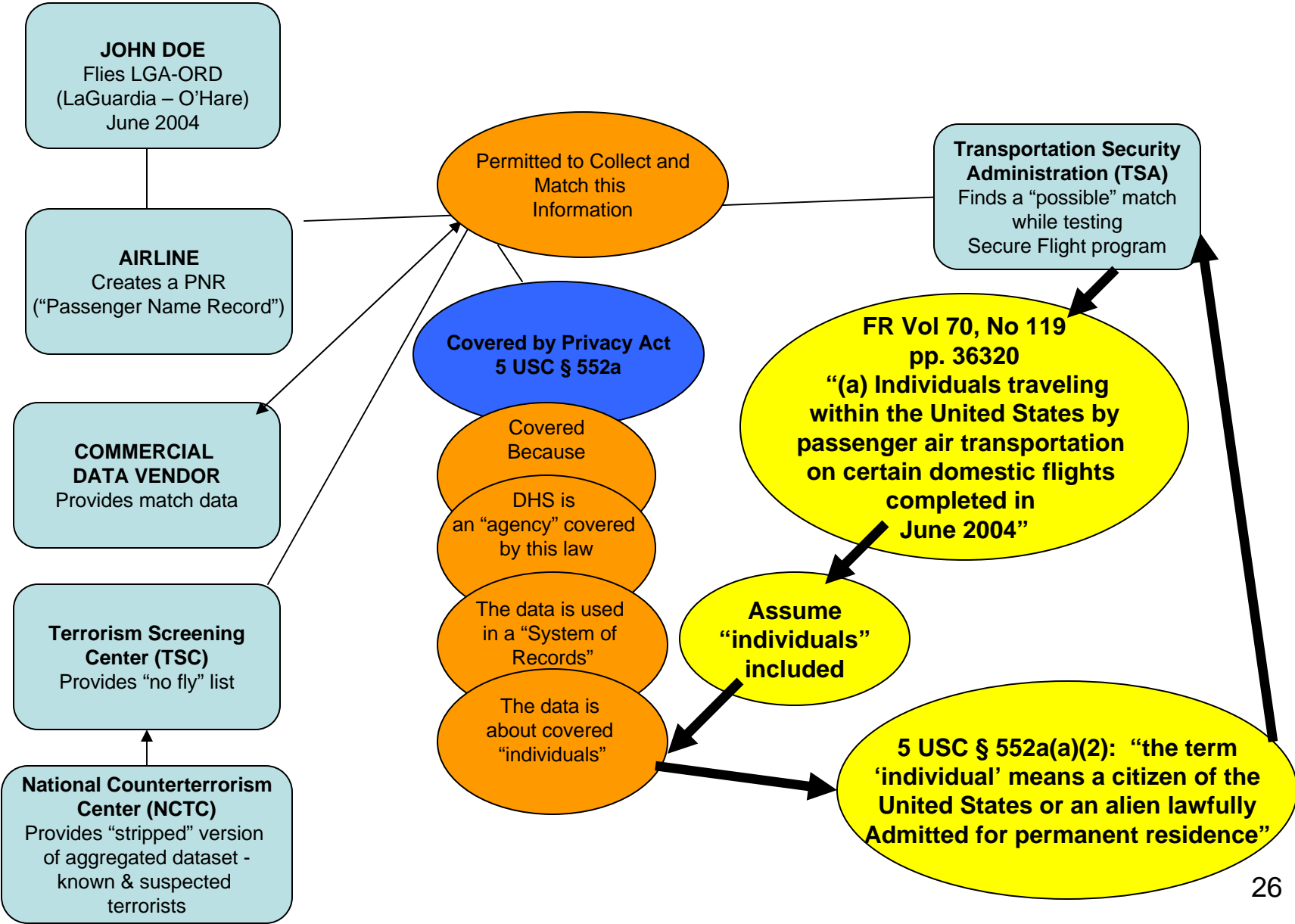
DHS/TSA Justifications



DHS/TSA Justifications



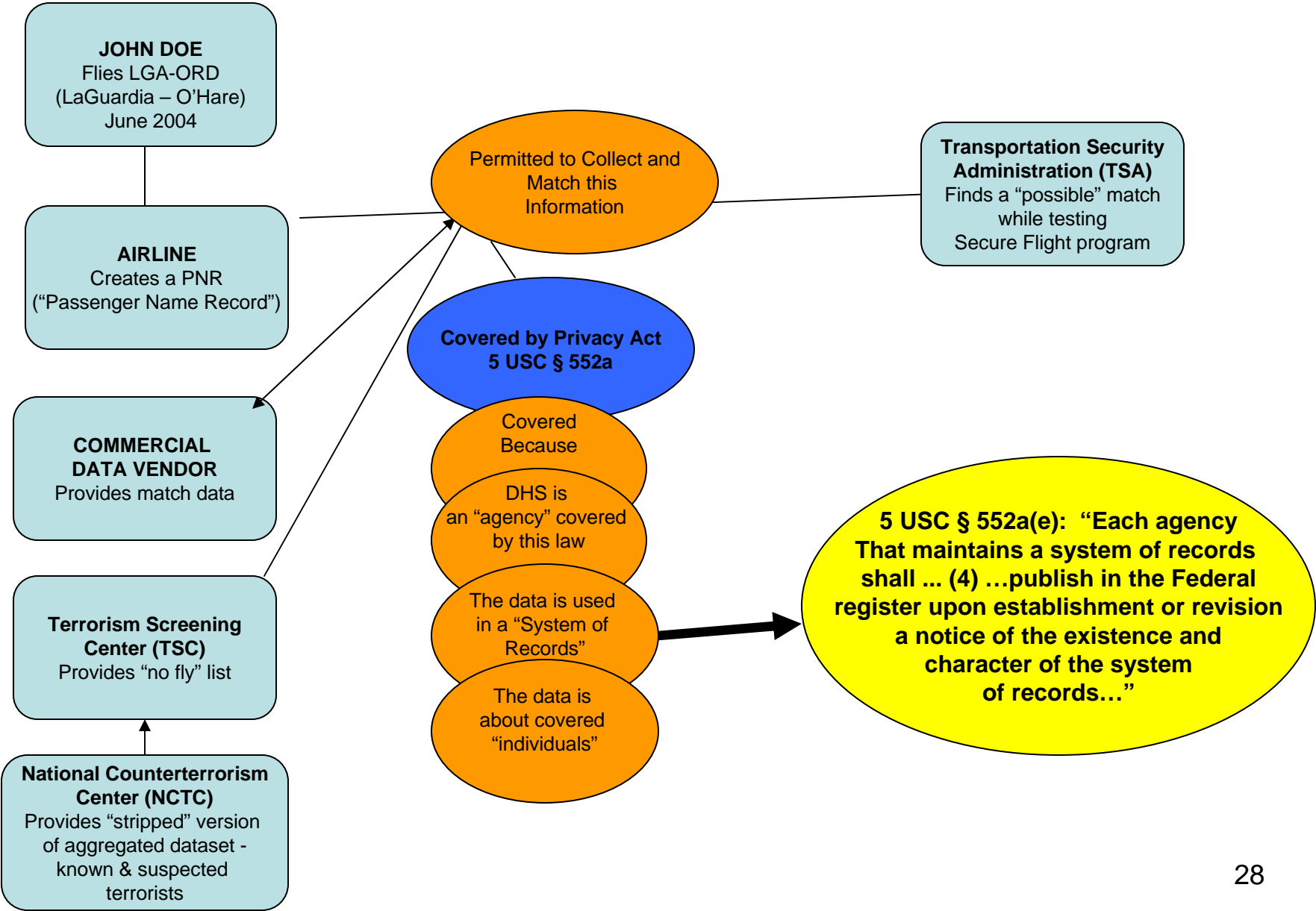
DHS/TSA Justifications



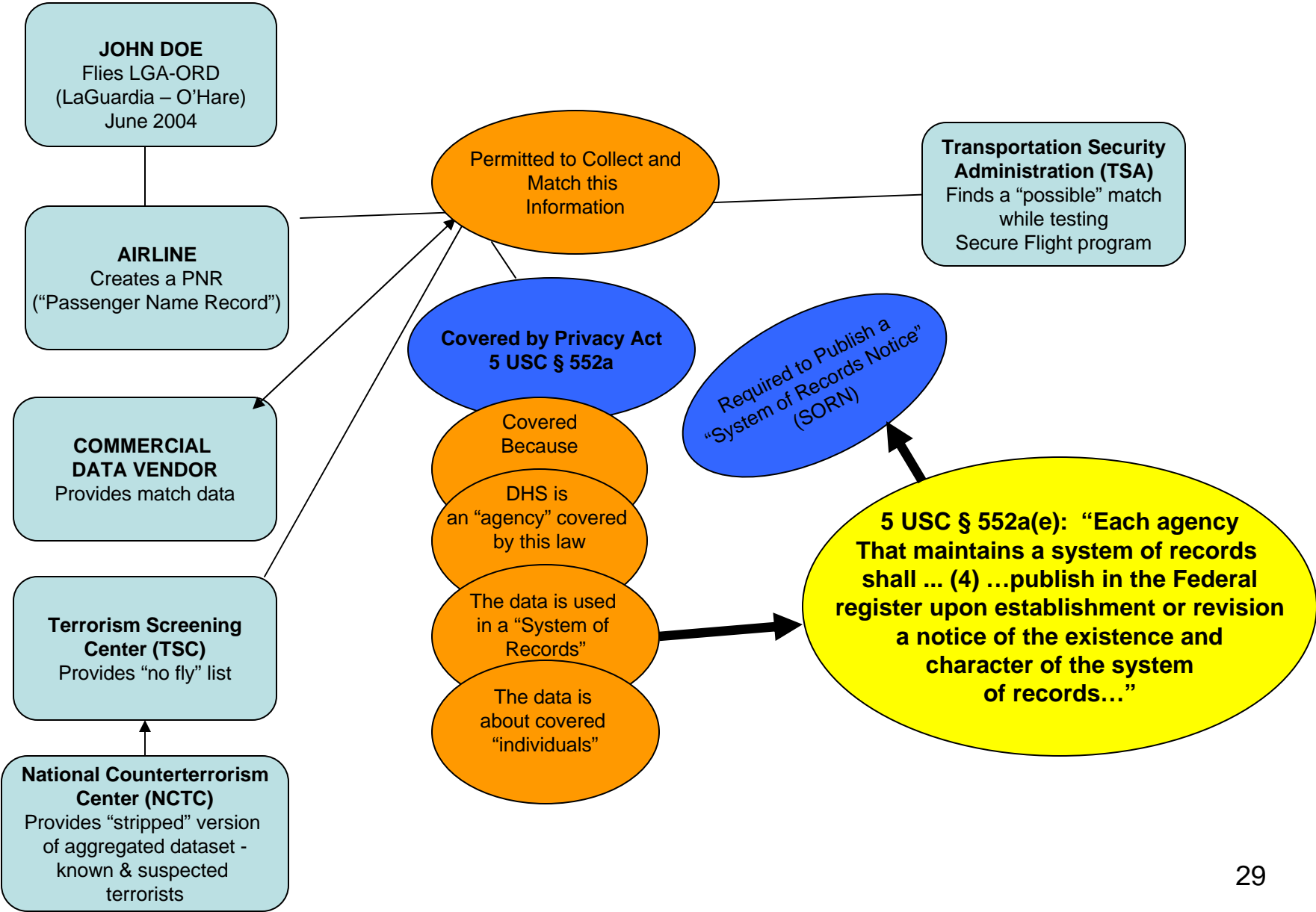
Challenge

- (7) The US Government does not have a list of its citizens. How do we decide if an agency is right when it decides that there are or are not “individuals” in its system?

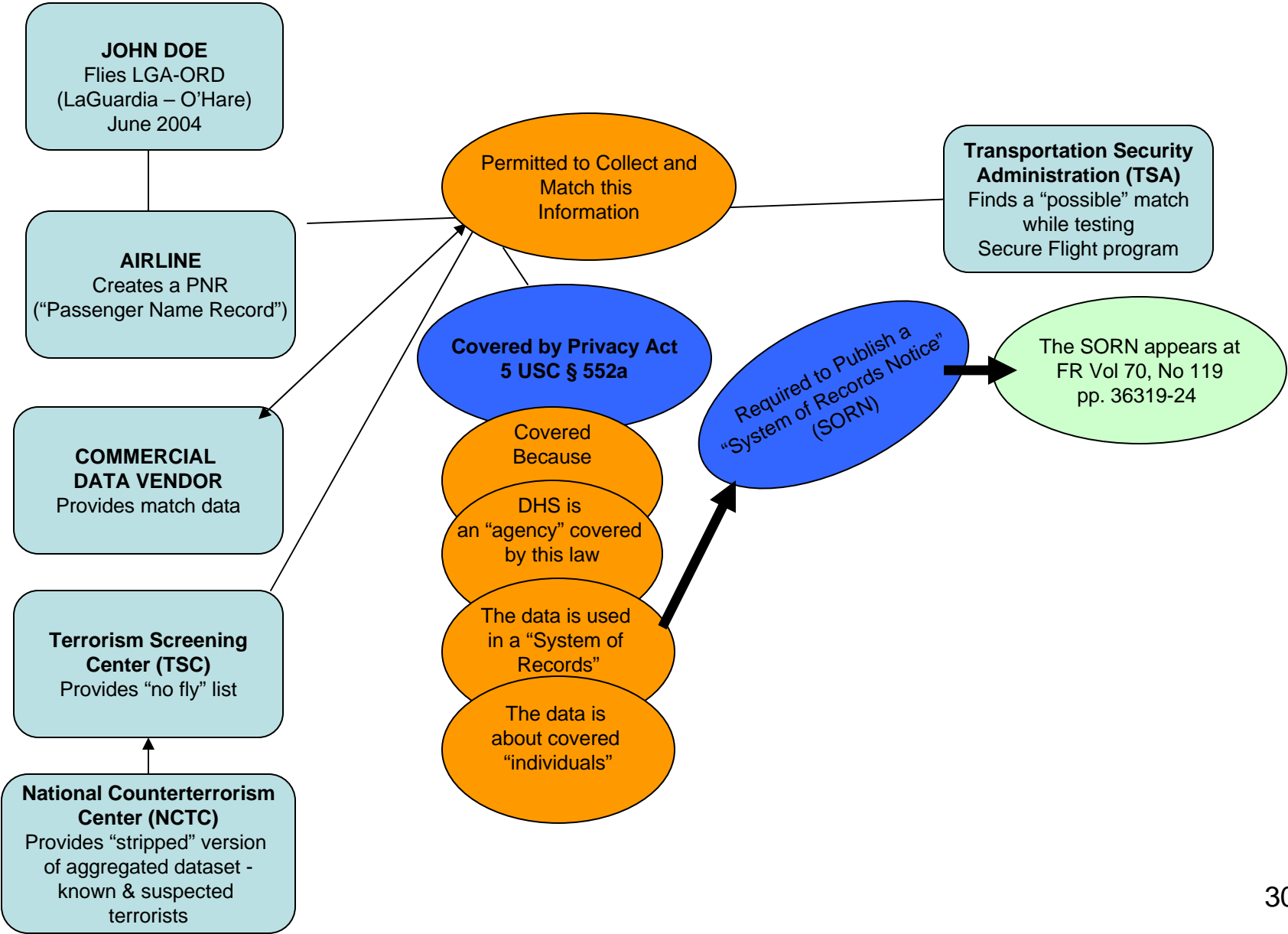
DHS/TSA Justifications



DHS/TSA Justifications



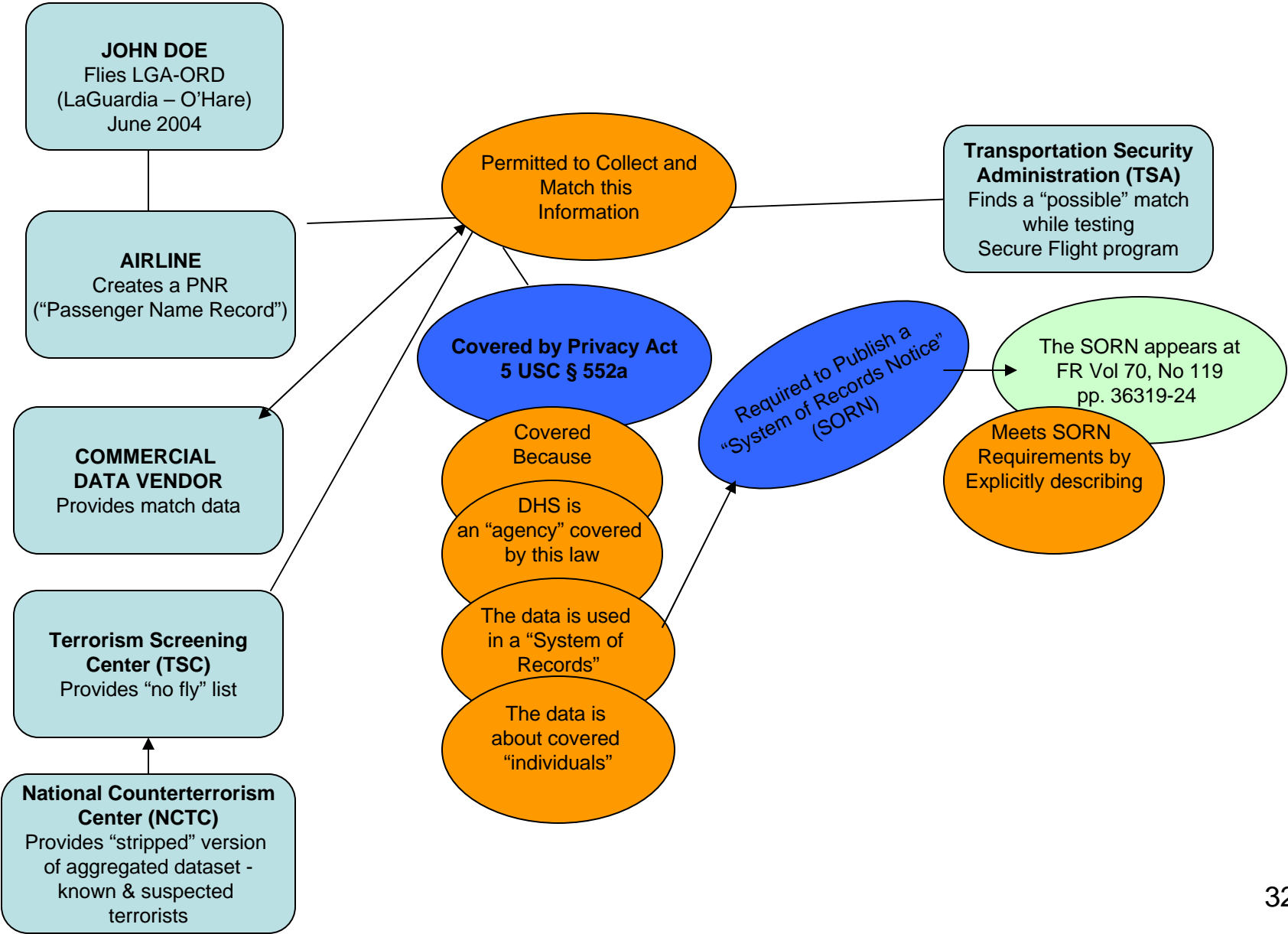
DHS/TSA Justifications



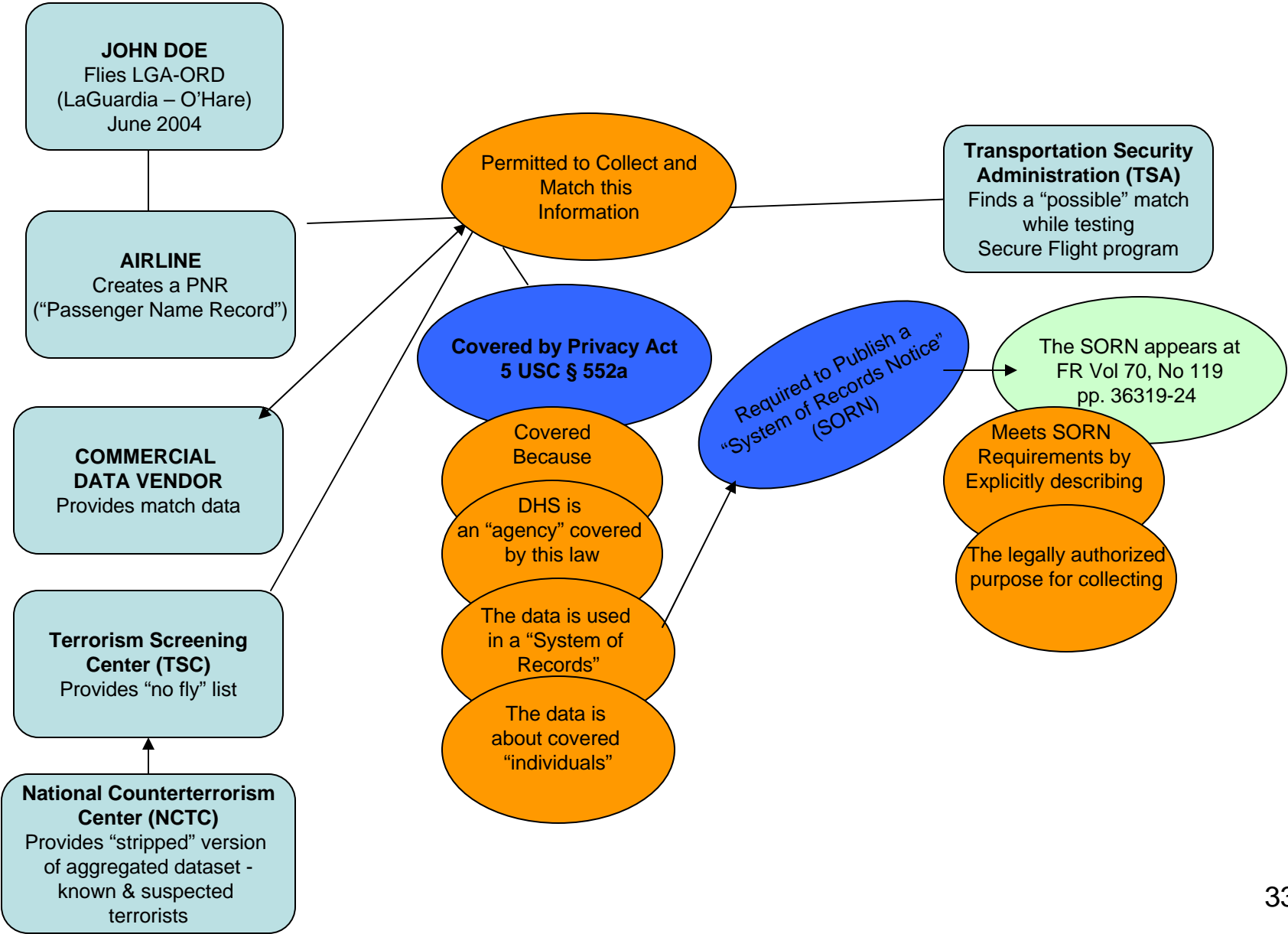
Challenge

- (8) When an agency says that it has published an appropriate SORN, how do we:
 - (1) Check to see if there is a SORN at the Federal Register volume and page number given?
 - (2) Check to see if the SORN is about the correct subject?

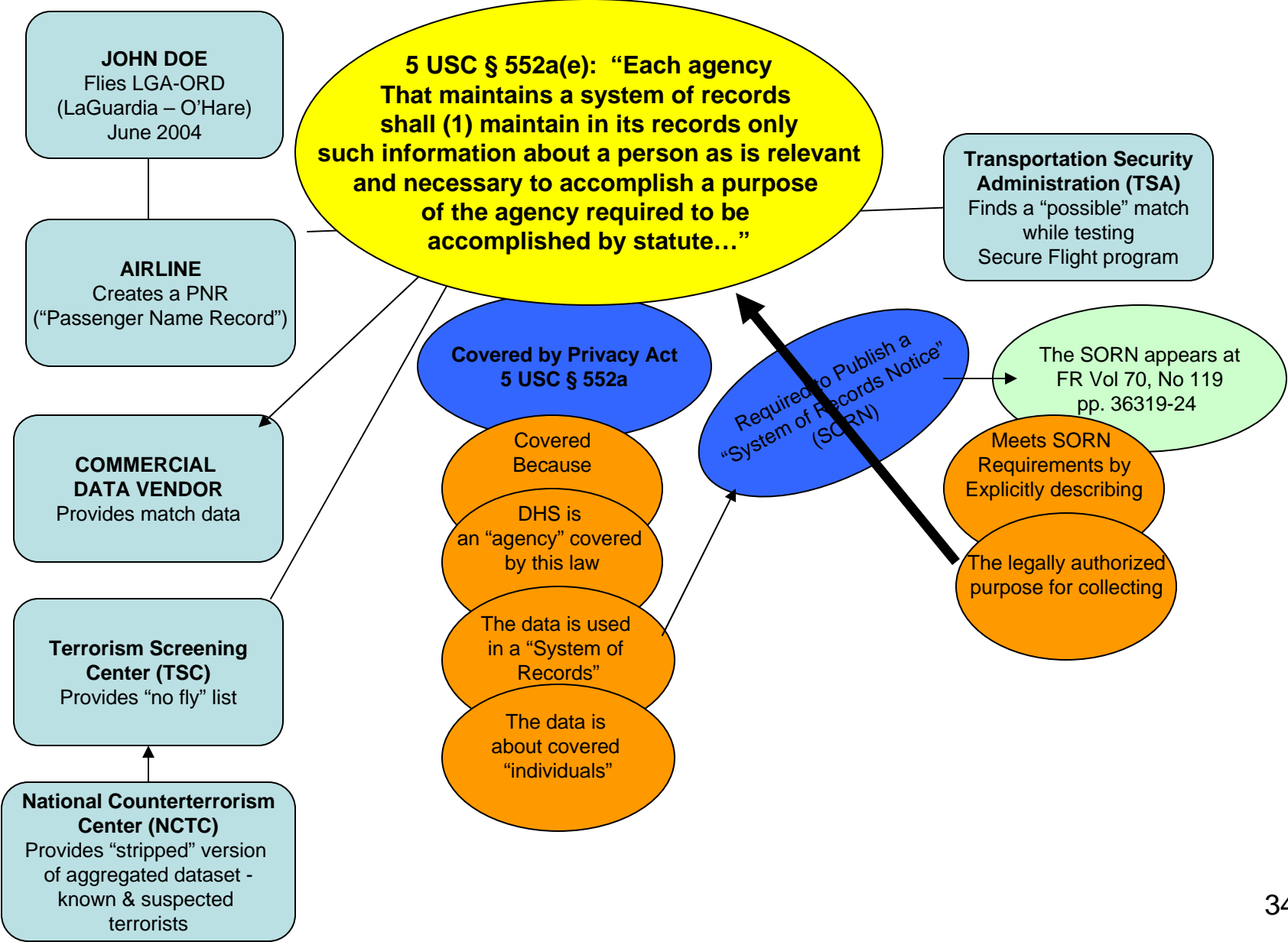
DHS/TSA Justifications



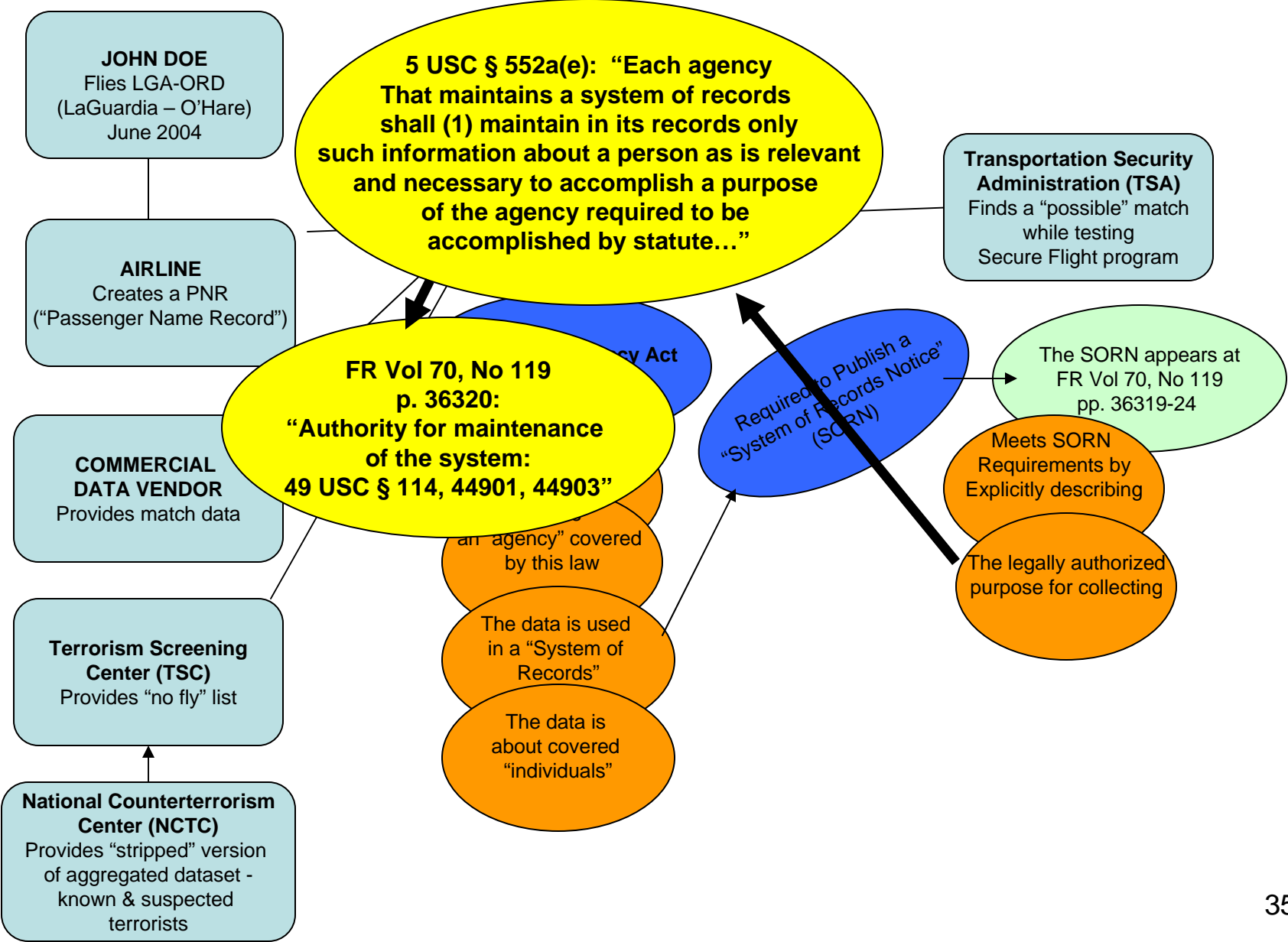
DHS/TSA Justifications



DHS/TSA Justifications



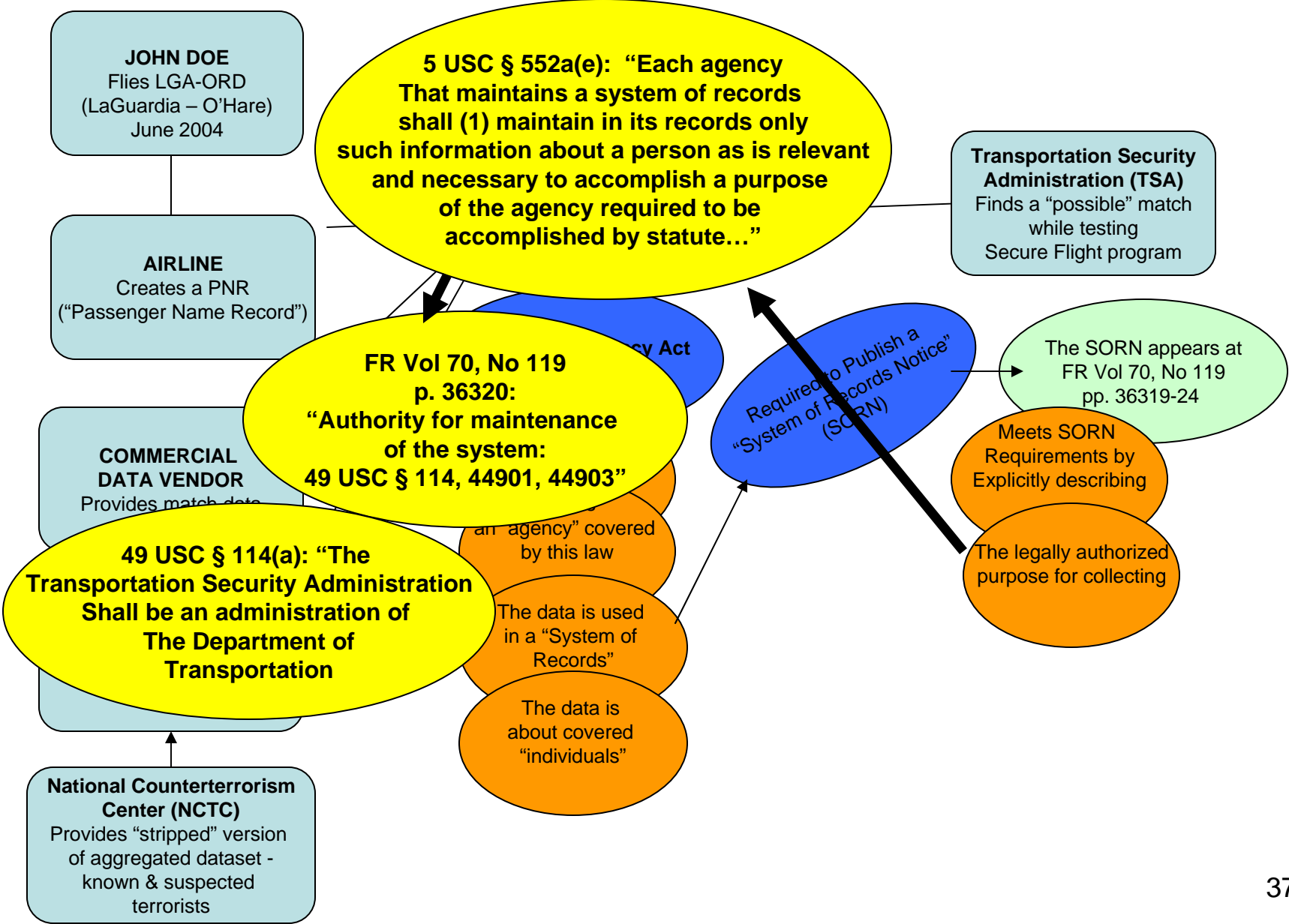
DHS/TSA Justifications



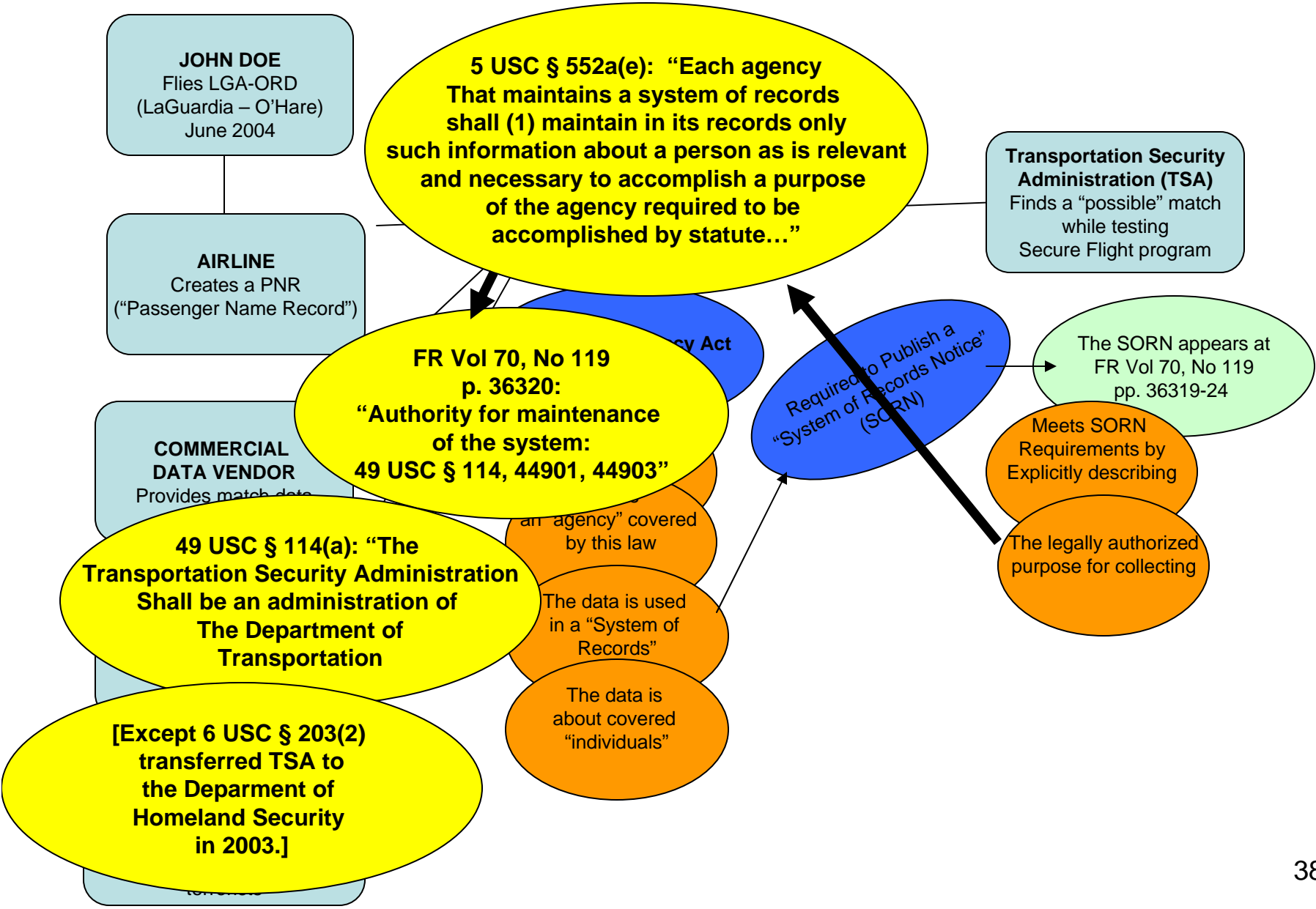
Challenge

- (9) The statutes cited are quite large. How do we find the relevant subsection if the agency doesn't provide it in the SORN?

DHS/TSA Justifications



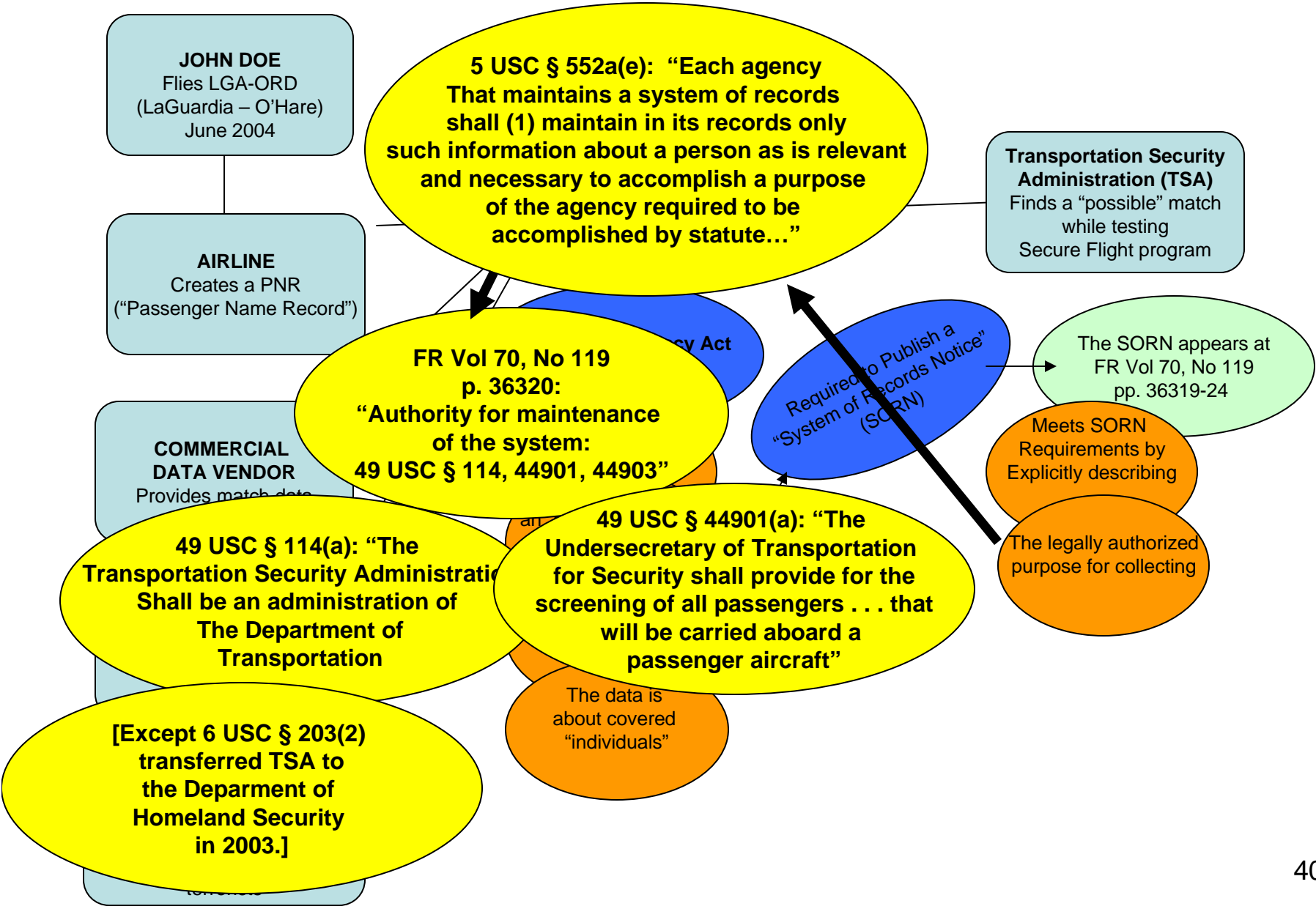
DHS/TSA Justifications



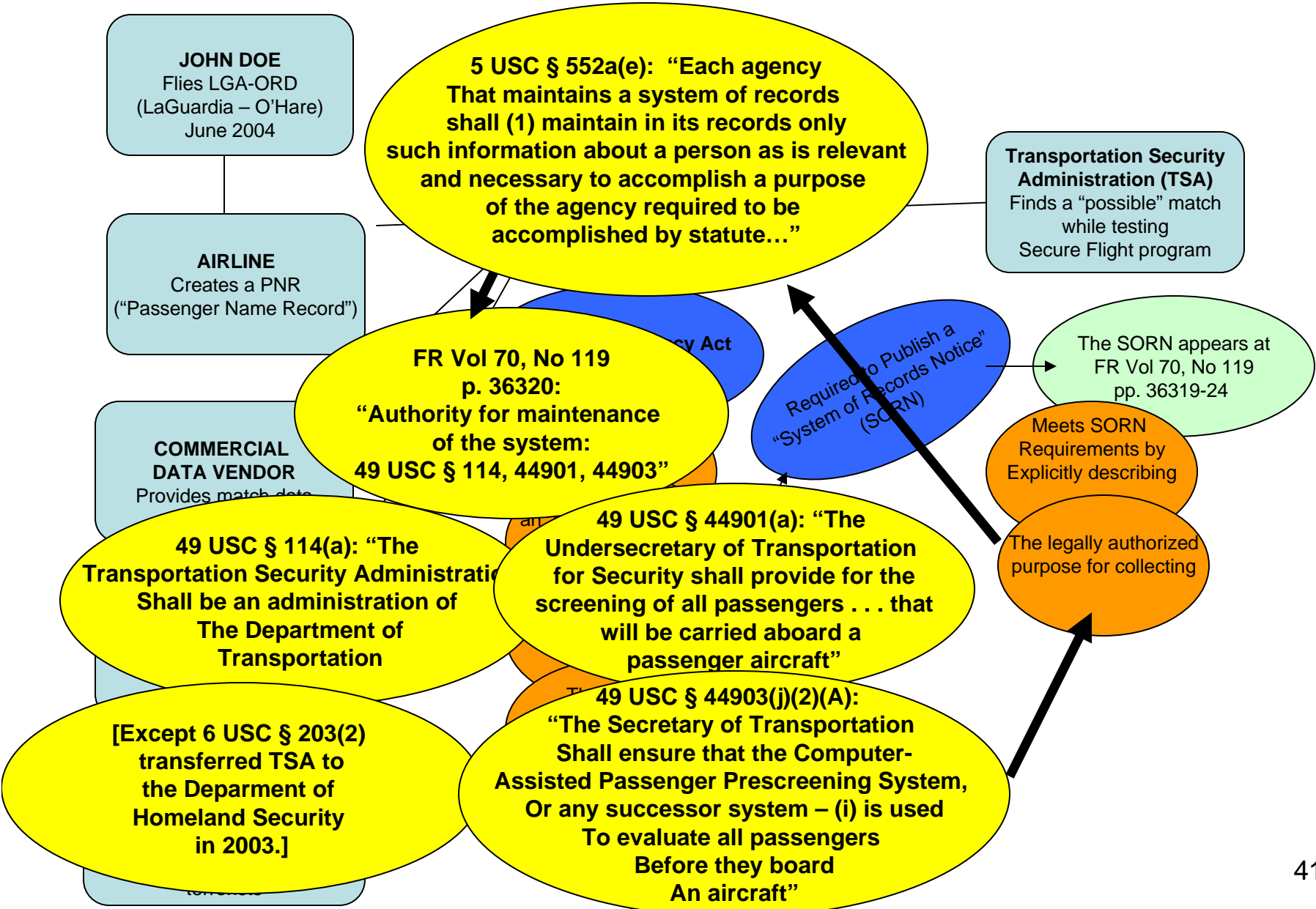
Challenge

- (10) Variant of Challenge 1: The law is still there, but it refers to an entity that was changed by a different law.

DHS/TSA Justifications



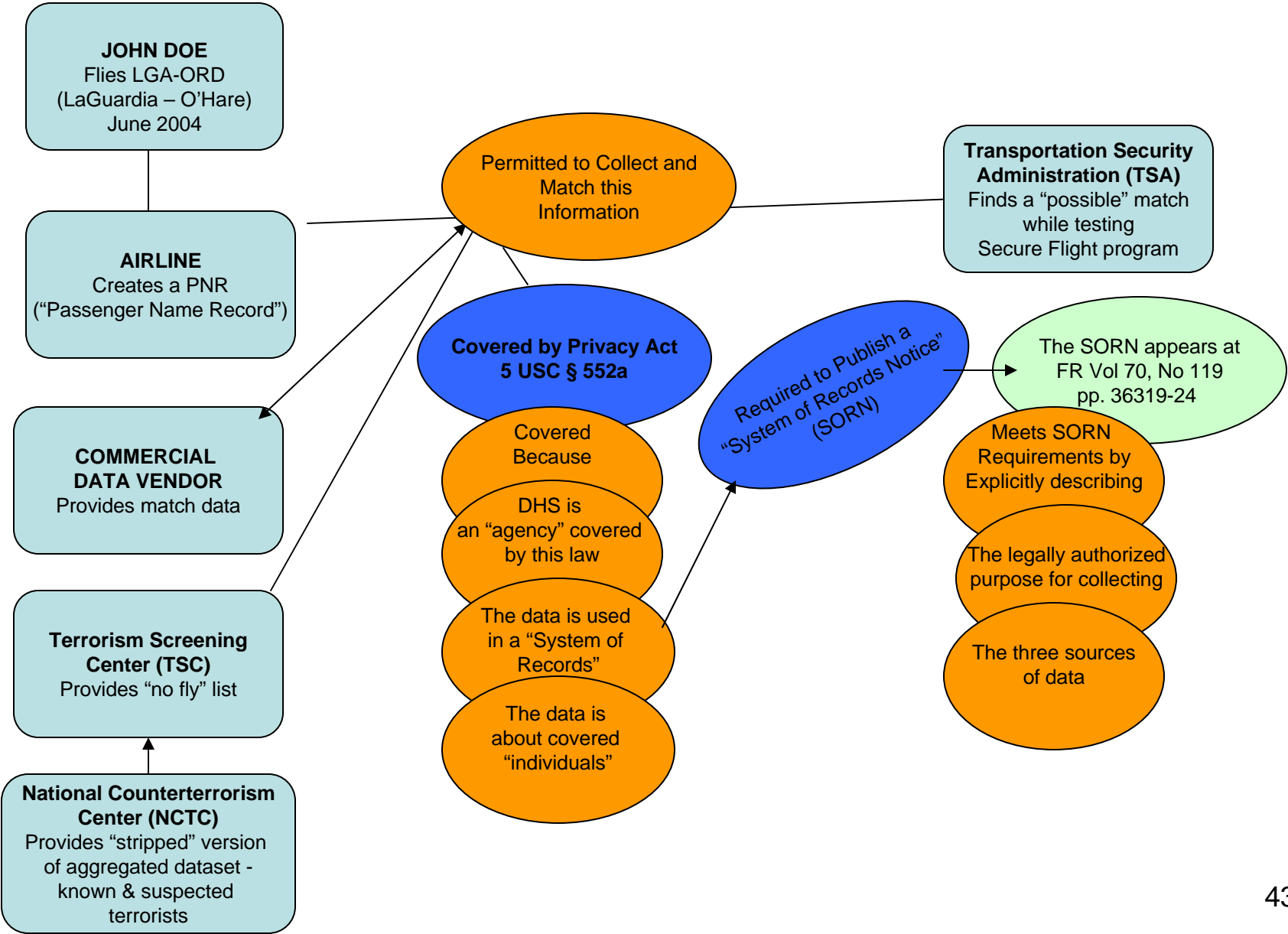
DHS/TSA Justifications



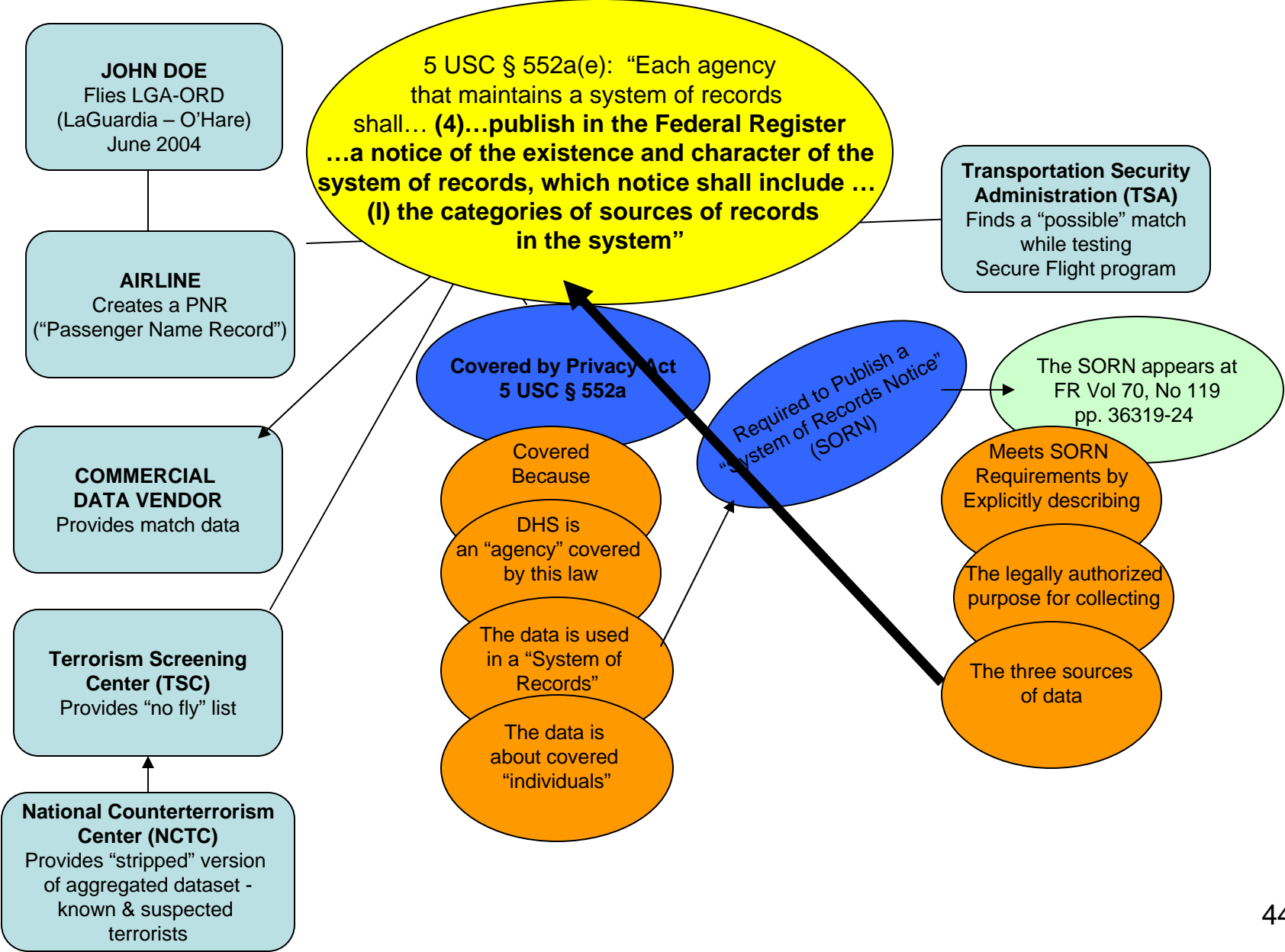
Challenge

- (11) How do we put all of these things together to conclude that the purpose is authorized?
- (12) Even harder, how do we decide that this data is “relevant and necessary” to the authorized purpose?

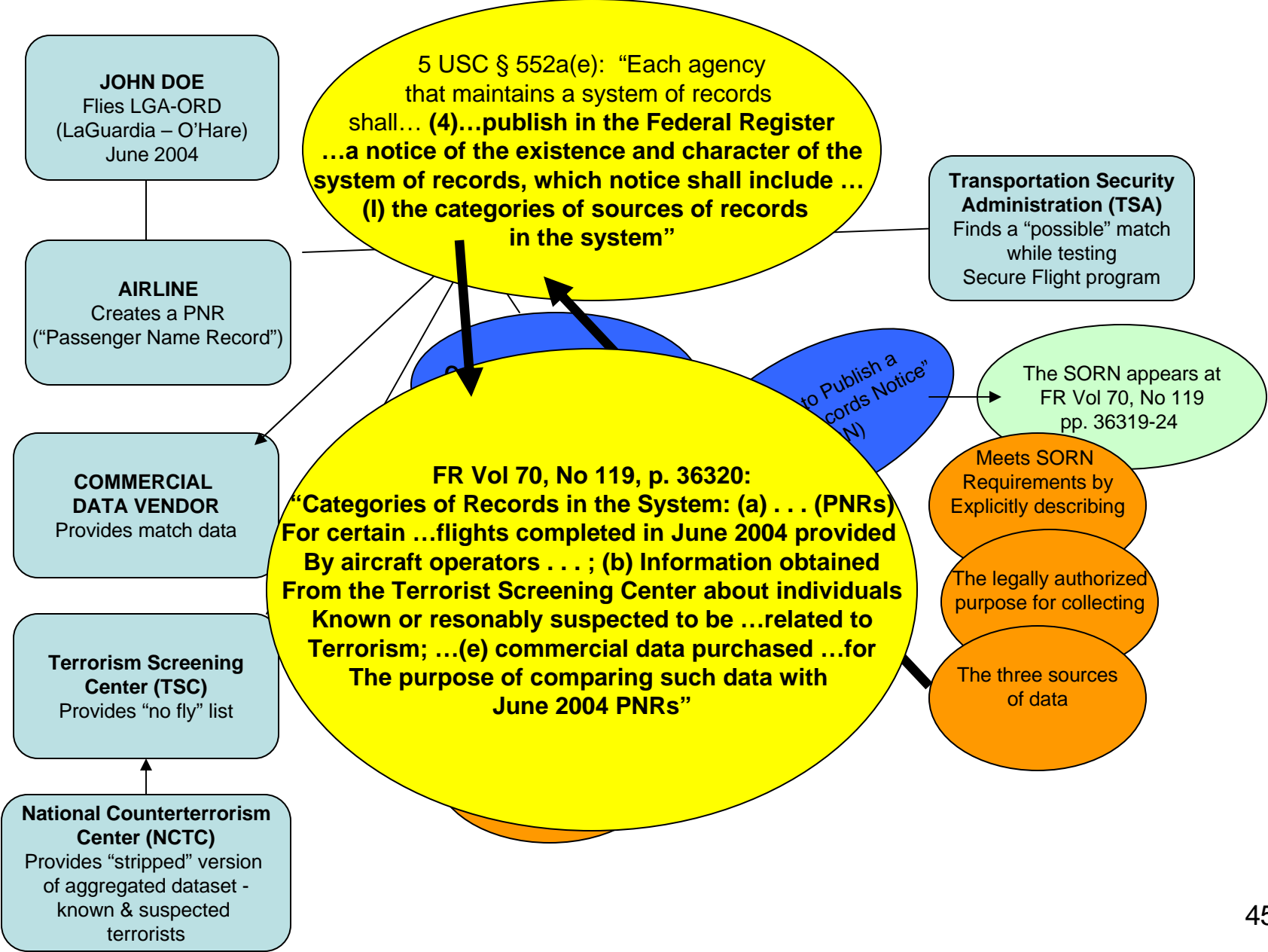
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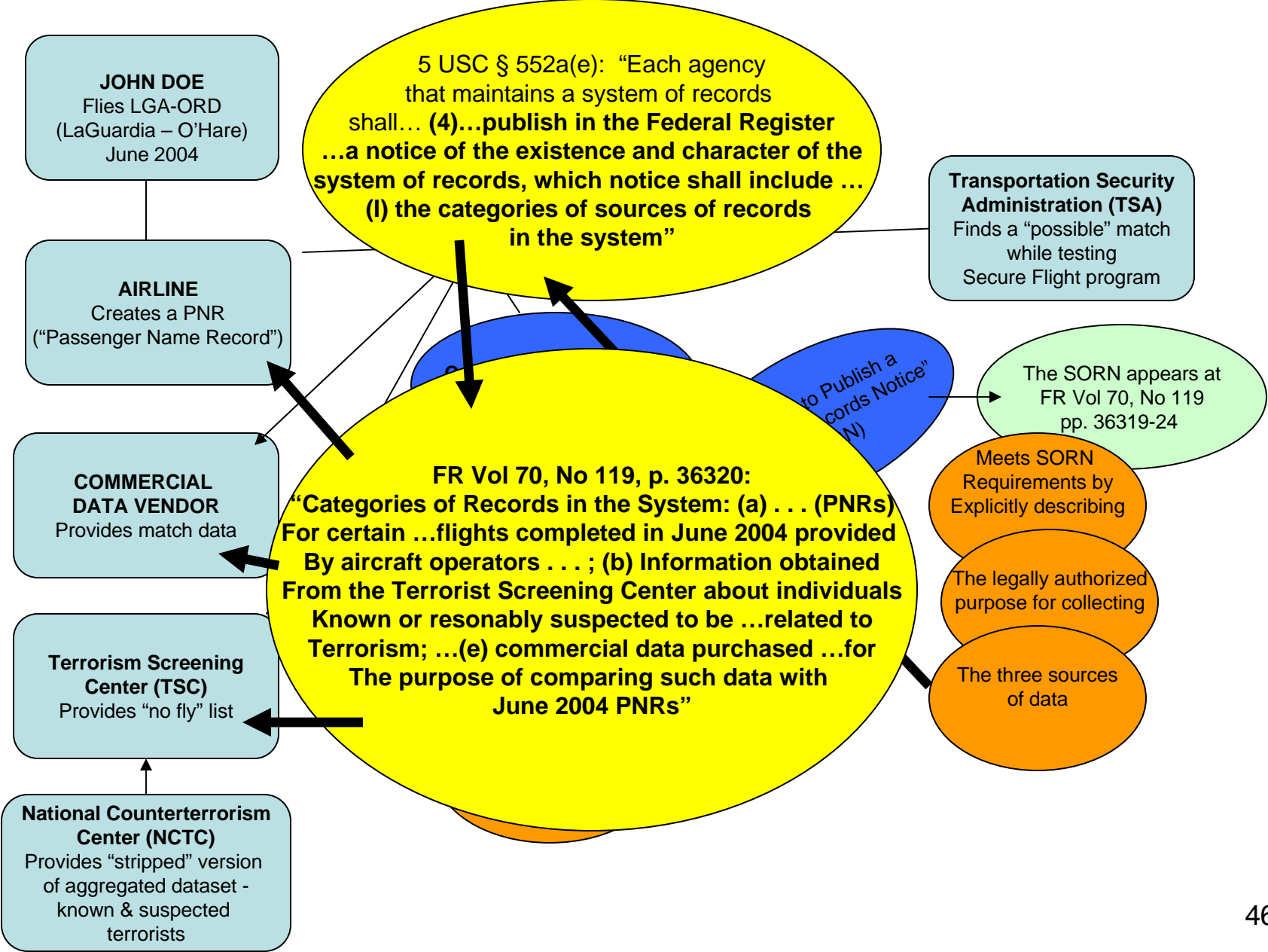
DHS/TSA Justifications



DHS/TSA Justifications



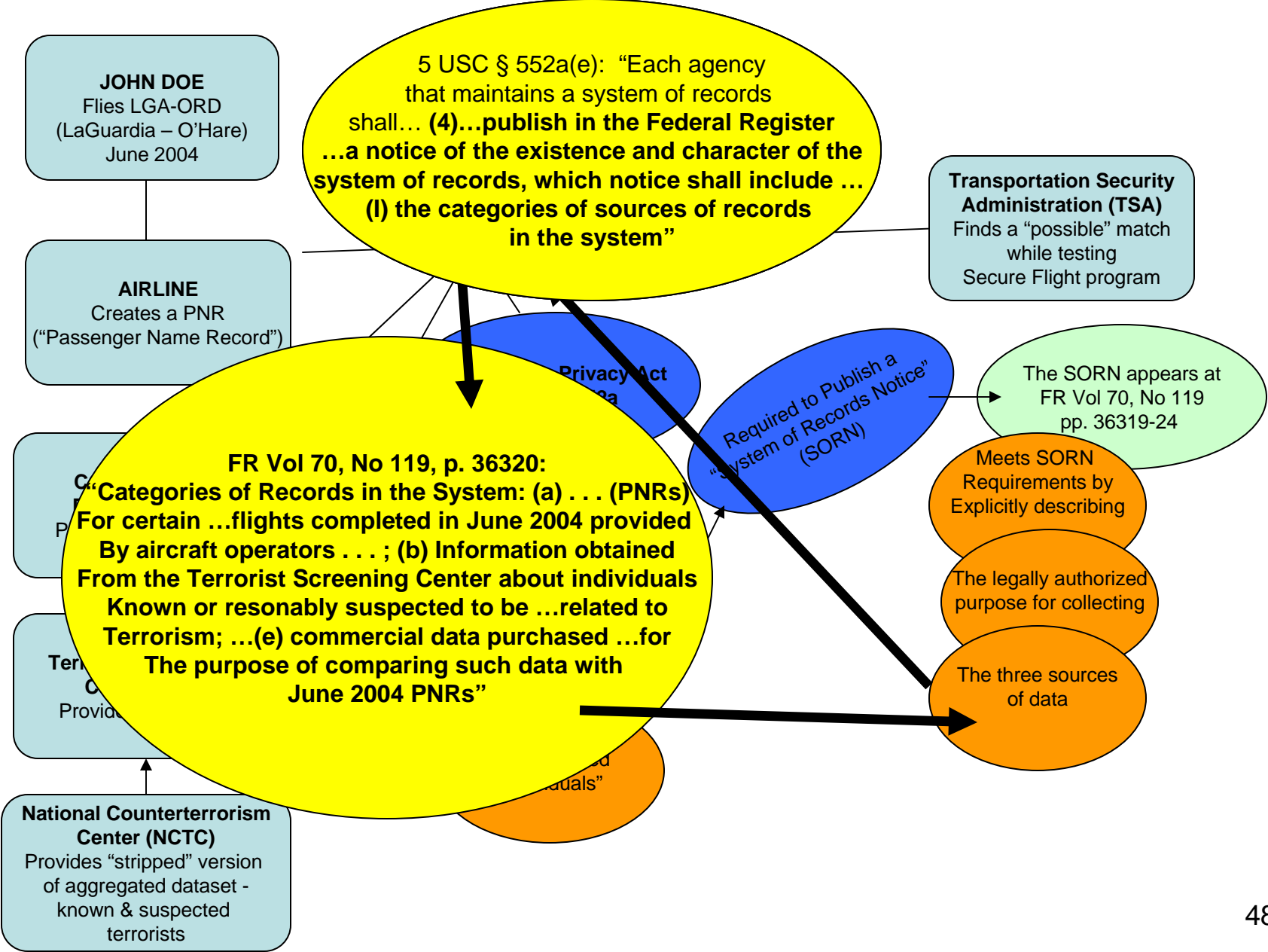
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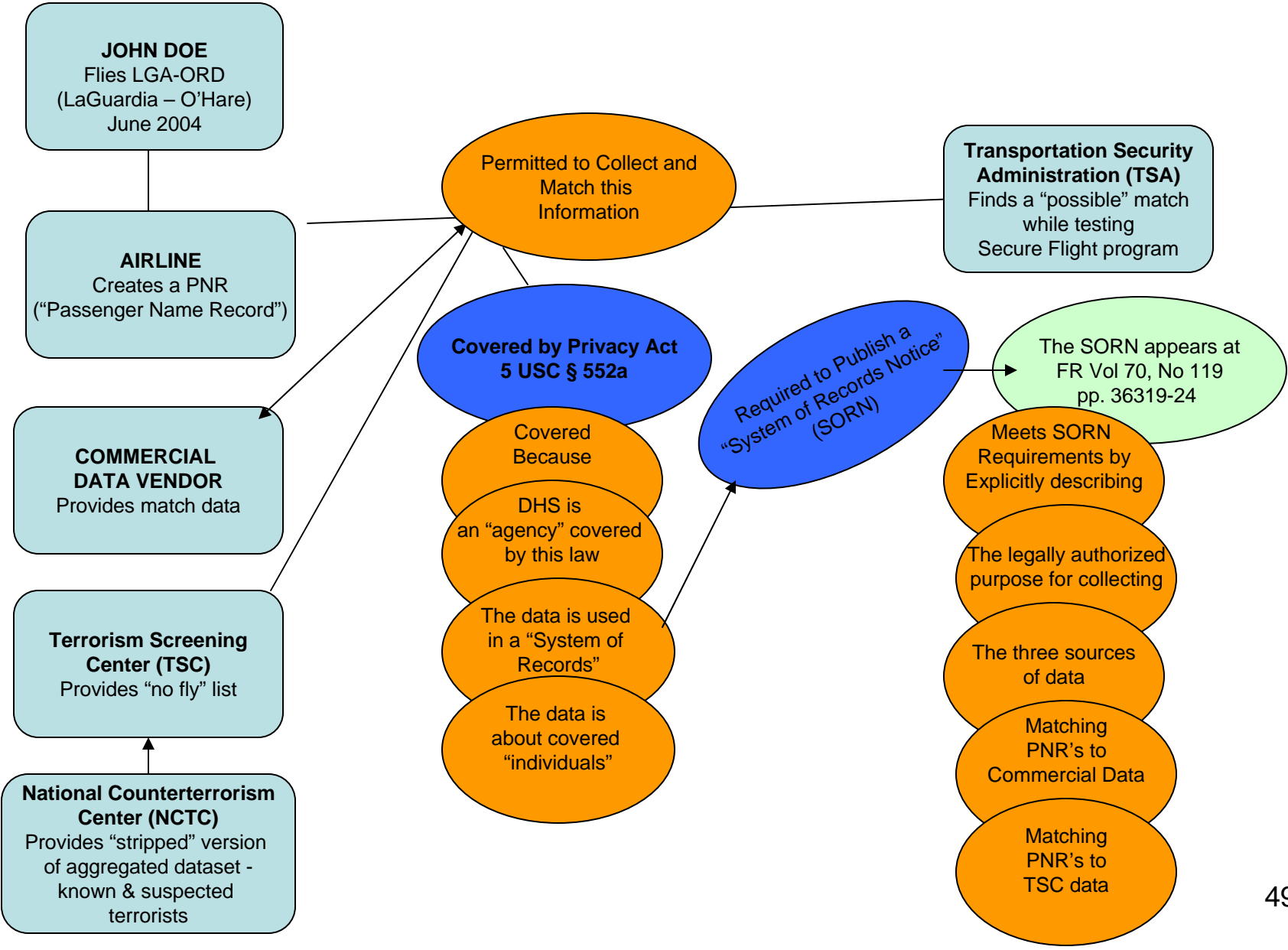
Challenge

- (13) How do we reason that the items listed in the SORN are in fact the items collected in the system?

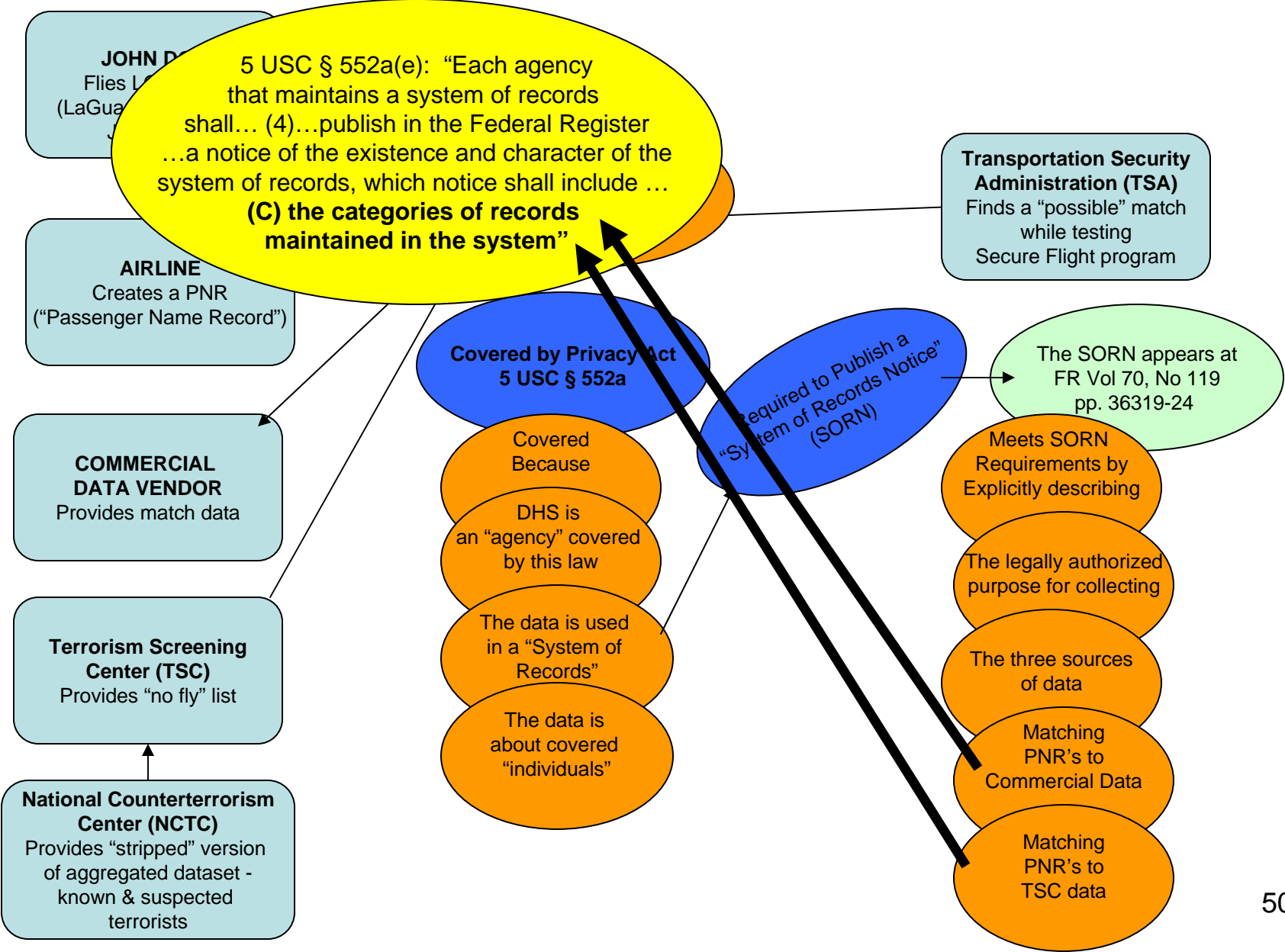
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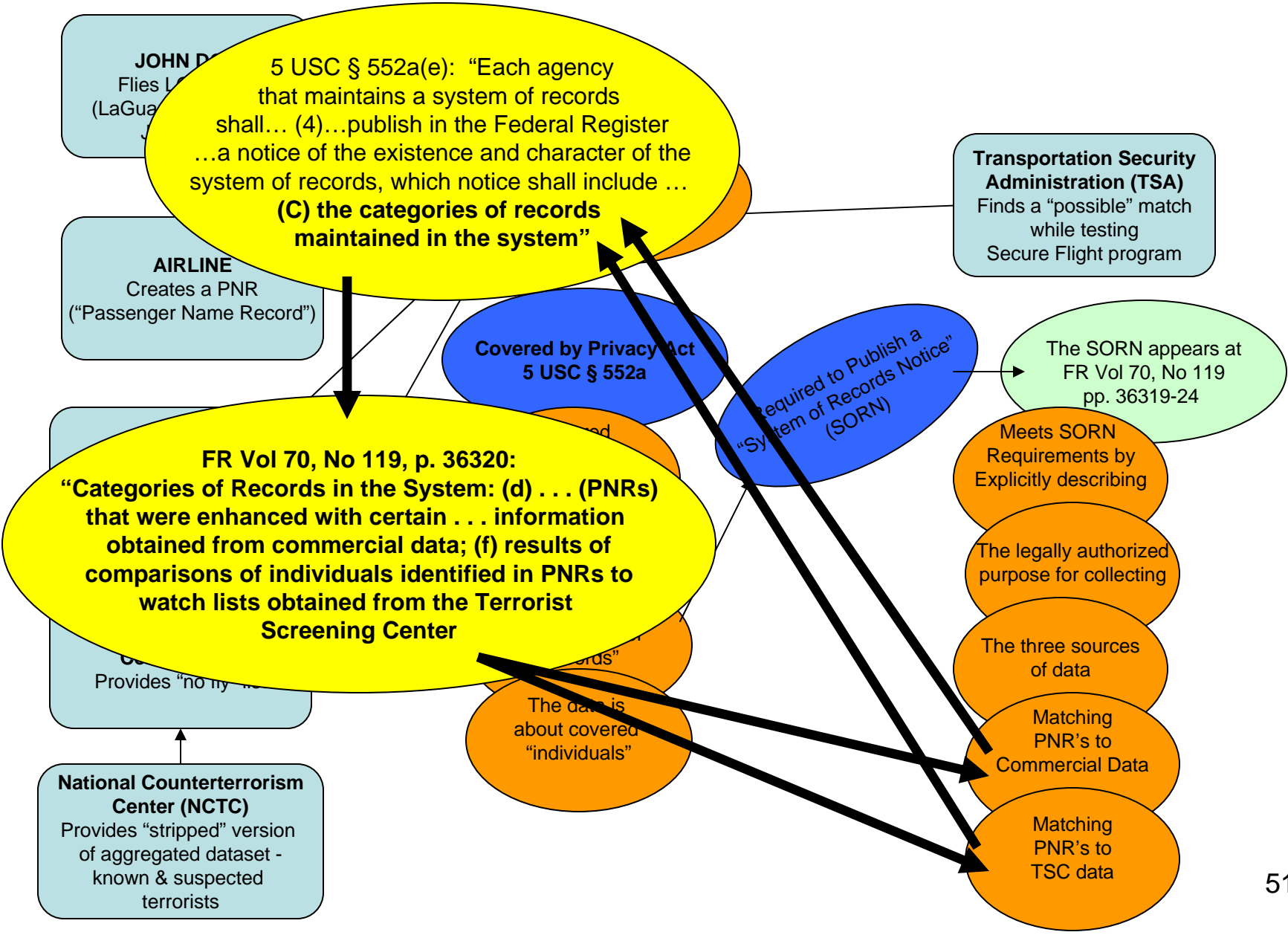
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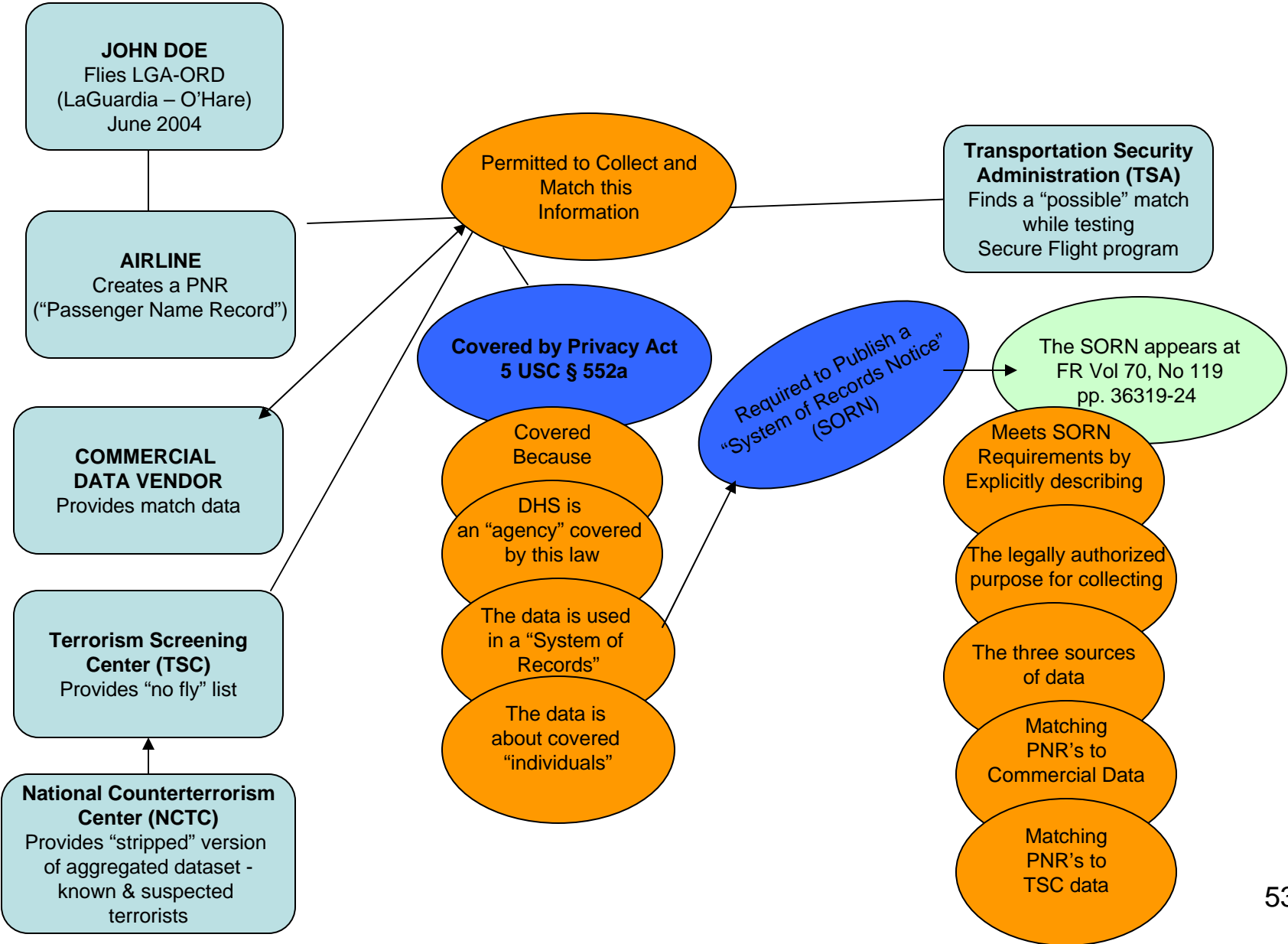
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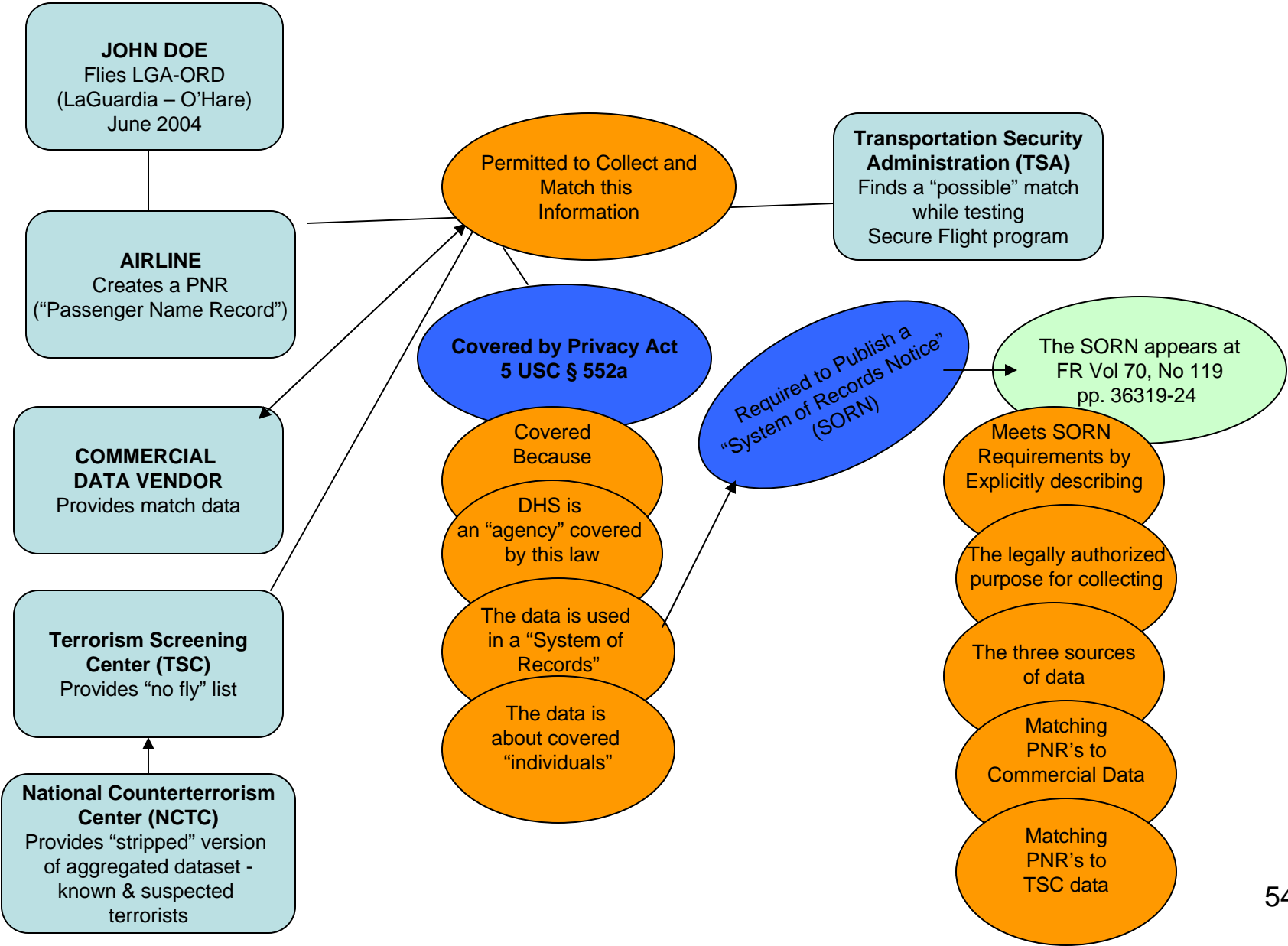
Note

The Privacy Act doesn't require that an agency tell what it's doing with data internally. That's often what people really want to know.

DHS/TSA Justifications



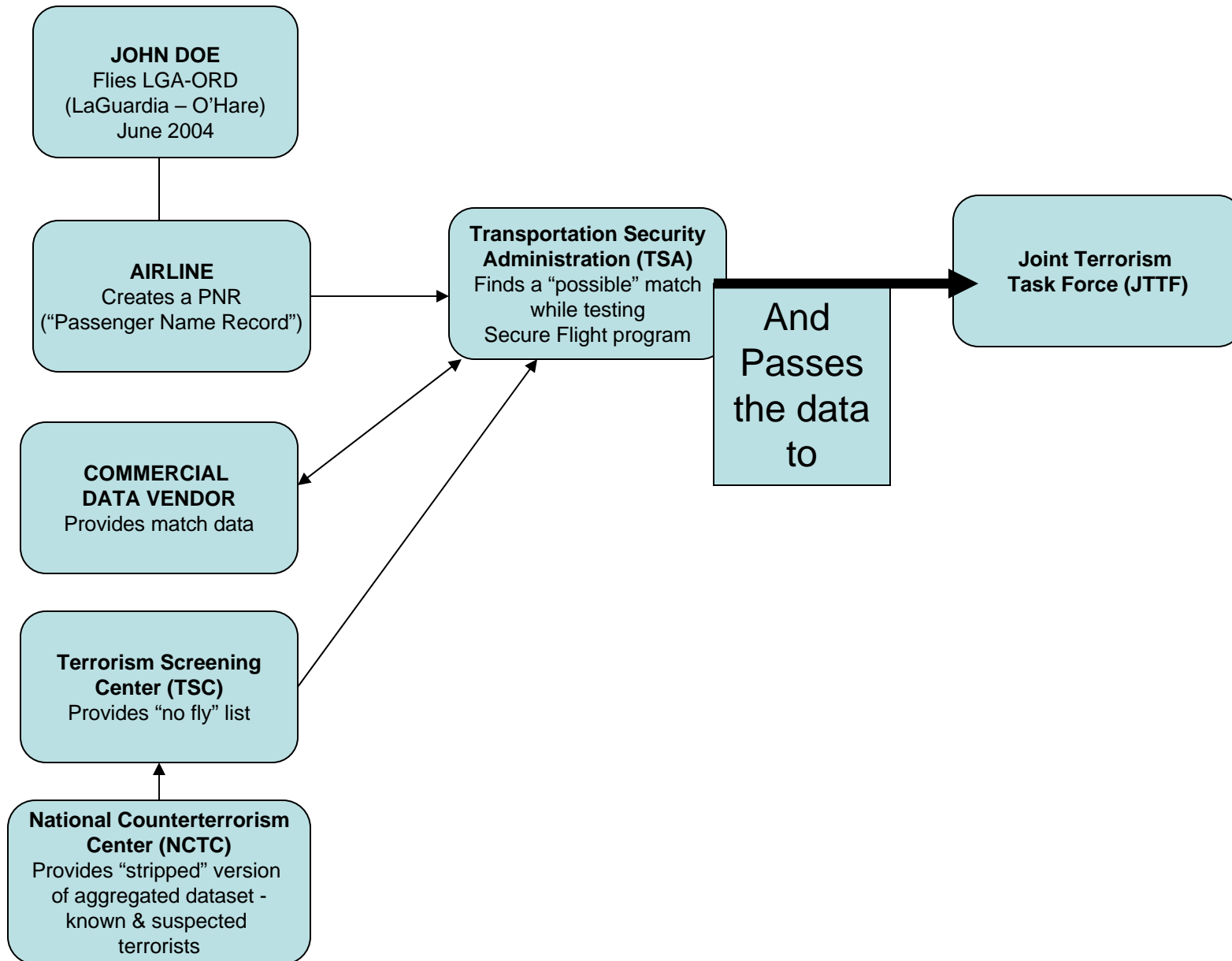
DHS/TSA Justifications



STAY TUNED

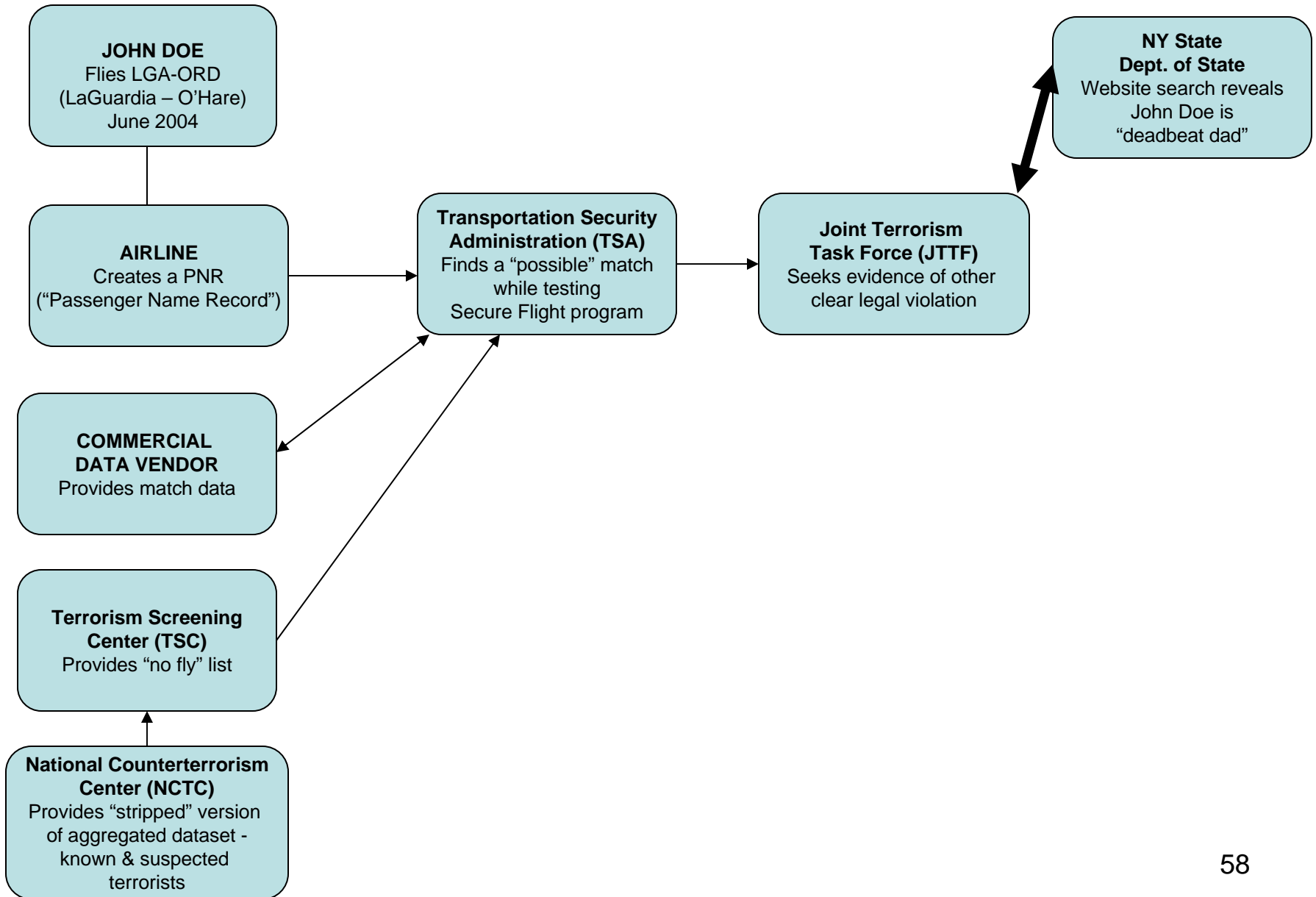
For the next episode, when...

TAMI Hypothetical – Part 3



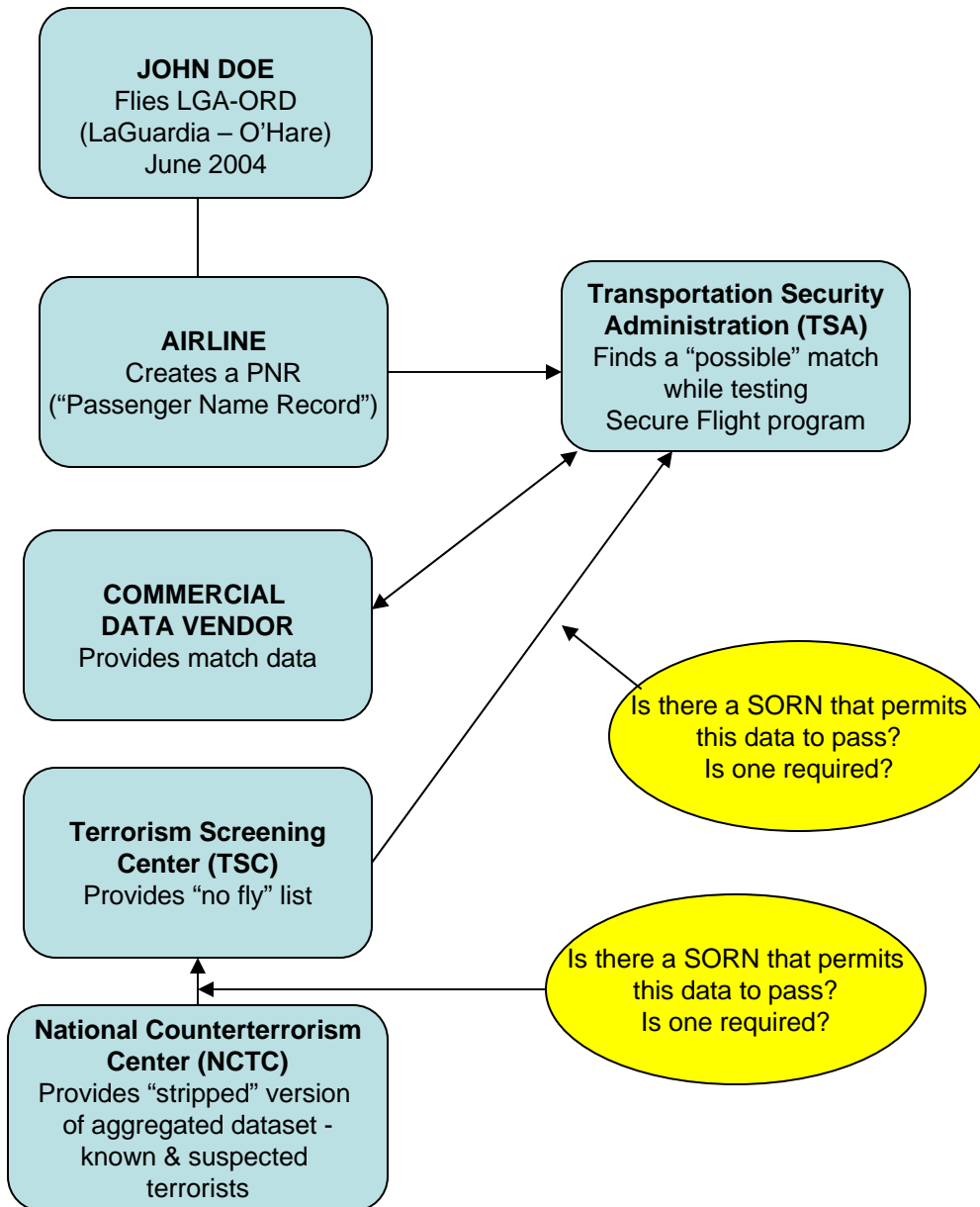
And, then...

TAMI Hypothetical – Part 3



We'll also ask...

The Hidden Questions



Note

- As discussed in September 22 class,
 - US Code text can be found on the web in a number of places
 - Legal Information Institute
 - www.law.cornell.edu
 - Select “Constitution and Codes”
 - Select “US Code”
 - Type the cite into the boxes and press enter
 - Best source for Federal Register is probably
 - US Government Printing Office
 - <http://www.gpoaccess.gov/fr/>