

All.Net Analyst Report and Newsletter

Welcome to our Analyst Report and Newsletter

We're missing the boat on legal controls over network traffic

With all of the laws and regulations emerging globally surrounding information protection, none of the laws I have seen address the most important problem we face. That problem is not the leakage of confidential information or prohibitions against undesired content. The thing we are missing that is doing more harm with less publicity and attention than anything else today, and the thing that does the most harm over the long term, is the alteration of content in transit.

Stop changing my content!

Every once in a while I check out my Web sites from different devices and places. The most offensive thing I find is that some of my Web sites don't work on some devices from some places. Actually, that's not quite it. The same Web site on the same phone using the same browser produces completely different results on static Web pages when I connect via cellular networks than via WiFi networks. Yes, the carriers are altering content in transit, no it should not be a surprise, and yes it should be illegal.

Why should it be illegal?

Cellular carriers are covered under common carrier law. That means they are not liable for the content that passes through them. They merely push the bits and by doing this and only this, they avoid liability from things like tortuous interference and damage to reputation. But that's not what they are doing, and they should be legally liable for all the content passed each direction.

But that's not why the practice should be illegal. It's just why the current practice is illegal, or at least opens the carriers up to civil litigation and possible criminal prosecution, depending on the specifics of the laws involved and the acts the undertake.

The reason it should be illegal is that it corrupts the Internet as a whole as well as each individual's and organization's capacity to get and act on reliable and authentic information. We need reliable, authentic information because as a society and as individuals we depend on it, increasingly for life, in many cases for liberty, and for most Internet users, for the pursuit of happiness.

Without this protection, we are all subject to arbitrary and capricious abuse from anyone and everyone, at any time, and without likely recourse. If we make it illegal, only criminals will do it. So let's make it illegal and start to hunt and punish the criminals who are corrupting our future and the future of the information age.

Summary:

Integrity is more important than privacy for the vast majority of cases. It is fundamental that without integrity you cannot reasonably achieve privacy, availability, use control, custody, accountability, or transparency. For these and many more reasons, we should seek legal guarantees of non-alteration and non-interference in communications, or seek legal recourse against those who seek to corrupt the information age.