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Comments in reply to class of works number 5 (smartphones and tablets)

The exemption to jailbreaking devices must be renewed. This is not only a fundamental right that we as consumers should enjoy when we purchase electronics, but also an important and necessary safeguard against the increasing prevalence of secret, privacy-breaching software such as CarrierIQ. Such software has an ostensible purpose of helping cell phone carriers collect information such as usage patterns on their networks, but it actually goes much further, including logging keystrokes (what you are typing) from your device. Would this information about where we are and what we are doing be admissible as evidence in court? Could it be used to prosecute or marginalize political organizations? The only way to remove CarrierIQ is to jailbreak your phone and remove it yourself. Imagine if our national cell phone carriers were able to install CarrierIQ or similar software with the knowledge that it was flatly illegal for the consumer to remove it. They are not required to disclose that such software exists, or document how it works. What if a company such as CarrierIQ did not disclose to the carriers exactly how their software worked, in the interest of competitive advantage? Then our consumer and civil rights would be doubly infringed upon. Please understand the importance of exemptions such as these in regards to our consumer rights. Technology and devices should not become "black boxes" wherein neither the consumer nor the government can perceive what is inside and how it is being used.