



# 2021 ANNUAL REPORT





## **CDT'S MISSION**

**AT THE CENTER FOR DEMOCRACY  
& TECHNOLOGY, WE BELIEVE IN  
PUTTING DEMOCRACY AND HUMAN  
RIGHTS AT THE CENTER OF THE  
DIGITAL REVOLUTION. WE WORK TO  
PROMOTE DEMOCRATIC VALUES BY  
SHAPING TECHNOLOGY POLICY AND  
ARCHITECTURE, WITH A FOCUS ON  
EQUITY AND JUSTICE.**





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## LETTER FROM OUR CEO

**2** 021 marked a time of new beginnings in tech policy, with a new Administration and new Congress in the United States, and a robust tech agenda in Europe. The January 6 attack on the U.S. Capitol — fueled by election-related misinformation, and amplified on social media — underscored the importance of the issues at stake. At this pivotal time for democracy, CDT was at the forefront, advancing a tech policy agenda focused on equity and democratic values.

As the new year began, we called for an all-hands-on-deck commitment to strengthening democracy and the integrity of elections. We called for objective standards for election audits, urged social media companies to do more to counter disinformation, and worked to ensure that companies could moderate content without political interference.

To answer important questions about how disinformation spreads and how content moderation decisions shape online discourse, we doubled down on strategies to increase platform transparency and accountability. We examined ways to improve access for researchers and journalists to analyze social media data, and updated core principles for companies to ground their decision-making in respect for human rights. We also took on hard questions: about how companies address unwanted content in end-to-end encrypted services, how monitoring by schools affects students' social media activities, and more.

We continue to fight for equity across our work. In our recommendations for the Biden Administration and new Congress, we called for lasting actions to protect user privacy and combat discriminatory uses of data. We were pleased to see early progress on these goals, with the White House's AI Bill of Rights initiative, the Equal Employment Opportunity Commission's effort on AI and the workforce, and other agency-led efforts that we hope signal more to come.

The issues CDT works on are global. As governments worldwide consider new tech regulations, we use our presence in Washington

**THE ISSUES AT STAKE IN  
TECH POLICY DEBATES ARE  
COMPLEX, AND THERE'S  
URGENT WORK TO BE DONE  
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AND CIVIL LIBERTIES IN  
THE DIGITAL AGE. WE'RE  
HONORED TO CONTINUE THIS  
WORK WITH ALL OF YOU.**



and Brussels to foster dialogue and underscore users' rights. At the Summit for Democracy, U.S.-EU Trade & Technology Council, and other venues, we called for leaders to articulate a shared focus on addressing inequality, protecting user privacy, and dealing with abusive online content while protecting human rights and the rule of law.

CDT's theory of change includes advocating directly to companies to improve their products and practices. In 2021, we were proud to advise on efforts to improve transparency reporting, strengthen privacy and data practices, and create meaningful safeguards for responsible AI. With our allies, we also grew and strengthened efforts like the Global Encryption Coalition and the Global Network Initiative, bringing key stakeholders into dialogue with civil society.

As we carry out our ambitious vision, CDT is growing our team and deepening our signature combination of legal, policy, and technical expertise. Our academic Fellows program includes

more than 30 emerging and established scholars seeking to connect their research to current policy issues. We are also helped by our exceptional Board and Advisory Council, which bring together leaders from across the tech policy ecosystem to inform our work.

We were thrilled to convene so many members of this vibrant CDT community at our annual "Tech Prom" in October. As guests gathered in person and virtually on a warm fall night, we were grateful for the excitement and optimism of those who are so dedicated to this work. The issues at stake in tech policy debates are complex, and there's urgent work to be done defending civil rights and civil liberties in the digital age. We're honored to continue this work with all of you.

With gratitude,

# 2021 HIGHLIGHTS



## PROVIDING A TECH POLICY ROADMAP FOR THE BIDEN ADMINISTRATION & CONGRESS

When the Biden Administration and the 117th Congress assumed office in 2021, CDT published our tech policy recommendations for new leaders to advance civil rights and protect civil liberties. As the nation grappled with the COVID-19 pandemic, the January 6th assault on the Capitol, attacks on election integrity and increasing divisiveness in social discourse, CDT underscored that questions of connectivity, online speech, election integrity, government surveillance, privacy, and security are more important than ever. We also emphasized that the President's pledge to combat racial inequality must include a deep focus on technology.

With our allies in the civil rights community, we submitted detailed recommendations on tech policy priorities for federal agencies focused on employment, housing, and lending — work that bore fruit throughout the year as the Equal Employment Opportunity Commission, Consumer Financial Protection Bureau, Federal Trade Commission, National Telecommunications Information Administration and White House each announced efforts to combat discriminatory uses of data.



## CDT EUROPE: LEADING ON THE DIGITAL SERVICES ACT AND MORE

As CDT intensifies its advocacy with European policymakers to ensure the proposed Digital Services Act conforms to democratic and human rights standards, our European team added new board members and staff in 2021. Mireille Hildebrandt, a legal scholar renowned for her work on upholding the rule of law in the digital environment, joined the CDT Europe Board along with Morten Kjaerum, former head of the EU's Fundamental Rights Agency, who now leads the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

Our Brussels office gained two new staff: Asha Allen, Advocacy Director for Europe, Online Expression & Civic Space, who comes to CDT from the European Women's Lobby, and Ophélie Stockhem, a lawyer specializing in human rights law.

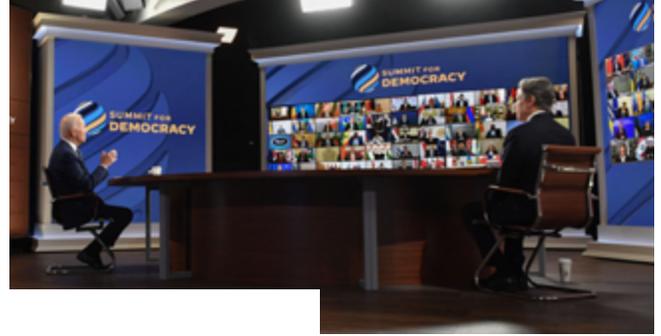
In addition to submitting extensive feedback on the Digital Services Act to the European Commission, our expanded Brussels team also led efforts on the European AI Act, the European Democracy Action Plan, the European Commission's proposal on political advertising, anti-encryption proposals, and more.



## MAKING A DIFFERENCE GLOBALLY

CDT's transatlantic presence puts us in the midst of renewed international dialogue about tech regulation and governance.

In September and December 2021, CDT President and CEO Alexandra Reeve Givens was one of a handful of experts invited to address the US-EU Trade & Technology Council (TTC) as it set priorities for cooperation. In November, the Director of CDT's Free Expression Project Emma Llansó discussed the challenges and opportunities for protecting human rights online at the Paris Peace Forum. Sharing the virtual stage with U.S. Vice President Kamala Harris, French President Emmanuel Macron, Canadian Prime Minister Justin Trudeau and others, Emma outlined CDT's vision for centering human rights as the foundation of technology policy.



CDT also participated in the Summit for Democracy, which brought together leaders from over 100 governments in support of democratic renewal. We engaged with government stakeholders on how the Summit could uphold an open, accessible, interoperable internet grounded in respect for human rights and democratic values, and joined calls for governments to crack down on the use, sale, and export of surveillance technology. We also hosted a discussion on the global fight for internet freedom, highlighting the rise of politically-motivated internet shutdowns and government pressure to influence social media companies' content moderation decisions.

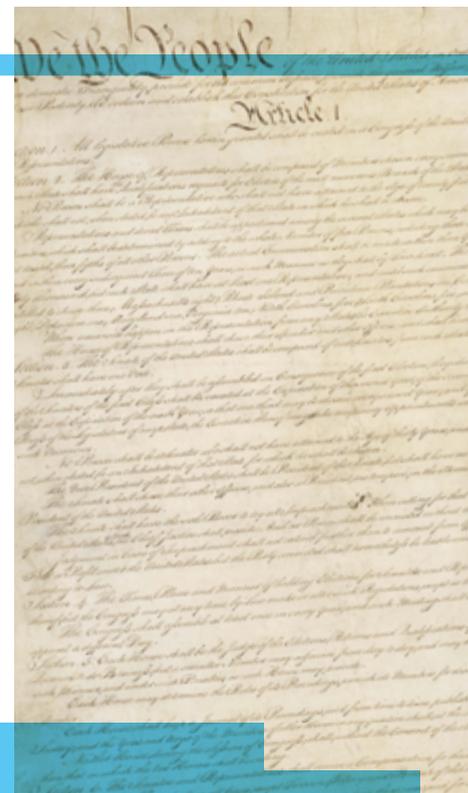
## UNCOVERING HOW THE GOVERNMENT EVADES THE LAW TO BUY YOUR INFO FROM DATA BROKERS

Data brokers are collecting vast amounts of sensitive personal information about users and selling it, in a market already estimated at \$200 billion and growing. A 2021 CDT report found that numerous government agencies, including law enforcement and intelligence agencies, are taking advantage of legal loopholes to access this data — without a warrant or other legal process.

In "Legal Loopholes and Data for Dollars," we reported that the use of such data by law enforcement may have disproportionately negative impacts on communities of color and immigrant communities. Data is being acquired and used without individual consent or even awareness. Indeed, brokers typically have no direct relationship with the people whose data they collect, analyze, and sell.

CDT is urging policymakers to implement about a dozen measures that will close existing legal loopholes and provide greater transparency and accountability for government purchases of personal information from data brokers.

**FOURTH AMENDMENT:**  
*"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."*



**\$200 BILLION+**  
**MARKET VALUE**  
**OF THE DATA**  
**BROKERAGE**  
**INDUSTRY**

## NEW PROJECT ON WORKERS' RIGHTS EXAMINES BOSSWARE, AI IN HIRING, & MORE

Bossware — technology that allows supervisors to monitor employees and automate management activities — is becoming increasingly widespread. CDT's new project on Workers Rights & Technology examines the impact for workers' privacy, their ability to organize, and their mental and physical health.

CDT published a report in July 2021 laying out the exploitative uses of bossware that workers face. Warehouse workers who pause for a moment to use the restroom or catch their breath can be flagged by bossware, which records it as "time off task." Drivers who stop between deliveries to use the restroom can be tracked by GPS sensors that record where they stopped and for how long. For at-home employees, there is a burgeoning industry that can track every click and keystroke that workers make, take periodic screenshots of their computer screens, and even use webcams and microphones to monitor workers' activities in their homes.

CDT offered recommendations to better protect workers and clarify employers' obligations. We also led advocacy on the growing use of AI in hiring decisions, and examined ways for workers to harness and share data to increase their collective rights. Partnering with workers' rights organizations, trade unions, civil rights groups and more, it's part of our effort to examine the impact of technology tools in the 21st century workplace and fight for a better deal for American workers.

## SHAPING GOVERNMENT: CDT ALUMNI JOIN AGENCIES, HILL

Saying goodbye to colleagues is never easy, but the pain of losing some CDT staff in 2021 was made bearable by knowing that they're moving to influential positions in government. We are delighted that former CDT Board Member Alan Davidson has taken up his new role as Administrator of the National Telecommunications and Information Administration (NTIA). The Senate also confirmed CDT's Sharon Bradford Franklin as Chair of the Privacy and Civil Liberties Oversight Board (PCLOB), an independent agency tasked with making sure the federal government's terrorism prevention programs are in line with safeguarding civil liberties and privacy.

CDT was also sad but proud to lose three talented staffers to the Senate Judiciary Committee. Our General Counsel, Avery Gardiner, serves as Chief Democratic Counsel for the Senate Judiciary Committee's Competition Policy, Antitrust and Consumer Rights Subcommittee. Mana Azarmi serves as counsel to Senator Alex Padilla (D-CA), and Stan Adams left to become General Counsel for U.S. Senator Jon Osoff (D-GA).





## NEW CDT RESEARCH MAKING AN IMPACT

In just its second year, CDT's research team produced six rigorous, cross-cutting reports cited extensively by policymakers, academics, and journalists. With the addition of two new Research Fellows, Michal Luria and Gabriel Nicholas, our research department published scholarly papers on topics at the intersection of democracy and technology. Highlights included: (1) a report recommending ways to detect harmful or unwanted content on end-to-end encrypted services while still preserving the guarantees of privacy and security for users; (2) a report examining the limitations of using machine learning techniques to automate content analysis on social media services; and (3) a report highlighting the importance of intersectional analyses including race and gender when we consider research and policy solutions to disinformation.

CDT's Fellows Program expanded in 2021, with more than 30 top scholars from a wide range of academic disciplines collaborating to inform CDT's work.

## CENTERING DISABILITY IN TECH POLICY

Joining forces with one of the nation's largest disability rights groups, CDT published a report highlighting the ways in which technology can discriminate against disabled people — and what advocacy groups, regulators, and funders can do about it.

The paper, a collaboration between CDT and the American Association of People with Disabilities (AAPD) makes a number of recommendations for tech organizations, public interest groups, or anyone with an interest in using technology to meaningfully improve peoples' lives. Priorities include data privacy, online hate and harassment, law enforcement surveillance, and algorithmic bias. The report builds on CDT's existing work on algorithmic fairness and disability rights, where we advocate on issues ranging from predictive policing, to hiring and workplace technologies, education-related surveillance and more. As more than 61 million Americans are disabled, the active public debate about technology policy must do a better job addressing the perspectives of people with disabilities — and we hope more leaders will dive into this work.

## BOOSTING ELECTION SECURITY AND DEMOCRACY

In the aftermath of a contentious presidential election, CDT continued its work to safeguard and bolster core democratic norms, help citizens navigate mis- and dis-information, and strengthen people's trust in democratic institutions and governance.

Following the January 6 insurrection at the Capitol, we published a report calling on the new administration to establish a bipartisan Presidential Commission on Elections Resilience and Trust. Another CDT report examined cybersecurity vulnerabilities in areas of election infrastructure beyond just voting machines, such as poll books, registration systems, mail-in voting, and poll workers.

As part of our fight against anti-democratic initiatives to weaken voting rights across the country, CDT's Will Adler testified to Pennsylvania legislators about problematic changes they were considering to the commonwealth's election law. And CDT weighed in on the partisan, post-election audit in Maricopa County, Arizona, explaining how audits can be misused to undermine voter confidence in election results. Going into 2022, CDT's expanded work on election integrity will fight for independent, third party audits, among other reforms.

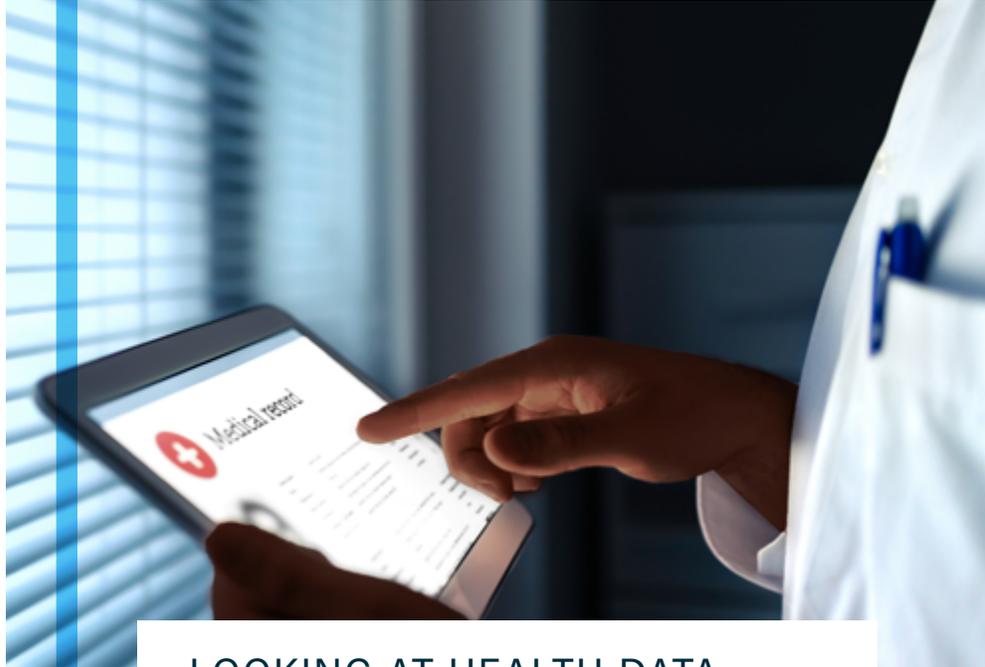


## FIGHTING FOR STRONG ENCRYPTION

In a major victory for the safety and security of everyone who uses an Apple phone or product, CDT led a coalition that successfully prompted the tech giant to reverse its plans to break end-to-end encryption and build surveillance capabilities into its devices. Apple's proposed changes to its messaging and photo services in the United States were intended to reduce the spread of child sexual abuse material. Unfortunately, the changes would have meant that iMessage no longer provided end-to-end encryption, and would have created a dangerous precedent for one account to essentially conduct surveillance of another.

CDT spearheaded a coalition of more than 90 U.S. and international organizations dedicated to civil, digital, and human rights, explaining the harmful impact of the new policies, including the risk that Apple's approach could be co-opted by governments to crack down on other forms of speech.

We were proud to see that Apple listened. After the letter, they adopted an approach to child safety that preserves encryption and protects all users. The changes put the focus on improving the user experience and keeping children safe, rather than punishing or surveilling them.



## LOOKING AT HEALTH DATA PRIVACY THROUGH AN EQUITY LENS

In 2021, CDT continued its work to protect the privacy of consumers' health data — including the wide array of personal health information we generate and share with wearable devices, apps, search engines, and internet browsers in the course of daily life. Supported by the Robert Wood Johnson Foundation and in partnership with the e-Health Initiative (now Executives for Health Innovation), we released our Consumer Privacy Framework for Unprotected Health Data, building on a year of consultations with civil society partners, impacted community groups, health tech companies, and more.

The Framework sets much-needed standards around the collection, disclosure, and use of health data that falls outside the protection of the Health Insurance Portability and Accountability Act (HIPAA). Key elements of the Framework include a broad purpose-and-use based approach to defining health data, along with principles for data use, sharing, and retention that are consistent with user requests and expectations. Efforts are underway for the Framework to inform an independent self-regulatory body to enforce these standards, and there is interest on Capitol Hill in codifying the standards as well.



## CDT RECEIVES \$2.45M GRANT IN RECOGNITION OF OUR WORK ON TECH & INEQUALITY

As part of the Ford Foundation's commitment to strengthen organizations that "have what it takes to build a more just and equitable world," CDT was awarded a \$2.45 million grant in 2021 by the independent, nonprofit grant-making organization on the front lines of social change worldwide.

Because people don't experience the benefits or risks of new technologies equally, CDT centers questions of equity across all of our projects. Recently, we expanded key workstreams on algorithmic discrimination, the impact of surveillance technologies on historically marginalized communities, and the experiences of underrepresented voices participating in online speech. With this grant, we will continue to champion policies that empower people to use technology for good while protecting against invasive, discriminatory, and exploitative uses. According to the Ford Foundation, the Social Bond that funded CDT's award is the first of its kind by a foundation on the U.S. taxable corporate bond market and is meant "to ensure nonprofits can carry on their important work to serve the world's most vulnerable communities."

## ADVANCING PLATFORM TRANSPARENCY & ACCOUNTABILITY

As policymakers and advocates call for technology platforms to be more publicly accountable, one central strategy is to increase platform transparency. For years, CDT has called on social media platforms and other technology companies to provide clear explanations of their policies, to apply them evenly, to explain their decision-making, and provide users meaningful opportunities for redress.

CDT published a framework for transparency that laid out what types of transparency are useful in different settings, and the key questions that policymakers must answer when seeking to enhance different kinds of transparency. We also held the fifth annual Future of Speech Online event, where experts held in-depth discussions about how to take a user-centric approach to transparency and what kinds of hurdles stand in the way of independent research on social media services. In December, we joined a dozen human rights organizations in releasing the Santa Clara Principles 2.0, an update to the principles first released in 2018 that outlined standards for transparency, accountability, and due process that technology companies should follow when enforcing their content rules. We also engaged with policymakers on questions of transparency, accountability, and researcher access to data in the U.S., the EU, and around the world.

## KEEPING KIDS SAFE ONLINE

Amid the COVID-19 pandemic, millions of American kids attended school virtually in 2021. This rapid expansion of technology in classrooms (and homes) highlights the urgent need for greater privacy protection, cybersecurity, and responsible data use to keep them safe online.

We rose to the challenge of helping schools responsibly use technology by providing detailed, actionable guidance and other resources for school officials navigating difficult technology-related decisions. These resources were informed by our original surveys of teachers, parents, students, and school administrators on topics like community engagement practices, student access to internet and devices, teacher training on student privacy, and the future of online learning.

One example of this research is CDT's report on school-issued devices and student activity monitoring software, which made national news and corresponded with Congressional action from Senators Warren (D-MA), Markey (D-MA), and Blumenthal (D-CT).



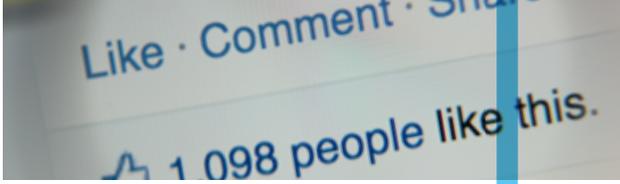
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# PROTECTING DEMOCRACY



**IN A YEAR THAT BEGAN WITH AN ASSAULT ON THE U.S. CAPITOL, CDT DOUBLED DOWN ON OUR COMMITMENT TO SAFEGUARDING DEMOCRACY IN THE DIGITAL AGE. THIS WORK MUST HAPPEN DOMESTICALLY AS WELL AS GLOBALLY.**



CDT RECOMMENDED THAT FACEBOOK HOLD WORLD LEADERS TO A MORE STRINGENT STANDARD ON INCITEMENT TO VIOLENCE.

When President Biden’s Summit for Democracy put issues of tech and democracy on a global stage, **we asked the leaders involved** to set ambitious goals for technology policy, including addressing inequality, supporting healthy online civic spaces, and addressing abusive online content while protecting human rights.

Disinformation is a key issue facing societies around the world, and CDT is focused on breaking down and responding to the problem. We identified key research opportunities at the intersections of **online disinformation, race, and gender**, and continued to advocate for legislation that would limit the use and sale of personal data and **make disinformation harder to target**. We also provided guidance to the **UN Special Rapporteur** on how disinformation disproportionately affects vulnerable communities and results in voter suppression, and also how authoritarian regimes can misleadingly invoke disinformation as a guise for **policies that chill** freedoms of expression and association.

As we detailed for the U.S. International Trade Commission, governments around the world increasingly engage in **digital censorship**. Digital censorship tactics include internet shutdowns, government manipulation of private content moderation processes, pressuring intermediaries to implement automated content filtering, and mandating that companies locate data and personnel in-country to increase government leverage for censorship demands.

In the U.S. and EU, there is also work to do. We urged the Biden Administration to create an **interagency task force** on combating disinformation while protecting freedom of expression, and continued to fight government policies that would limit companies’ ability to moderate content and willingness to host users’ speech. In the EU, we led broad coalition efforts to ensure the **Digital Services Act** provides a meaningful opportunity to promote platform transparency, accountability, and human rights.

**DISINFORMATION IS A KEY ISSUE FACING SOCIETIES AROUND THE WORLD, AND CDT IS FOCUSED ON BREAKING DOWN AND RESPONDING TO THE PROBLEM.**

We also called for tech companies to increase transparency and accountability around content moderation and clarify their policies, particularly following the **Facebook Oversight Board’s decision** about Donald Trump’s account. Later in the year, we joined human rights organizations around the world in **launching the revised Santa Clara Principles**, which provide foundation principles that companies and other content-hosting services should follow as they design their content moderation processes.

**CDT PROVIDED GUIDANCE FOR COMPANIES AND GOVERNMENTS SEEKING TO PUT DEMOCRATIC VALUES AND HUMAN RIGHTS FIRST.**

CDT also **advocated for solutions** to the conditions that enable mis- and disinformation about voting and elections to thrive at home and abroad, such as funding, improving, and physically and digitally securing **under-resourced elections infrastructure**, and conducting rigorous, transparent **post-election audits**. We urged President Biden to establish a Presidential Commission on Election Resilience and Trust, which would help identify other best practices for bolstering trust in elections, and called on the White House and Congress to pass **long-overdue electoral reform**.

As societies around the world grappled with the challenges of the digital world in 2021, CDT provided guidance for companies and governments seeking to put democratic values and human rights first. ■

**FOLLOWING THE 2020 U.S. ELECTION, DISINFORMATION CAMPAIGNS RAN RAMPANT ABOUT ALLEGED BUT UNPROVEN INSECURITIES IN THE ELECTORAL PROCESS. THERE IS WORK TO BE DONE TO BUILD PUBLIC TRUST IN ELECTIONS, WHICH INVOLVES MAKING REAL IMPROVEMENTS TO CYBERSECURITY.**

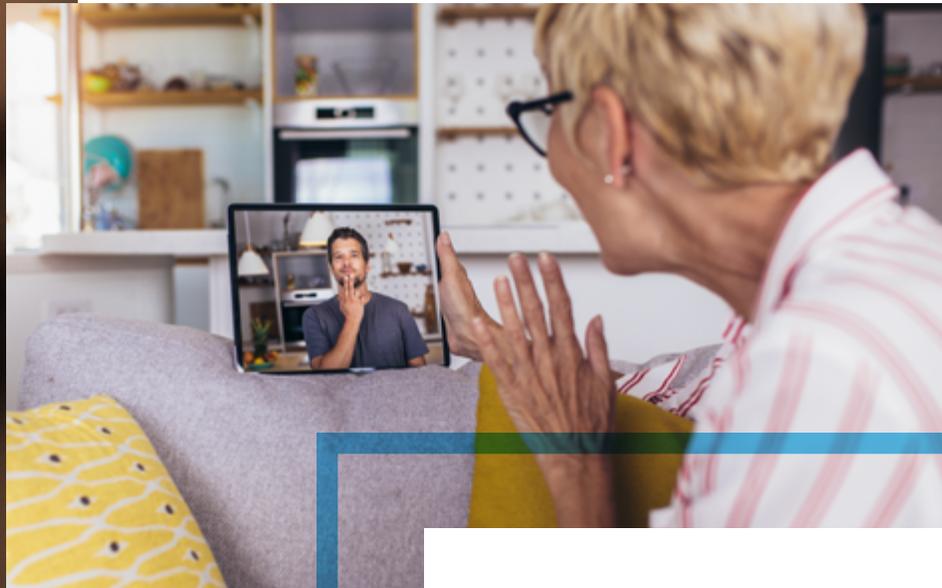


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# FIGHTING DISCRIMINATION AND PROMOTING EQUITY





**IN 2021, CDT EXPANDED OUR FIGHT AGAINST USES OF DATA AND TECHNOLOGY THAT DISCRIMINATE AGAINST PEOPLE BASED ON RACE, GENDER, SEXUAL ORIENTATION, DISABILITY, AND OTHER PROTECTED CHARACTERISTICS. THIS WORK IS PART OF OUR LONGSTANDING COMMITMENT TO ADDRESSING THE MOST PRESSING THREATS TO CIVIL RIGHTS AND CIVIL LIBERTIES IN THE DIGITAL WORLD.**



To ensure that technology serves all people, we partnered with allies in the **Civil Rights, Privacy & Technology Table** to present an **oversight agenda focused on technology and civil rights for the 117th Congress**. As the Biden Administration came to power, we called on them to fight algorithm-driven discrimination — particularly in areas crucial to socioeconomic outcomes, such as **hiring, credit, and housing**. We were pleased to see our efforts bear fruit when the Office of Science and Technology Policy announced its plans for an **Artificial Intelligence Bill of Rights**, and the Equal Employment Opportunity Commission launched an **initiative on employment and AI**.

CDT worked closely with policymakers and companies to outline approaches to responsible AI. We participated in the **National Institute on**

**Standards and Technology's** effort to develop an AI risk management framework, testified before the UK All-Party Parliamentary Committee on AI, commented on the EU's Artificial Intelligence Act, and engaged in the National Telecommunications and Information Administration's process in personal data, privacy, equity, and civil rights.

The problem of discriminatory technologies is wide in scope, and requires governments to dedicate resources to mitigating its biggest harms. We advocated for the **Federal Trade Commission**, Consumer Financial Protection Bureau, and **civil rights agencies** to play a greater role, particularly in deterring and fighting data abuses that disproportionately affect marginalized communities. We also asked Congress to fill gaps in public accommodation and civil rights laws to account for modern data practices, and undo **efforts to undermine the "disparate impact" standard**, which has been key to measuring and thereby challenging discrimination. One key focus was continuing our longstanding advocacy for federal privacy legislation, and arguing that any such bill should include strong civil rights protections.

Throughout our work to fight for equity in tech policy, we placed special focus on the rights of people with disabilities, against whom hiring technologies and **other automated decision-making tools unfairly discriminate**. As the New York City Council worked to draft first-of-its-kind legislation that would mandate audits of automated decision-making tools used in hiring and employment, we urged them to create a



**CERTAIN TECHNOLOGIES CAN, BY THEIR VERY NATURE, CREATE SIGNIFICANT RISKS, PARTICULARLY FOR MARGINALIZED GROUPS.**



**GETTING STUDENTS ONLINE IS FUNDAMENTAL. IDENTIFYING STUDENTS THAT ARE IN NEED OF SUPPORT, HOWEVER, CAN REQUIRE SENSITIVE STUDENT INFORMATION SUCH AS INCOME OR PARTICIPATION IN GOVERNMENT BENEFITS. HOW TO CONNECT STUDENTS AND FAMILIES WHILE PROTECTING THEIR PRIVACY?**

model for other jurisdictions by **meeting a high bar** and **protecting people with disabilities** from the outset. We also laid groundwork on the international level for better protections for people with disabilities, illustrating in comments cited by the **UN Special Rapporteur on the Rights of Persons with Disabilities** how automated decision-making technologies may violate the protections of the Convention on the Rights of Persons with Disabilities across social spheres.

Certain technologies can, by their very nature, create significant risks, particularly for marginalized groups. In 2021, CDT took a principled stand against the use of facial recognition technology, which exhibits strong biases against women and people of color, and entrenches the disproportionate harms faced by Black and Brown communities who are already subject to overpolicing. To fight the numerous and often irreversible risks the technology poses, we encouraged the Department of Homeland Security to **suspend its use on travelers**, and urged Congress to enact a **moratorium on its use for law enforcement and immigration** enforcement purposes until legislators enact a comprehensive set of rules to mitigate the threats to human rights.

Our increasing capacity for original research allowed CDT to further explore and provide policymakers with information about how to mitigate potentially discriminatory effects of emerging technologies. One CDT report identified key research questions about the impacts of **mis- and disinformation on communities of color** and across gender identity. Another explored the use of

student monitoring technology by schools, finding that because **school-issued devices** tend to more intensively track student activity than personal devices, students in higher-poverty districts are subjected to more pervasive monitoring. Unsurprisingly, these findings highlight the need for strong privacy protections that are rooted in mitigation of digital inequities.

To further help legislators, civil servants, advocates, and affected communities make informed decisions about technology, we **launched the Equity in Civic Technology Project**, a new program through which we advocate for just and responsible use of data and technology in the delivery of government services. The project tackled limited access to the internet, which can severely stymie education, economic participation, and more. We also encouraged the FCC to work to close the “digital divide” by helping students and families establish **reliable, affordable internet connections without sacrificing their data privacy**. In a sign of the project’s future direction, we urged the U.S. Department of Education to support the ethical, responsible use of data belonging to **transgender and gender non-conforming students, students of color, and students with disabilities**.

As technology continues to shape all facets of modern life, technology design, use and deployment must consider the effects for differently situated communities. At CDT, we’re committed to research and advocacy that highlights these issues and fights to mitigate potential discriminatory effects. ■

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# CHECKING THE POWER OF SURVEILLANCE AND DATA SHARING

**IN A WORLD WHERE SO  
MANY ASPECTS OF DAILY  
LIFE RELY ON TECHNOLOGY,  
PRIVACY AND SECURITY  
PROTECTIONS ARE MORE  
IMPORTANT THAN EVER.**



**T**echnology, privacy and security protections are essential not only to combat theft and exploitation of users' data, but also to give people the peace of mind that they can communicate privately and freely, without fear of surveillance. Whether you're a customer using online banking, a patient seeking online health counseling, a social justice organizer, or a whistleblower connecting with a reporter, protected communications matter — particularly for activists, journalists, and people from marginalized groups.

For years, CDT has fought for individuals' ability to access strong end-to-end encryption. In 2021, we continued to grow the **Global Encryption Coalition**, which CDT co-founded in 2020 as a network of allies focused on responding to government efforts to undermine encryption around the world. We led a **broad international coalition** of over 90 civil society organizations

to **successfully pressure Apple** to reaffirm its commitment to protecting its millions of users with end-to-end encryption. The company quickly recalibrated its flawed approach to child safety, so as to avoid punishing or surveilling the minors that use its services, and avoid the risk that governments could abuse certain features by compelling Apple to detect content deemed objectionable. Through our work with the Global Encryption Coalition, we were able to **convince the Belgian government** to drop a proposal that would have required tech companies to build backdoors into their encrypted services. The first Global Encryption Day — October 21, 2021 — featured 70 events worldwide, and resulted in 168 organizations signing the Global Encryption Day statement calling on governments and the private sector to reject efforts to undermine encryption. More than 2.4 million people viewed Global Encryption Day resources, including those urging people to switch to using services and products protected by strong encryption.

At a time of growing authoritarianism around the world, CDT advocated for policies that limit the reach of dangerous surveillance technologies. Following revelations that the NSO Group's Pegasus spyware was used to surveil activists,



**CDT IS COMMITTED TO SHAPING TECHNOLOGY POLICY AND ARCHITECTURE IN THE INTEREST OF ADVANCING CIVIL RIGHTS AND PROTECTING CIVIL LIBERTIES, WHICH WE MADE CLEAR IN OUR 2021 POLICY PRIORITIES FOR THE NEW CONGRESS AND NEW ADMINISTRATION.**

**CDT INVESTIGATED HOW LAW ENFORCEMENT AND INTELLIGENCE AGENCIES EVADE WARRANT REQUIREMENTS BY PURCHASING DATA FROM BROKERS.**



journalists, and heads of state, we called on governments around the world to **regulate the export, sale, and use** of technology being used to break into cell phones and other digital devices, and establish or strengthen means of redress for people who are harmed by unlawful surveillance. States have a human rights obligation to check the power of the private surveillance industry, whose products and services cause people worldwide to engage in self-censorship, and which operates without adequate legal frameworks, oversight, safeguards, or transparency.

Student activity monitoring tools are another example of surveillance impacting society: original CDT research published in 2021 found that the tools being used by schools to **monitor students' activities** on devices inhibit students' self-expression, and leave parents and teachers concerned about unintended consequences like disproportionate discipline or "outing" of LGBTQ+ students. Because of the serious privacy and equity risk these tools pose, we recommended that schools minimize the data collected, maintain control of the data they share with vendors, and avoid the dangerous path taken by some school districts who have shared student data with law enforcement.

This year, CDT also dug into a growing and worrisome practice in the surveillance industry — the accessing by law enforcement of vast troves of information gathered by **private data brokers**. Federal intelligence and law enforcement agencies are sidestepping Fourth Amendment and statutory requirements for obtaining sensitive information

on individual Americans, spending millions of dollars to purchase it from data brokers and leaving little in the way of public paper trails. Because this practice has become widespread, and limits on the availability of commercially-acquired information are few and far between, we called on Congress to close the loophole in the Electronic Communications Privacy Act that allows law enforcement to acquire communications data commercially without adequate legal process.

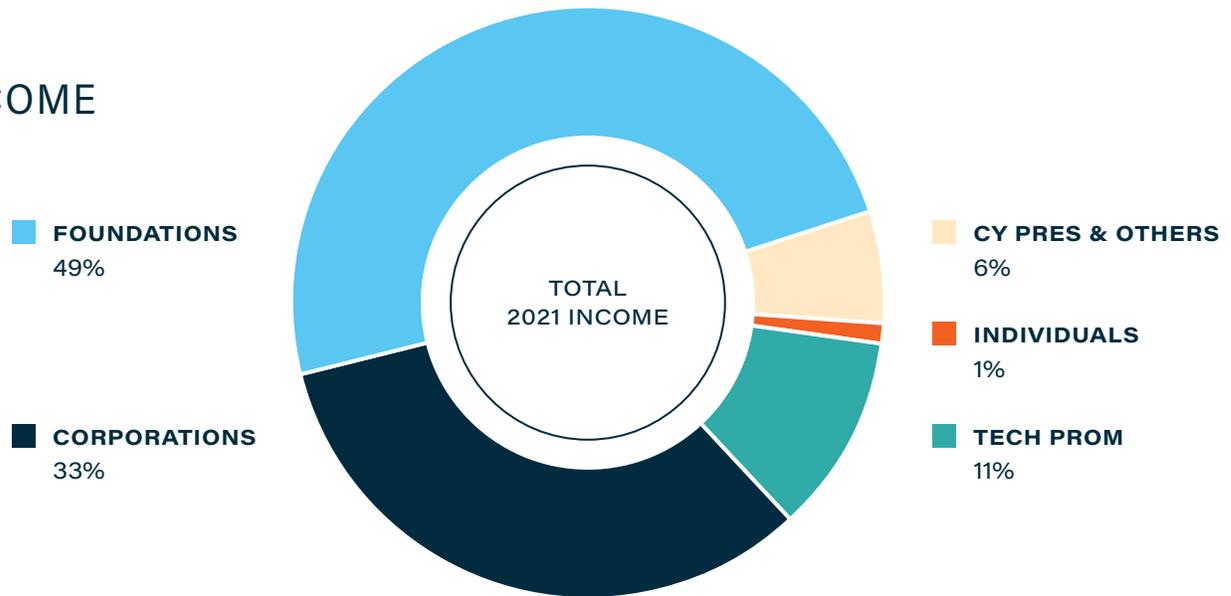
An essential step to truly safeguarding consumers' privacy is passage of meaningful federal privacy legislation, which again remained elusive in 2021. CDT continued its calls for a comprehensive, effective, and **enforceable federal privacy law** that holds companies responsible and promotes consumer trust. In addition to efforts in Congress, CDT engaged with the National Telecommunications & Information Administration's proceeding on discriminatory uses of data, which we believe should be addressed and included in any privacy bill. We also continued our work focusing on specific high-risk subject areas, such as our work with the eHealth Initiative (now Executives for Health Innovation) to develop strong standards to protect **consumers' health data**, and the launch of our new project on **technology and workers' rights**.

The unregulated or underregulated collection, use, and sharing of data — whether by governments or companies — disproportionately burdens marginalized people and chills the rights to free expression and association. CDT is leading the fight to check it on all sides. ■

# 2021 FINANCIALS

CDT is committed to sound financial stewardship and transparency. We have received clean audits each year from an independent auditing firm and have high ratings from nonprofit watchdogs GuideStar, Charity Navigator, and GreatNonprofits.

## INCOME



## EXPENSES



# THANK YOU TO OUR 2021 SUPPORTERS

## **\$500,000+**

Amazon  
Chan Zuckerberg Initiative  
Ford Foundation  
Google  
John S. and James  
L. Knight Foundation  
Meta Platforms, Inc.

## **\$100,000+**

Apple  
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Comcast  
Match Group  
TikTok  
Uber  
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Association  
Davis Wright Tremaine  
Intuit  
Kelson Foundation  
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Latham & Watkins  
Visa  
Waymaker

## **\$10,000+**

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Akin Gump  
American Express  
Arnold & Porter  
Boger Family  
Foundation, Inc.  
Brunswick Group  
BSA | The Software Alliance

Business Roundtable  
Cloudflare  
Cooley LLP  
Covington & Burling  
Dropbox  
Filecoin Foundation  
Gibson, Dunn & Crutcher  
Glen Echo Group  
Information Technology  
Industry Council  
Jenner & Block  
Kelley Drye & Warren  
Longhill Charitable  
Foundation  
Manatt, Phelps & Phillips  
Mastercard  
Mehlman Castagnetti  
Rosen & Thomas  
Monument Advocacy

Mozilla  
Netflix  
Orrick Herrington & Sutcliffe  
Perkins Coie  
Andrew Pincus  
Pinterest  
Rapid7  
Red Hat Inc.  
Twilio  
Wilson Sonsini Goodrich  
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XR Association  
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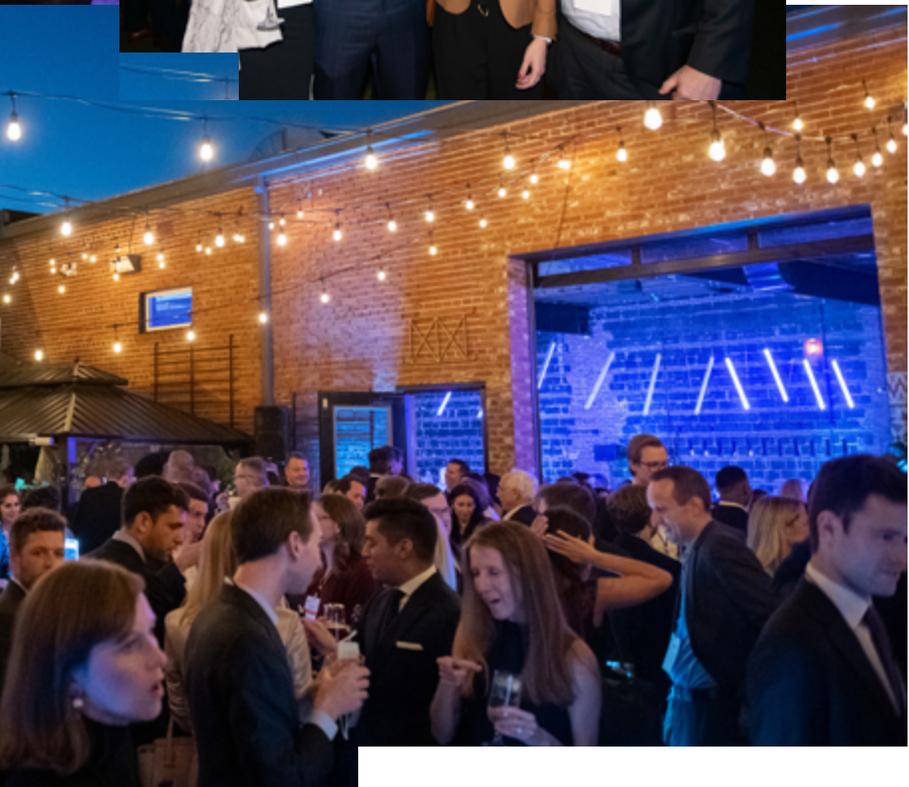
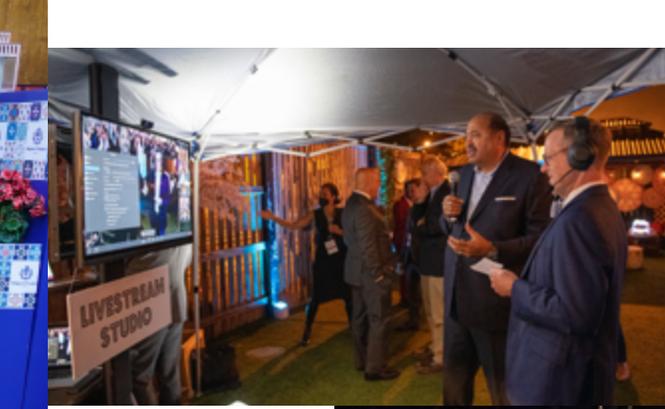
## REUNITED FOR TECH PROM AND IT FEELS SO GOOD

After an all-virtual (but still great) Tech Prom in 2020, CDT was able to get the tech policy community back together in person for the most popular annual tech gathering in the Beltway. Tech Prom 2021 drew more than 500 guests from government, tech companies, think tanks, and academia to Hook Hall, a fun DC venue that allowed for plenty of outdoor and distanced mingling.

Given the COVID-related safety restrictions still in place, the evening was a hybrid event, with online guests tuning in to Tech Prom from around the country for a "Live from the Red Carpet" chat with featured speakers.

The fun-filled evening brought in nearly \$1 million to support CDT's advocacy work — and reunited the tech policy community after far too long.





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**WE INVITE YOU TO JOIN US FOR ALL THAT LIES AHEAD. TOGETHER, WE CAN ENSURE THAT DEMOCRACY AND HUMAN RIGHTS REMAIN AT THE CENTER OF THE DIGITAL REVOLUTION.**

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