NSA Admits Secretly Buying Your Internet Browsing Data without Warrants

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The U.S. National Security Agency (NSA) has admitted to buying internet browsing records from data brokers to identify the websites and apps Americans use that would otherwise require a court order, U.S. Senator Ron Wyden said last week.

"The U.S. government should not be funding and legitimizing a shady industry whose flagrant violations of Americans' privacy are not just unethical, but illegal," Wyden said in a letter to the Director of National Intelligence (DNI), Avril Haines, in addition to urging the government to take steps to "ensure that U.S. intelligence agencies only purchase data on Americans that has been obtained in a lawful manner."

Metadata about users' browsing habits can pose a serious privacy risk, as the information could be used to glean personal details about an individual based on the websites they frequent.

This could include websites that offer resources related to mental health, assistance for survivors of sexual assault or domestic abuse, and telehealth providers who focus on birth control or abortion medication.

In response to Wyden's queries, the NSA said it has developed compliance regimes and that it "takes steps to minimize the collection of U.S. person information" and "continues to acquire only the most useful data relevant to mission requirements."

The agency, however, said it does not buy and use location data collected from phones used in the U.S. without a court order. It also said it does not use location information obtained from automobile telematics systems from vehicles located in the country.

Ronald S. Moultrie, under secretary of defense for intelligence and security (USDI&S), said Department of Defense (DoD) components acquire and use commercially available information (CAI) in a manner that "adheres to high standards of privacy and civil liberties protections" in support of lawful intelligence or cybersecurity missions.

The revelation is yet another indication that intelligence and law enforcement agencies are purchasing potentially sensitive data from companies that would necessitate a court order to acquire directly from communication companies. In early 2021, it was revealed the Defense Intelligence Agency (DIA) was buying and using domestic location data collected from smartphones via commercial data brokers.

The disclosure about warrantless purchase of personal data arrives in the aftermath of the Federal Trade Commission (FTC) prohibiting Outlogic (formerly X-Mode Social) and InMarket Media from

selling precise location information to its customers without users' informed consent.

Outlogic, as part of its settlement with the FTC, has also been barred from collecting location data that could be used to track people's visits to sensitive locations such as medical and reproductive health clinics, domestic abuse shelters, and places of religious worship.

The purchase of sensitive data from these "shady companies" has existed in a legal gray area, Wyden noted, adding the data brokers that buy and resell this data are not known to consumers, who are often kept in the dark about who their data is being shared with or where it is being used.

Another notable aspect of these shadowy data practices is that third-party apps incorporating software development kits (SDKs) from these data brokers and ad-tech vendors do not notify users of the sale and sharing of location data, whether it be for advertising or national security.

"According to the FTC, it is not enough for a consumer to consent to an app or website collecting such data, the consumer must be told and agree to their data being sold to 'government contractors for national security purposes,'" the Oregon Democrat said.

"I am unaware of any company that provides such warnings to consumers before their data is collected. As such, the lawbreaking is likely industry-wide, and not limited to this particular data broker."

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