

US Geospatial Intelligence Foundation Working Group (USGIF) Meeting 18 February 2016 Meeting Minutes

Case: US vs. Rocky Joe Houston of Knoxville, TN

Decision: 6th Circuit Court of Appeals

- Involves law enforcement's use of a pole camera, mounted on a public utility pole located across from on the trailer of Mr. Houston's brother. The camera was focused on the trailer for 10 weeks. Court found that because the view was the same as anyone walking by the property, there was no 4th amendment violation since there was no reasonable expectation of privacy.
- Technology may be used by law enforcement to enhance "existing senses."
- Not equal to the *Jones* case—the camera was not looking at all movements, just at the movements in front of the trailer.

Discussion:

What does persistent surveillance mean?

Kevin Pomfret: agrees with the court; reflects privacy in public spaces

Law is evolving as to what is reasonable expectation of privacy in public places

These kinds of cases are problematic—involves pervasive spying on property

Concept—every movement can be tracked from a single point

Libertarians will go against this as an invasion of privacy

12 weeks and a drone is the same as 10 weeks and a pole camera. What is the analysis path?

What are the checks and balances in place by the user [of a drone] to show privacy protections, mitigation, or minimization when a case goes before a judge? How to protect the right of surveillance?

GEOINT Symposium, 15-18 May

Cindy sent a request that USGIF group be given time (45 min to 1 hr.) for a presentation; 1-4 people on stage and time for Q&A

2 topics suggested at January meeting: export control and cyber security

Audience will be primarily contractors, non-lawyers

Topics should resonate with audience at the symposium, with the purpose of raising awareness and explaining legal issues

Cyber security: explain why contractors need to be aware of the legal obligations and ramifications expected of contractors

Bob Strauss (Raytheon): [Money] heightened level of security but dealing with the world of open source; putting free and open software into systems, but having a heightened sense of security.

Dottie (NRO): law is conflicting.

Need two people to present at the Symposium and guide discussion—one from industry and one from USG (NGA or NRO).

Need a small group to help put presentation together

Volunteers: Bob and Dottie, and NGA will offer an attorney

Decided to have cyber security as the one theme (and not add export control), with all the various issues as noted above.

Action: send an email soliciting volunteers to present at the Symposium and a group to assist with putting together the presentation

Cindy: symposium is a great opportunity for attorneys. Symposium theme: GEOINT Revolution

Small Satellite Working Group

KP: As a result of the GRSLWG engagement with the SSWG in December and subsequent discussion between Kevin and Rob Zitz (SSWG Co-Chair), we should focus on these legal:

Export control—contractual and regulatory issues and challenges

Privacy expectations with activity-based information.

Male voice: contractual side and privacy side: how is data collected, merged, managed, and utilized?

This is a broader issue than small sats, but small sats are at the front edge of the issue. Small sat group is a good tool to use to track the evolution of *technology*.

Cindy: GRSLWG could sponsor a small sat legal conference at NGA in June.

Action NGA: contact conference facility to check available dates in June.

Action: form a subcommittee on small sat issues, members volunteer to assist and/or solicit non-members who could/ would be interested in participating. (Jay Johnston from Vencore volunteered.)

Membership and Meetings

Cindy: 17 organizations represented in GRSLWG

Other possible Federal entities to add: NOAA, Coast Guard, State Dept (sees commercial imagery as something they can give to foreign entities); more government representation wanted in the WG

Cindy: CG involves intelligence, DoD, and law enforcement

Dottie: CG has a good relations with everyone

USGIF mandate to raise awareness in GEOINT Community

Have future meetings at member facilities, not just at USGIF

1 hour for meeting and 1 hour for education (what the facility does)

Bob Strauss (Raytheon): cyber range in Chantilly-addresses both offensive and defensive cyber (unclassified)

Vencore near the end of the year

Pete Schreiber (ESRI): unclassified R&D center in McLean, VA; Or So. Cal.

Next meeting: 17 March (St. Patrick's Day); 12:00-1:00; information about dial-in needed.

Future meetings: 3rd Thursday every month