

2019 ANNUAL REPORT

NAVIGATING THE FUTURE OF TECH



cdt CENTER FOR
DEMOCRACY
& TECHNOLOGY

CELEBRATING 25 YEARS

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FOR THE PAST 25 YEARS

The Center for Democracy & Technology has been the leading voice for individuals in the digital age. We got our start at the very beginning of the commercial internet, working on critical issues that have touched every single internet user over their lifetime.

Whatever the challenge of the day, our support of fundamental human rights and civil liberties has never wavered, whether we are pressing forward on federal privacy legislation, making elections more secure, pushing back against censorship, or curtailing invasive government surveillance.

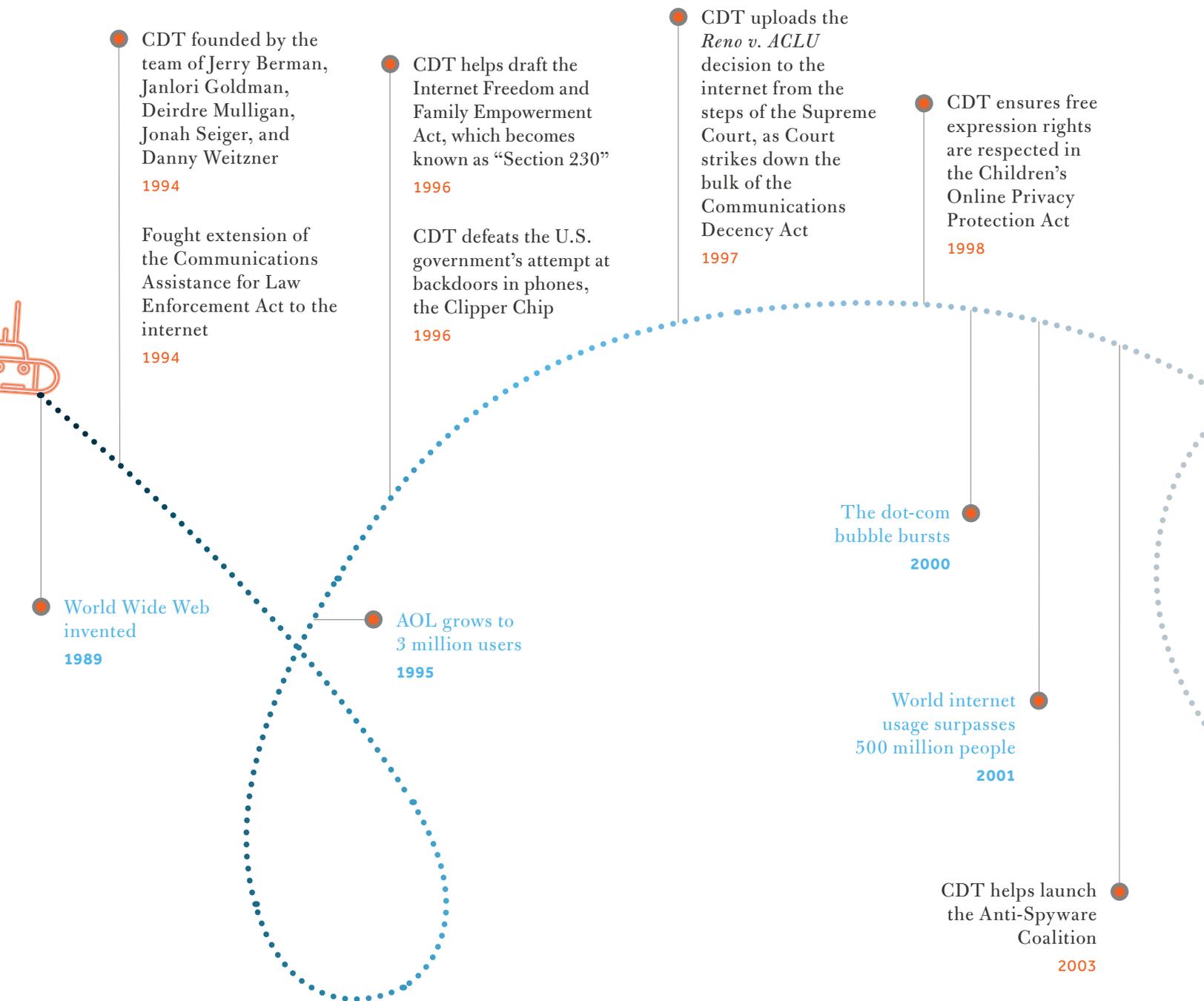
The CDT you know was started back in 1994 by a scrappy bunch of visionaries, including Jerry Berman, Janlori Goldman, Deirdre Mulligan, Jonah Seiger, and Danny Weitzner. That beginning has grown to a team of 30, with offices in Washington, D.C. and Brussels. CDT was most recently led by Nuala O'Connor for six years, and

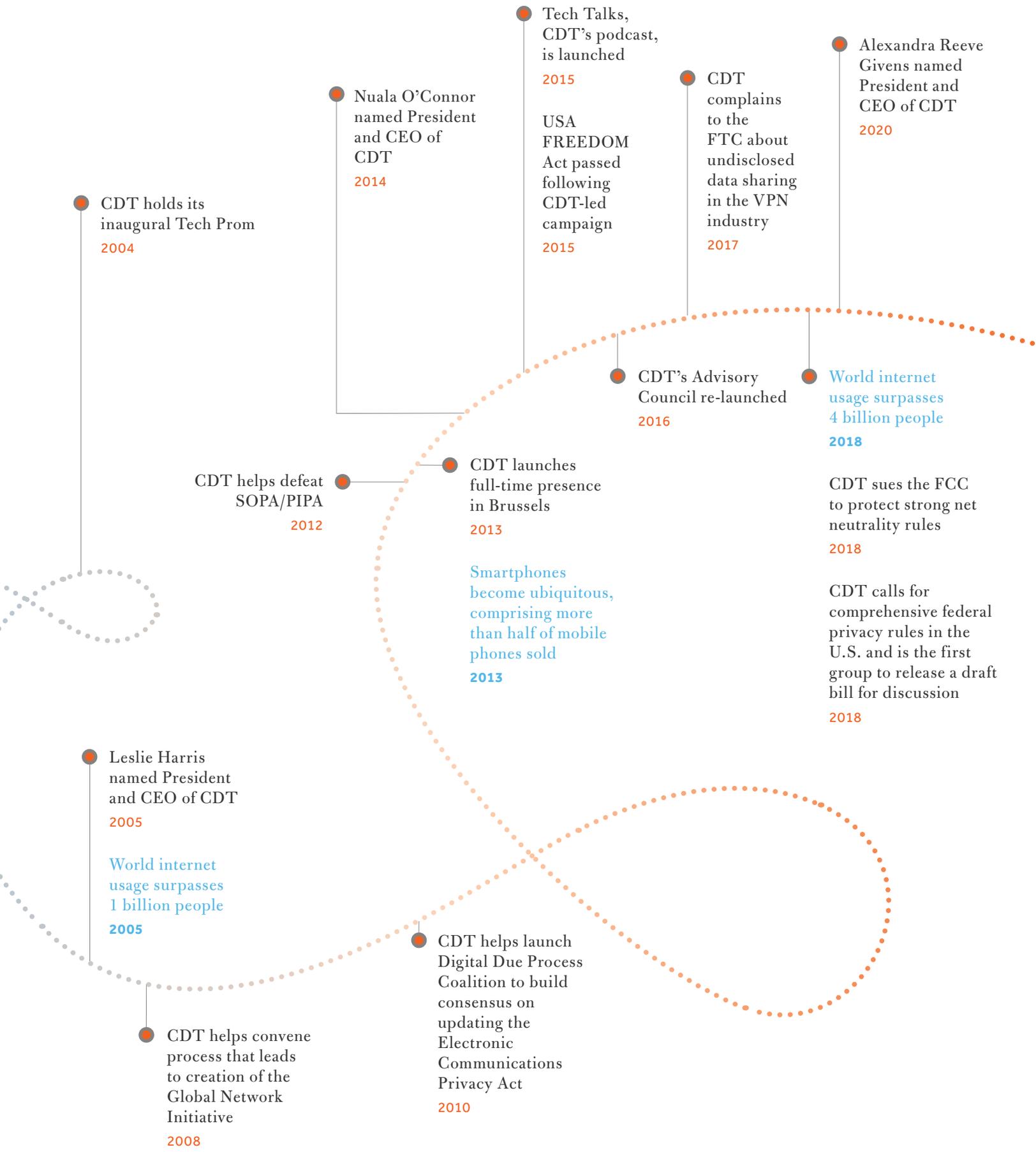
in spring of 2020, Alexandra Reeve Givens will join CDT as President & CEO, leading us into an exciting new chapter.

As we celebrate our 25th anniversary, we are excited to share this special edition of our annual report. We look back on CDT's history of ensuring that fundamental rights are built into the technologies we still rely on, and look forward to a future where the ability of digital technology to serve us grows every day. Thank you to our partners on this ongoing journey – together we can shape a digitally-empowered world where democracy and individual rights flourish.

THE BEST IS YET TO COME.

The Center for Democracy & Technology is as old as the commercial internet, and was one of the very first advocacy groups working to build civil rights into the foundation of the digital revolution. Through the years, CDT has been a leader in championing policies, laws, and technical designs that empower people to use technology for good, while protecting against invasive, discriminatory, and exploitative uses. Over 25 years, a lot has changed and CDT continues to evolve to address emerging challenges. The best is yet to come.





2019 HIGHLIGHTS

Pushing Back Against FOSTA

When the controversial Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) was passed into law in 2018, CDT warned of the chilling effect it would have on online speech. That has unfortunately proven true, especially for legal speech related to health and sexuality. CDT filed an amicus brief in support of a challenge to FOSTA brought by the Woodhull Freedom Foundation, and continues to support changes to the law.

Collaborating Attorneys Network Launched

Thanks to more than 1,000 hours of pro bono support from attorneys, CDT is able to better advance our mission in the courts. The Collaborating Attorneys Network is an essential resource for our advocacy and includes attorneys from major law firms across the United States and Europe, who have helped CDT file or sign on to briefs in legal venues across the world.

Challenging Mandates for Automated Content Filtering in the EU

As the EU Copyright Directive continued to advance through Parliament, CDT and a coalition of NGOs opposed sections of the Directive that would require platforms to use automated content filtering tools to address copyright infringement. The proposal, which passed in April, remains a threat to fair use principles and will lead to the removal of large swaths of legal speech.

Illustrating the Risks of School Safety Bills

In the wake of tragic school shootings, policymakers and educators are searching for ways to keep students safe. Unfortunately, quite a few proposals include broad surveillance measures, such as mandates to build threat assessment databases about students and monitor their social media, despite lack of evidence of efficacy. CDT pushed back against a particularly troublesome bill in Georgia, which was vetoed by the governor, and shared guidelines for schools considering the use of data to address school safety issues.

Protecting Global Free Expression Rights with a Win in the EU

In a welcome recognition of the free expression issues at stake, the Court of Justice of the European Union ruled in a long-awaited case that search engines are not mandated by law to implement right-to-be-forgotten delisting of search results globally. CDT and other human rights advocates had urged the Court to do so, arguing that it would be detrimental to free expression rights if states were able to impose restrictions on permissible speech outside their own territory.

Highlighting the Importance of Strong Fair Housing Protections

The U.S. Department of Housing and Urban Development released a proposal that would significantly weaken protections against housing discrimination. A core part of the proposal was the use of algorithmic systems to make decisions, and the shielding of these decisions from being challenged in disparate impact claims. CDT submitted comments to HUD, highlighting how easily algorithmic decisions can be biased, and how the proposal would make it significantly harder for the most vulnerable communities to protect themselves from disparate impact.

Talking Copyright Issues Before the Supreme Court

CDT filed an amicus brief in *Georgia v. Public.Resource.org* before the Supreme Court, arguing that annotated official versions of state laws should not be subject to copyright. In this case, the annotated state code is designated as the only authoritative source of Georgia law, and we encouraged the Court to provide unrestricted access to the public.

Informing AI Policy Debates with Research

To infuse more research into the policy debates around AI, CDT partnered with the R Street Institute to launch the Governance Research in Artificial Intelligence Leadership network, GRAIL. The network includes academic researchers from a range of disciplines, and addresses issues around privacy, intellectual property, competition, and more. The GRAIL network's experts are a valuable resource helping policymakers understand the real-world impact of proposals governing AI.

Demanding Action from Congress on Election Security

In advance of the 2020 presidential election, Congress had numerous opportunities to enhance the cybersecurity of election systems, yet failed repeatedly to act. They passed meager election security funding proposals, allocating only \$250 million to states while letting more comprehensive improvements repeatedly stall. CDT continued to advocate for urgent Congressional action to protect this pillar of democracy and get funds to the states that need the most help securing their systems. We also worked directly with the federal Election Assistance Commission and state legislatures, and trained election officials representing more than 47 million potential voters in how to tackle the particular cybersecurity challenges they face.

Providing Guidance on the Use of Algorithms in K-12 Education

Algorithmic systems are becoming pervasive in our society, and the K-12 education space is no exception. Schools, districts, and states are turning to algorithmic systems to help them make all sorts of decisions, from assigning students to schools, to keeping students safe, to preventing students from dropping out. CDT provided guidance to educators to help them leverage some of the benefits of algorithmic systems while protecting students, particularly from the most vulnerable communities, from unintended harms.

Calling for Increased Transparency on U.S. Bulk Collection Practices

The U.S. government has been adamant that it needs to shield some of its surveillance practices from judicial review to protect national security. CDT fundamentally disagrees, especially around its bulk collection of data from internet cables. In a report, “Not a Secret: Bulk Interception Practices of Intelligence Agencies,” CDT outlined why greater transparency around these practices is not only possible, but already the practice in other countries.

Intervening at the European Court of Human Rights to Stop Bulk Collection

CDT filed a legal brief with the European Court of Human Rights opposing the United Kingdom’s bulk interception regime, which allows intelligence agencies to tap the fiber cables carrying internet traffic to analyze all electronic data going in or out of the U.K. CDT’s brief in *Big Brother Watch v. the U.K.* argues that the U.K.’s use of data received by the U.S. violates obligations under the European Convention on Human Rights.

Opposing Persistent Warrantless Surveillance

For eight months, law enforcement put a Massachusetts home under persistent video surveillance using a camera placed on a utility pole. With a view of the driveway and the front of the house, officers could—remotely and at their leisure—monitor the comings and goings of the residents of the home, their visitors, and any passers-by for months on end without a warrant. We filed an amicus brief demonstrating how this violates the Fourth Amendment to the Constitution.

Launching a Project Exploring Competition, Data, and Power

As calls to “break up big tech” grow louder, we decided to bring CDT’s practical voice to debates around competition and antitrust. At CDT, we are focusing on the facts of how users and consumers are affected by basic price competition, squelched innovation, and wielded market power. We highlighted the need for the government to take creative approaches to applying the U.S.’s broad and flexible antitrust laws to the technology sector. We also shared our opinions on how particular corporate mergers would affect markets, and filed comments with agencies in the U.S. and abroad, all with the goal of building a digital economy that works for everyone.

Standing Firm Against Calls to Weaken Encryption

Governments worldwide renewed their calls to weaken encryption and mandate “backdoors” in technology for law enforcement. The U.S., U.K., and Australian governments notably asked Facebook not to pursue plans to improve encryption across its products, and the U.S. Attorney General was a vocal opponent of encryption. In response, CDT quickly organized an open letter, signed by 100+ organizations, asking that platforms continue increasing their end-to-end security to protect worldwide communications freedom.

Calling on Congress to Act on Net Neutrality

While there was some positive action in the courts, net neutrality still remained in peril in the U.S. as a result of the FCC’s overturn of the Open Internet rules. In the absence of FCC action, CDT joined more than 100 organizations in supporting the Save the Internet Act, which would cement net neutrality protections into law. Despite passing in the House, the Senate failed to consider the legislation.

Academic Fellows Come to Washington

Through our non-resident Academic Fellows program, leading academics lend their expertise to CDT's advocacy and connect their research with relevant policymakers. For the first time in the program's existence, CDT's Academic Fellows came to Washington, D.C. for a day-long convening. Their perspectives from a diversity of disciplines informed in-person discussions with CDT staff, as well as external partners, where the group covered issues such as encryption, privacy, cryptocurrency, and competition.

A New Look for CDT's Website

Increased accessibility, easier discovery of content, and enhanced security are core elements of the redesign of CDT's new website. Browse through our collections of resources on election security, privacy legislation, or "techsplanations," and scroll through the latest posts from CDT's many experts. Don't forget to look for and listen to our latest Tech Talk podcast episodes!



TECH PROM 2019





A Musical Tech Prom

Though CDT's annual dinner celebration continues to evolve, through the years it has become known as "Tech Prom." At this signature event, CDT brings leaders in technology policy together for an evening of conversation, cheer, and community.

In 2019, Tech Prom moved to an exciting new venue, The Anthem, more commonly used to host concerts. CDT instead filled the space with policy-makers, advocates, government representatives, and corporate partners – all while adding a spirited 90's cover band to the mix.



THE FUTURE OF SPEECH ONLINE EVENT



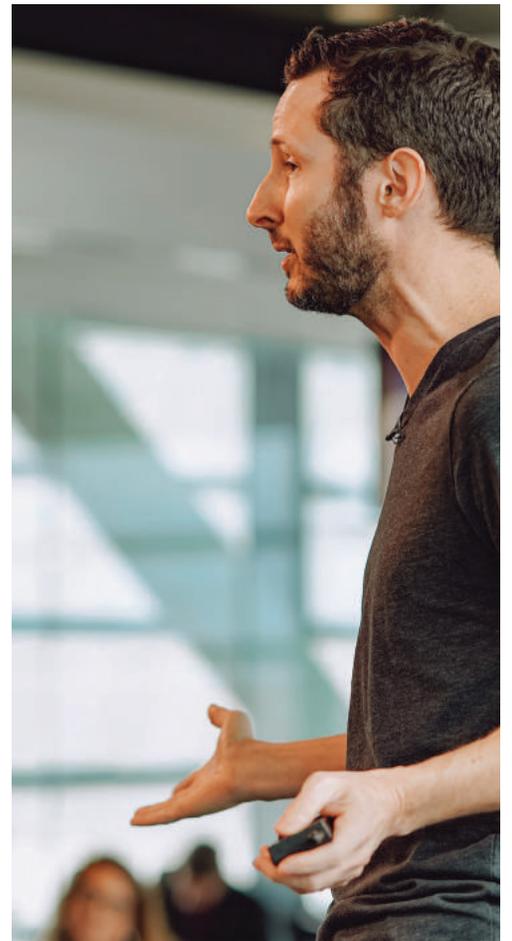
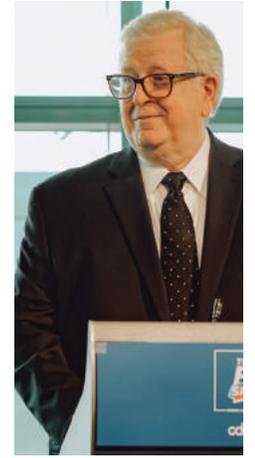
Discussing the Technology of Free Speech

In 2019, CDT held our third annual Future of Speech Online, a day-long summit that explored the technology of online speech. At the event, we brought people from U.S. and international perspectives together to discuss censorship and circumvention, user empowerment, and automation in content moderation. We also identified ways that technology is regularly shaping how we share ideas and express ourselves online.

This year's event featured speakers from D.C.'s Arena Stage, NetBlocks, Clovyr, MIT, Pinterest, the Tor Project, and more. Several participants, including journalists, game makers, and advocates, presented their own diverse visions for the future of speech online.

The event was held in partnership with the Charles Koch Institute and the Freedom Forum Institute.





MOVING TOWARD FEDERAL PRIVACY LEGISLATION IN THE U.S.





Following the passage of Europe’s General Data Protection Regulation and the California Consumer Privacy Act, local, state, and federal lawmakers in the U.S. showed new interest in passing comprehensive privacy laws. CDT shaped these efforts, serving as a resource to lawmakers about how to construct protections that serve consumers while permitting important innovation.

In 2019, CDT was often invited to address lawmakers directly on privacy issues. We testified before the U.S. Congress multiple times, speaking to the House Subcommittee on Consumer Protection and Commerce, the Senate Judiciary Committee, and the Senate Commerce Committee. We called for clear and focused privacy rules, and repeatedly demonstrated that the current “notice and consent” model around personal data is no longer a viable option. It provides neither genuine choices for consumers nor certainty for companies of all sizes about what uses of data are appropriate.

We also testified at the Federal Trade Commission’s historic Hearings on Competition and

Consumer Privacy in the 21st Century, and served as a resource for state lawmakers across the country. CDT also participated in the National Institute of Standards and Technology’s Privacy Framework process, which offers guidance to organizations and companies seeking to construct a holistic privacy and data protection program based on risk management and privacy engineering principles.

CDT continues to emphasize that privacy proposals that do not address unfair and discriminatory data practices are inadequate. The unregulated collection, use, and sharing of data disproportionately burdens marginalized people, and any privacy law must protect civil rights.

Until comprehensive privacy legislation becomes a reality in the U.S., CDT is committed to working with lawmakers and other stakeholders to craft data protection laws that guarantee everyone in the U.S. comprehensive protections for personal information that can’t be signed away.

HOLDING GOVERNMENTS AND COMPANIES ACCOUNTABLE FOR RESTRICTIONS ON ONLINE SPEECH



As more of daily life is conducted online, the scale of content posted on websites, apps, social media platforms, and other online services has grown enormously. Sites that host users' content are challenged to define what content their terms of service will allow and to enforce those terms, while also responding to reports of illegal content and activity on their sites. This is a difficult balance to strike while respecting users' freedom of expression and privacy rights, and companies' efforts have attracted scrutiny, not least from governments. CDT is fighting to hold governments accountable for their overreaching efforts to regulate speech, especially when the standards they set are vague, broadly worded, or impossible to enforce, while also pushing companies to be transparent about their content moderation practices.

In the European Union, CDT worked to convey its concerns with the proposal for a Regulation on Terrorist Content Online, cautioning against overbroad policies that mandated use of certain technological solutions and rapid takedowns of content without due process and judicial oversight. CDT also organized dozens of civil society organizations to highlight the Regulation's shortcomings. We secured

significant improvements in the version of the Regulation adopted by the European Parliament in April 2019, and at the end of the year, negotiations on the final version with the European Commission and European Council were ongoing. CDT also published guidance for EU regulators on how to craft online content policy initiatives with minimal harm to free expression, access to information, and innovation and entrepreneurship on the internet.

In the wake of a horrific act of violence in Christchurch, New Zealand that was streamed online, CDT highlighted the need for social media platforms to provide transparent looks at how they approach and moderate content like the videos that proliferated during that incident. We also warned that efforts to automate content moderation aimed at topics like terrorist propaganda can sweep in news reporting, documentary footage, and more. CDT advocates for an internet where corporate and government efforts to safeguard people online occur in a legal framework that respects our fundamental rights and promotes the rule of law. This is essential for ensuring that the internet remains a medium that enables diverse opinions and perspectives to flourish across a wide variety of platforms and services.

FIGHTING GOVERNMENT INTRUSIONS ON PRIVACY AND FREE SPEECH AT THE BORDER





The dramatic increase in warrantless searches of digital devices at the U.S. border has captured the attention of the public and the press. U.S. Customs and Border Protection has violated not only the Fourth Amendment, but also its own procedures when conducting these searches. CDT is fighting these intrusions with the goal of protecting the First and Fourth Amendment rights of every American.

In February 2019, CDT quickly pushed back when Congress proposed border security funding for a “smart wall.” We pointed out that the systems CBP already used to monitor, identify, and track individuals, such as facial recognition technology and automated license plate readers, are overly invasive. Communities near the border bear the brunt of these extra surveillance measures, and should not be subject to persistent, warrantless monitoring.

Not two months later, reports revealed that the Department of Homeland Security was targeting and keeping detailed records on activists, journalists, and lawyers in contact with asylum seekers at the border. CDT rapidly organized a coalition of over 100 organizations spanning the political spectrum, which issued a letter urging DHS to cease such activity because it chills exercise of the right to freedom of expression and association.

CDT also warned about the dangers of using social media information to screen individuals seeking admission to the U.S. Just before a Palestinian freshman admitted to Harvard College arrived in the U.S. for the 2019-20 school year, the U.S. government revoked his visa. He was forced to return to Lebanon after being detained and allegedly interrogated about his friends’ social media activity. We organized a coalition of 40 organizations that demanded that DHS and CBP clarify their policies and do more to respect immigrants’ and visitors’ rights to freedom of expression and association. CDT also pointed out that social media screening at the border of the U.S. paves the way for other countries to screen the social media of Americans when they seek admission to other countries.

In December 2019, CDT assisted a successful legislative push from Sen. Patrick Leahy to compel the U.S. government to disclose information about electronic device searches conducted at the border. This win for transparency and accountability will arm Congress with information about how CBP wields its discretion at ports of entry, who its searches target, and how data seized from devices is shared.

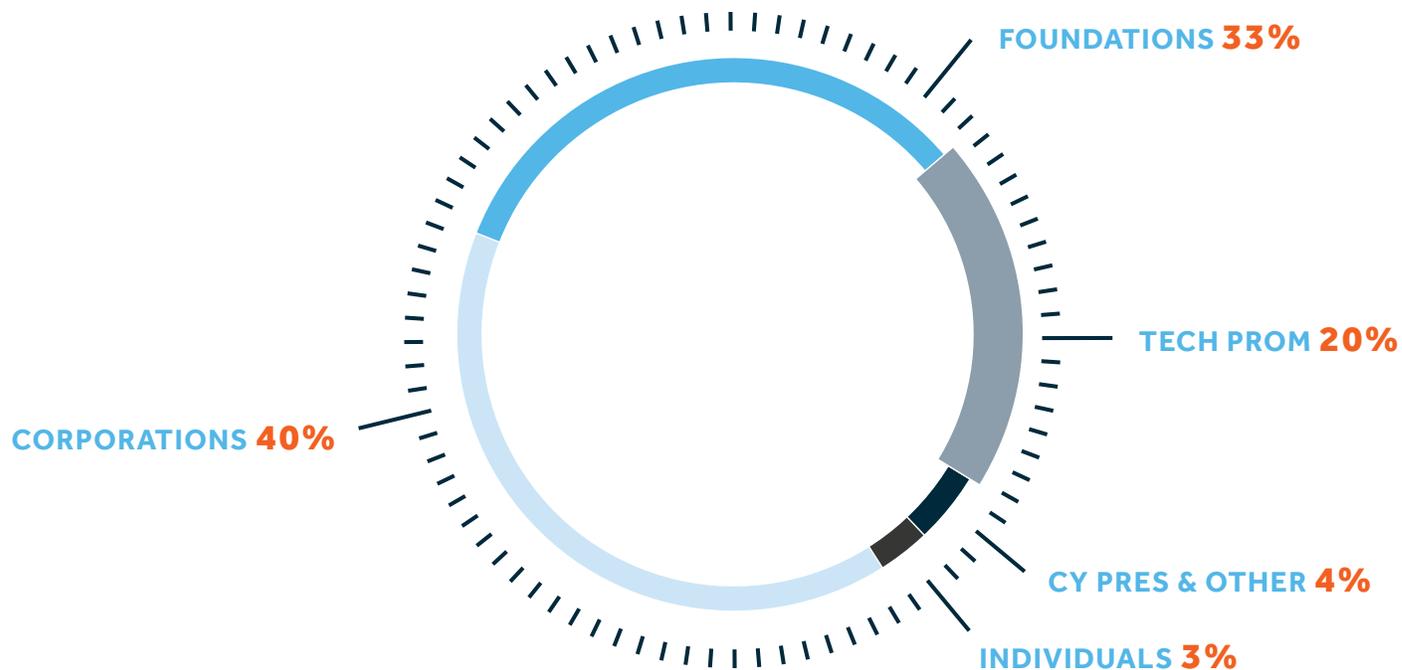
FINANCIALS

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 Charity Navigator and GreatNonprofits. Our profuse thanks to our 2019 donors who make our work possible. Visit cdt.org/financials for more information.



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OF THE FIRST 25
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We invite you to join us for all that lies ahead. Together, we can ensure that democracy and individual rights remain at the center of the digital revolution. Support our work at cdt.org/donate.



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