

2014 Conference on Governance of Emerging Technologies

Network Security Agreements

a seductive model of governance for protecting
critical infrastructure

CENTER FOR
Law, Science & Innovation

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Innovating law, policy and ethics for science & technology

NSAs as technology governance



U.S. network
security

the NSA
process

pros/cons

applications

(no, not *that* NSA)

**U.S. Network
Security: André
Maginot would be
proud**

stone

bronze

iron

▪

▪

▪

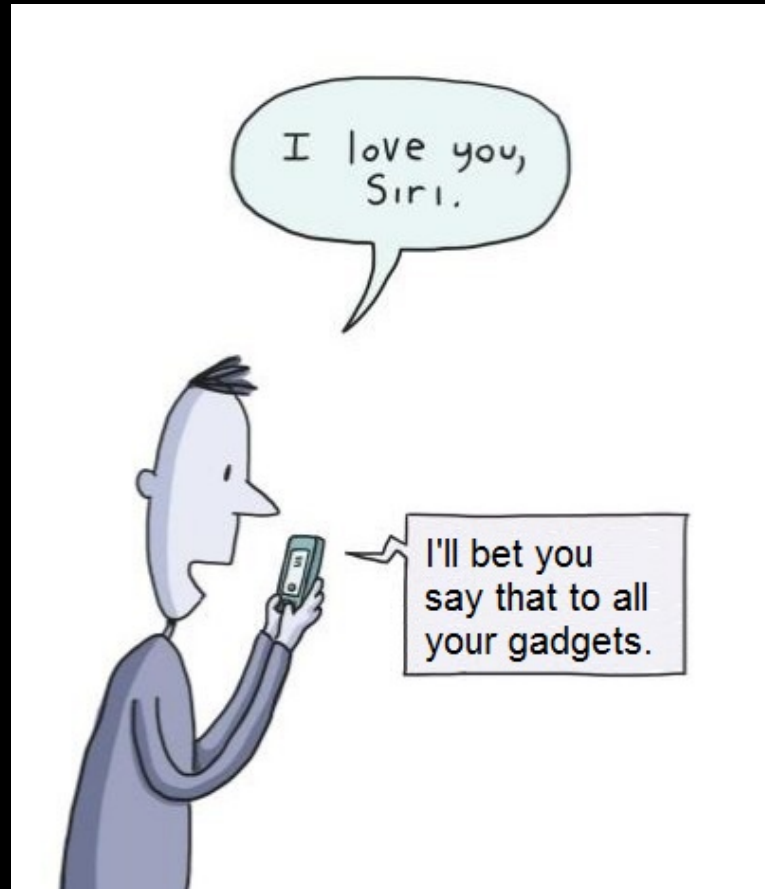
nuclear

This is the communication age.

**we need to secure
two things: data and
infrastructure**

battle lines

Our short-lived love affairs with new technologies

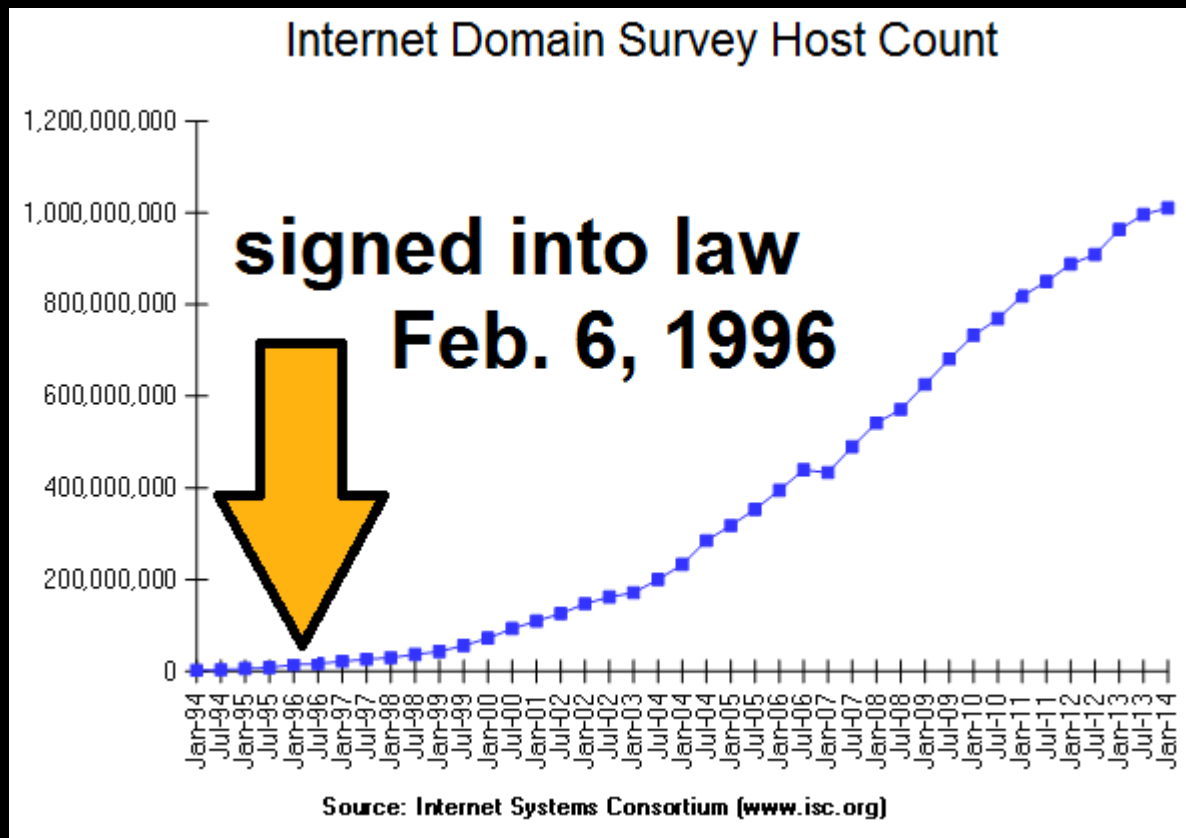


SIRI & ME: A MODERN LOVE STORY, by David Milgrim

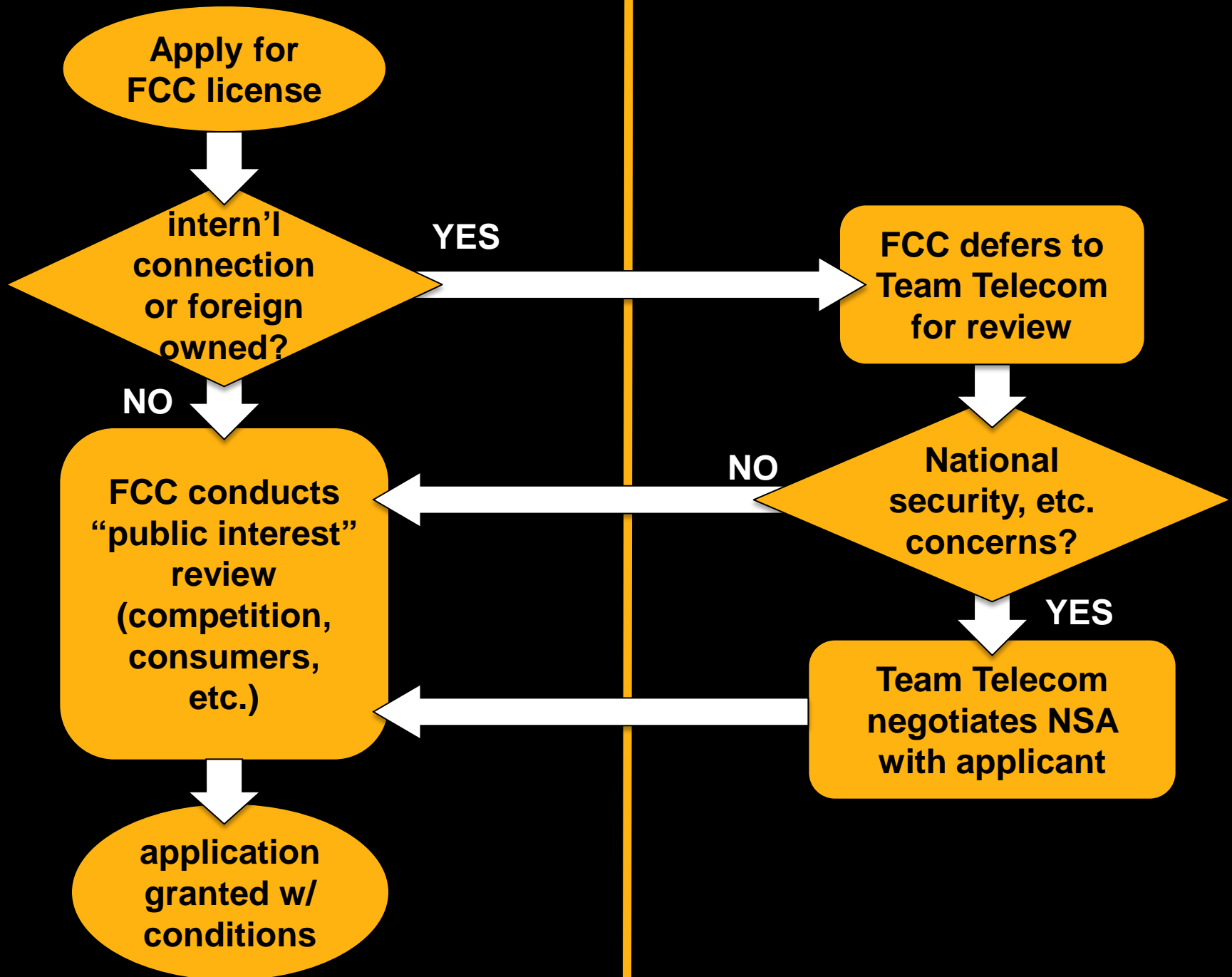
“Law can’t be right
if it’s fifty years old.
Like, it’s before the
Internet.”

- Google CEO Larry Page

last major amendment to Communications Act: **Telecom Act of 1996**



**NSA negotiation
process: a glimpse
into the sausage
factory**





Team Telecom



NSAs are **voluntary**¹ agreements

1 *vol-un-tary* \ adjective \ vǎ-lən-ter-ē\:
done or given because you want to
and not because you are forced to:
done or given by choice

**Pros and Cons: how
we're seduced . . . and
how we may feel the
morning after**

Pros

- **adaptable to tech.**
- **customizable by co.**
- **consistency**
- **cross-agency expertise**
- **avoids inter-agency conflicts**
- **responsive**
- **politically resistant**
- **efficient**

Cons

- **regulatory delay**
- **inconsistency**
- **compliance burden**
- **inefficient**
- **review triggers**
- **gov't overreach**
- **unreviewable**
- **opaque**
- **unpredictable**

**Any bright ideas
for fixes?**

Applications:
if it's not baroque,
don't fix it

for individual
negotiations,
the more
concentrated,
the better

heavy regulation?
rapid innovation?
. . . then maybe