



# Report Finds No Substitute for Mass Data Collection

By **David E. Sanger**

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WASHINGTON — A federal study released on Thursday concluded that there was no effective alternative to the government’s “bulk collection” of basic information about every telephone call made in the United States, a practice that civil rights advocates call overly intrusive.

Last year, after the former intelligence contractor Edward J. Snowden revealed details of the government’s vast data-collection enterprise, President Obama asked intelligence agencies to assess whether there was a way to get at the communications of terrorism suspects without sweeping up records of all calls made and received inside the United States, including their length and other identifying information.

On Thursday, the [National Academy of Sciences](#), in a [detailed report](#) that brought together communications and cybersecurity experts and former senior intelligence officials, said that “no software-based technique can fully replace the bulk collection of signals intelligence.” But it also concluded that there were ways to “control the usage of collected data” and to make sure that once it is in the government’s hands, there are stronger privacy protections.

The findings came a year after Mr. Obama announced modest reforms to practices of the [National Security Agency](#) that had been revealed by Mr. Snowden, including doing away with a huge government-run database of phone records and instead relying on separate databases managed by phone companies.

Eventually, those records will be held only by providers like AT&T and Verizon. But the change has not happened yet, as officials try to figure out how they would search, with court orders, information they do not have on their own computer systems. Government officials have been clear that the transition will take considerable time.

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Mr. Obama's hope was that technology would solve the problem — that new search technologies would make it possible to “target” the collection of the phone data, which does not include the conversations themselves. But the researchers could not find a way.

“From a technological standpoint, curtailing bulk data collection means analysts will be deprived of some information,” said Robert F. Sproull, the chairman of the committee that examined the problem and a former director of Oracle's Sun Labs. But, he said, that “does not necessarily mean that current bulk collection must continue.”

Since the uproar over Mr. Snowden's revelations and the program's effect on Americans' privacy, the politics of mass data collection have shifted. Terrorist attacks like the ones that killed 17 people in Paris last week, along with the rise of the Islamic State, have led to calls for more vigilance by intelligence agencies, swinging the pendulum back.

Britain is now talking about expanding surveillance, and both its government and Mr. Obama's law enforcement agencies have protested moves by Apple, Microsoft and other technology companies to prevent snooping by routinely encrypting many types of mobile and computer communications. David Cameron, the British prime minister, was expected to raise those issues in detail in a visit with Mr. Obama on Thursday and Friday.

The American Civil Liberties Union, a strong critic of the N.S.A. program, said in a statement from Neema Singh Guliani, the group's legislative counsel, that “it would be a mistake to read the National Academy's report as supporting a policy of continued bulk collection.”

She added that the report did not contradict findings of groups that have concluded that “the domestic bulk call record program has not helped stop an act of terrorism.” But she noted that the report “does importantly acknowledge that there are additional steps that the intelligence community can take to increase transparency, improve oversight, and limit the use of information collected.”

The report examined ways intelligence agencies could narrow searches to foreign research institutes, companies or government facilities, using generic situations that were clearly thin covers for events now unfolding in places like Libya and Syria. But it found all the approaches ultimately unsatisfactory. “The ‘needle in the haystack’

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metaphor is relevant here,” it concluded. “If the needle is not in the smaller haystack, no amount of smarter searching will help.”

“There is no doubt that bulk collection of signals intelligence leaves many uncomfortable,” the report said. “Various courts have indeed questioned whether such collection is constitutional.” But in the end, the committee concluded, the United States should focus on putting limits on how the data is viewed and used — and by whom — rather than limiting how much of it is collected.

**Correction:** January 14, 2015

An earlier version of this article misspelled Neema Singh Guliani’s last name. It is Guliani, not Guiliani.

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