

## Communication and the Electronic Age

---

or,  
Knowing what we know, can you ethically use  
cloud computing to practice law?

Thomas A. Gwosdz  
City Attorney  
Victoria, Tx.

## Who is Edward Snowden?

---



## The Disclosures

---

- Snowden first contacted media in late 2012, culminating in media stories published in May 2013.
- The Disclosures collectively reveal systematic surveillance by multiple government entities.
- Extent of Disclosure:
  - 15,000 Australian files
  - 58,000 British files
  - 1,700,000 US files
- Media claims less than 1% of documents have been published.

## Five Eyes

---

*A “supra-national intelligence organization that doesn’t answer to the laws of its own countries.”*

- An international alliance of Anglophonic countries, including Australia, Canada, New Zealand, the United Kingdom and the United States of America.
  - ECHELON revealed in 1990s



- Originated in 1970s
- Expanded after 9-11
- In-depth surveillance of live communications and stored information, using court-approved search terms.
  - Email, Video, Voice chat, Photos, VOIP, Social media
  - Prior to encryption
  - 3-degrees of separation



- Front-end search engine.
  - Not a data collection program.
- Deep analysis
  - Allows “strong selector” and “soft selector” searches.
  - Track author of document; show usage of VPN, detect nationality of foreigners
  - attractive to foreign partners (Germany and Sweden)

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Communication and the Electronic Age

First appeared as part of the conference materials for the  
2016 Texas Water Law Institute session  
"Communication and the Electronic Age"