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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

WIKIMEDIA FOUNDATION, ) No. 1:15-CV-00662-TSE  
Plaintiff, )  
v. )  
NATIONAL SECURITY AGENCY, )  
et al., )  
Defendants. )

-----)

- - -

THURSDAY, APRIL 12, 2018

- - -

30(b)(6), Topic 4, Deposition of WIKIMEDIA  
FOUNDATION, by and through its designee,  
JAMES ALEXANDER, taken at the offices of Cooley LLP,  
1299 Pennsylvania Avenue, NW, Ste 700, Washington,  
D.C., beginning at 10:00 a.m., before Nancy J. Martin,  
a Registered Merit Reporter, Certified Shorthand  
Reporter.

Page 2

1 APPEARANCES:

2

3 U.S. DEPARTMENT OF JUSTICE  
 CIVIL DIVISION, FEDERAL PROGRAMS BRANCH

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15 ALSO PRESENT:  
 16 PATRICK TOOMEY, ACLU, STAFF ATTORNEY  
 17 ASHLEY GORSKI, ACLU STAFF ATTORNEY

18

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1 EXHIBITS

2 NUMBER	DESCRIPTION	MARKED
3 Exhibit 8	Talk: Access to Nonpublic Information, policy/Archives/2013, WIKI6410 - 6452, 43 pages	173
4		
5 Exhibit 9	The Rise and Decline of an Open Collaboration System: How Wikipedia's Reaction to Popularity is Causing its Decline, 20 pages	178
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9 Exhibit 10	Intelligent Machines, The Decline of Wikipedia, 17 pages	180
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10 Exhibit 1 Notice of Deposition Pursuant to Fed.R.Civ.P. 30(b)(6), 3 pages	7
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18 Exhibit 5 Wikimedia Traffic Analysis Report, Wikipedia Page View Per Country, WIKI6369 - 6374, 6 pages	118
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20 Exhibit 6 Wikimedia Foundation Quarterly Report, WIKI5978 - -6131, 156 pages	127
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22 Exhibit 7 Access to Nonpublic Information Policy, WIKI6389 - 6392, 4 pages	171
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1 WASHINGTON, D.C., THURSDAY, APRIL 12, 2018; 10:00 A.M.

2 - - -

3 JAMES ALEXANDER,

4 having been first duly sworn/affirmed,

5 was examined and testified as follows:

6

7 EXAMINATION

8 BY MR. JOHNSON:

9 Q. Okay. Well, welcome. I'm Tim Johnson,

10 representing the government defendants in this matter.

11 With me are my colleagues, Jim Gilligan and Olivia

12 Hussey-Scott. I'll probably be doing most of the

13 talking on our side, but they may occasionally jump in

14 with questions.

15 A. Okay.

16 Q. Would you please state your full name for the

17 record.

18 A. James Alexander.

19 Q. And have you ever been deposed before?

20 A. I have not.

21 Q. Okay. So fun times for all. I'll give you a

22 few basic guidelines, but if you have any questions

23 about procedure, obviously you can ask counsel or just

24 feel free to stop me and ask me to clarify. Glad to.

25 So please keep your answers verbal. No nods

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1 or "uh-huh" just so the court reporter can get every  
2 answer down. And please, for the same reason, try to  
3 speak slow and clearly. I'll try my best to do the  
4 same.  
5 On that note, if you don't hear me or don't  
6 understand my question, please let me know. I'll be  
7 happy to rephrase or ask it again.  
8 If you answer a question, I'll assume that  
9 you've heard the question and understood it. So,  
10 again, any confusion just let me know.  
11 Along those lines, I know that these  
12 questions might raise some technical issues. If a  
13 technical answer is you believe the most accurate and  
14 correct way to answer the question, feel free to give  
15 it, though I will very likely follow up with some  
16 clarifying questions, trying to put it in layman's  
17 terms both for us and for anyone who might be reading  
18 the transcript.  
19 A. Okay.  
20 Q. If you realize you've made a mistake,  
21 forgotten something, want to return to any question,  
22 feel free to just let me know and do so.  
23 If you'd like a break at any point, that's  
24 fine. Just let me know. I would ask you to finish  
25 answering whatever question has been asked before we

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1 take a break.  
2 A. Uh-huh.  
3 Q. Do you have any concerns about what I've just  
4 said, any questions?  
5 A. No, that seems to make sense.  
6 Q. Great. So are there any physical or mental  
7 conditions, any drugs or alcohol you've consumed  
8 recently or anything else that might affect your  
9 ability to testify truthfully today?  
10 A. No, there are not.  
11 Q. So to the best of your knowledge, you're able  
12 to testify truthfully and accurately today?  
13 A. Correct.  
14 MR. JOHNSON: Now I'd like to add one exhibit  
15 just pro forma.  
16 Could you mark this as Government Exhibit  
17 No. 1, please.  
18 (Deposition Exhibit 1 was marked for  
19 identification.)  
20 BY MR. JOHNSON:  
21 Q. Have you seen this document before?  
22 A. I have seen the document.  
23 Q. And what is the document?  
24 A. The document is the "NOTICE OF DEPOSITION"  
25 and the topics that would be discussed.

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1 Q. Thank you. And could, for the record, you  
2 read the topic listed as No. 4.  
3 A. Sure. It reads, "Plaintiff's assertion 'that  
4 Upstream surveillance has resulted and will result in  
5 some foreign readers, editors, contributors, and  
6 volunteers,' among others, 'being less willing to  
7 read, contribute to, or otherwise engage with  
8 Wikimedia's Projects' or to 'share information or  
9 communicate with Wikimedia staff,' as alleged in the  
10 1st Amended Complaint 76, 110, as set forth in  
11 response to DOJ's Interrogatory Nos. 18-20, and as  
12 argued in support of Plaintiffs' standing in"  
13 Plaintiff's Motion of Opposition at 41.  
14 Q. Thank you. I just want to confirm, are you  
15 appearing as plaintiff, Wikimedia Foundation's,  
16 designated witness on this topic?  
17 A. I am.  
18 Q. And are you prepared to testify regarding  
19 this topic today?  
20 A. I am.  
21 Q. Thank you. I'd just like to start off with  
22 some general background. Who is your current  
23 employer?  
24 A. My current employer is the Wikimedia  
25 Foundation.

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1 Q. What's your position with the Wikimedia  
2 Foundation?  
3 A. I'm the manager for trust and safety.  
4 Q. How long have you been the manager for trust  
5 and safety, roughly?  
6 A. In this specific role, about three to four  
7 years.  
8 Q. And what were you doing before you took this  
9 position?  
10 A. I had some lower-level positions working on  
11 similar topics, as well as working on the fundraising  
12 team.  
13 Q. How long altogether have you been with the  
14 Wikimedia Foundation?  
15 A. It will be eight years as of August.  
16 Q. And could you just briefly describe your  
17 general duties at present.  
18 A. Currently I supervise a team of three people  
19 directly and am part of a team of eight now. My main  
20 focuses are liaising and working with community  
21 members with especially trusted responsibilities.  
22 Especially users who have access to private  
23 information or private data. I've been elected into  
24 those positions by the community, as well as liaising  
25 with law enforcement and working on threats of harm,

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1 They also had -- we've also had conversations  
2 or that they have discussed their concerns about  
3 getting specialized access, especially if that  
4 specialized access would require sending private  
5 information or private concerns to us, especially  
6 through electronic means.  
7 So as an example, they are the identification  
8 concern that we had earlier. There were quite a few  
9 who were very concerned about sending them -- sending  
10 us their identification unless we completely changed  
11 our policy to not require that, and that they would  
12 either -- that they would either refrain from putting  
13 themselves up for election or resign their position if  
14 we did not change our policies to not require them to  
15 send in that private information.  
16 That's all I can think of off the top of my  
17 head right now, but I think that others, in some of  
18 what we've written, include a little more.  
19 Q. Thank you. How many individuals does the  
20 Wikimedia Foundation know to a certainty refrain from  
21 using Wikimedia projects based on their concerns about  
22 NSA surveillance?  
23 A. When you say, "refrain," do you mean refrain  
24 completely, refrain partially?  
25 Q. Well, let's start with refrain completely.

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1 A. I think knowing for certainty, as you  
2 phrased, is difficult. I don't -- it is difficult to  
3 100 percent say that somebody left because of this.  
4 There were some users who mentioned that they might or  
5 they would, especially as we were discussing what we  
6 could or would change to make them more comfortable,  
7 and then did, in fact, leave. However, they didn't  
8 send us a letter that explained exactly why they were  
9 leaving. People do leave for different reasons.  
10 And so being able to point to that and know  
11 for certain that they left, indeed, because of the  
12 concerns that they had given us earlier is difficult.  
13 It is also difficult to say for certain that they did  
14 not come back in a means that we are unable to tell.  
15 But we certainly have had people who have stated that  
16 and then, in fact, did not come back.  
17 Q. Do you have any -- excuse me.  
18 Does Wikimedia Foundation have any estimate  
19 or ballpark of about the number of individuals it  
20 specifically expressed concerns about NSA surveillance  
21 which you understood to include upstream and then  
22 left?  
23 A. For individuals who explicitly presented it  
24 to somebody within the Wikimedia Foundation and then  
25 left, I would say four to six. However, given the

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1 context and concerns in general, I think that they, on  
2 a personal basis and from talking to others within the  
3 Wikimedia Foundation more broadly, it is also likely  
4 that many of them were not willing to discuss that  
5 with us because they would have had to -- would have  
6 had to say it in such a way that itself could have  
7 been seen.  
8 And so there is a good chance that a portion  
9 of those people who left around that time, or since  
10 then, have done it because of surveillance in general,  
11 NSA surveillance, specifically.  
12 MS. HANLEY COOK: Tim, we've been going about  
13 an hour and I could use a break. So whenever you're  
14 at a good place.  
15 MR. JOHNSON: This is a perfectly good  
16 stopping point.  
17 MS. HANLEY COOK: Okay. I didn't mean to --  
18 MR. JOHNSON: That's fine.  
19 (A recess was taken from 11:02 a.m.  
20 to 11:18 a.m.)  
21 BY MR. JOHNSON:  
22 Q. So we were discussing the interactions  
23 between Wikimedia Foundation personnel and users who  
24 were concerned about upstream and related NSA  
25 surveillance.

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1 A. Correct.  
2 Q. So in those conversations, interactions, did  
3 the users explain specifically why NSA surveillance  
4 was of concern to them?  
5 A. Specifically, during the interactions when  
6 they were talking?  
7 Q. Yes.  
8 A. Yes. So, in general, they would explain that  
9 they were concerned both on that -- sorry. Just to  
10 clarify, do you mean the sort of -- either why they  
11 believe they would be targeted, why they think it --  
12 like how it would affect them?  
13 Q. Mine was just a general question that  
14 subsumed, basically, all of those. So feel free to  
15 start wherever you feel most appropriate.  
16 A. So, in general, many of them believed that  
17 there was a concern that everything that they had,  
18 that they were doing could be seen, could possibly be  
19 saved. And so could be of concern if -- either now or  
20 later. So there were worries that they sort of could  
21 come back to haunt them or could be taken out of  
22 context.  
23 So, for example, fears of what it would look  
24 like if you just took a small slice of the articles  
25 that they were viewing or reading or editing,

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1 especially in the editing context because they might  
2 be administering or adjusting articles that are not  
3 necessarily actually about their personal belief. So  
4 their personal topics. They will try to keep an  
5 article neutral even though it's about somebody they  
6 are very not neutral about or a topic they are not  
7 very neutral about.

8 So it could even include, for example, just  
9 as an imaginary example, taking an article about a  
10 former Nazi or a current Nazi but a dead Nazi, and  
11 taking out quotes or long pieces that made them look  
12 bad because it was taking up huge amounts of the space  
13 and was making the article slanted more than it should  
14 be, given the context. If something like that was  
15 taken out of context, it could make them look like  
16 they were more favorable to the individual when they  
17 were not. Or when in their country, being favorable  
18 towards that person could even be illegal.

19 The same thing could happen on the LGBT  
20 topics, on local current politics topics talking about  
21 the history of their government or their country or  
22 about somebody else. And so there are worries about  
23 present day concerns or something that they did now  
24 that can then be taken out of context years down the  
25 road if that information was stored for one reason or

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1 another.

2 They -- many of the individuals are -- at  
3 least the ones who spoke to me and who spoke to some  
4 of the other staff members and Foundation staff who I  
5 spoke to, staffing contractors who they are involved  
6 in activities locally that may be of concern both to  
7 either to the United States, to their local government  
8 or both.

9 For example, they were involved in  
10 revolutionary activities, in human rights activism or  
11 activism in general. For many of them in their  
12 country just operating on Wikipedia or the Wikimedia  
13 projects in general could be considered activism or  
14 can be considered problematic. The right to free  
15 knowledge that is very important to the Wikimedia  
16 Foundation and frequently very important to sort of  
17 the United States or to western citizens is not always  
18 seen the same in other countries, and even specific  
19 topics can be of -- can be of concern or can be seen  
20 as a concern for citizens of those countries.

21 So Europeans, for example, have very -- many  
22 of the European countries have very specific laws  
23 about speaking about Nazism or about Fascism or hate  
24 crimes that are very different to the United States or  
25 vice versa. Different topics that would be sensitive.

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1 And they had concern that the information that they,  
2 the NSA, either in upstream or in other surveillance  
3 programs, could take can then be shared -- could  
4 either be used by the United States, either now or in  
5 the future, or it could be shared with their own  
6 government and then be used against them by their own  
7 government.

8 Again, just giving the breadth of this, there  
9 are many other examples there that I may not be  
10 thinking about.

11 Q. I'm not trying to put words in your mouth.  
12 So correct me to the degree I'm misstating anything.  
13 But there is a concern that NSA would collect their  
14 information, pass it on to foreign governments, and  
15 that would lead to prosecution or other adverse action  
16 by the foreign government in the country that the  
17 individuals lived in. That's one concern?

18 MS. HANLEY COOK: Objection. Misstates prior  
19 testimony.

20 BY MR. JOHNSON:

21 Q. To the degree it misstates your prior  
22 testimony, please correct my characterization.

23 A. That is certainly one concern of, I think,  
24 many. So it would also include the NSA or the U.S.  
25 government using surveillance that they collected in

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1 upstream ourselves or as the United States, either,  
2 for example, when they were coming to the  
3 United States, either as a visitor, either within --  
4 as a "Wikimedian" -- so for conferences or meetings  
5 that we would have here, for Visa applications for the  
6 same or as a tourist or in their day-to-day work,  
7 since most of these people -- most of these  
8 individuals have day jobs that may require travel here  
9 or elsewhere, or that it could be used against them by  
10 the United States in a foreign country, as well as, I  
11 imagine, other concerns on their part.

12 Q. Did these concerns evolve over time or have  
13 they been relatively consistent?

14 A. I think it depends on the individuals as well  
15 as the individuals' context. They certainly evolved  
16 early on. There is -- there was very little  
17 conversation, as I said earlier, about U.S.  
18 surveillance until sort of June 2013 when awareness  
19 became one vault. There were small blips, but in  
20 general, what was discussed before that was considered  
21 to not be significantly affecting the Wikimedia  
22 Foundation and its projects specifically, while some  
23 of the things that came out, especially upstream, were  
24 seen as something much more directly affecting our  
25 projects.

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1 numberswise, it would require additional research. I  
 2 know that there was some that have been done by  
 3 researchers who have more knowledge than I have.  
 4 Q. Just so I'm clear, I want to close the loop,  
 5 make sure I don't misunderstand you. Putting aside  
 6 academic studies, statistical breakdown, is there any  
 7 other evidence that you're speaking of a  
 8 representative from Wikimedia Foundation is aware of  
 9 that would demonstrate that participation in the  
 10 Wikimedia projects have decreased based on upstream  
 11 surveillance?  
 12 A. So I can give specific examples, if  
 13 necessary, of conversations. Most of them -- most of  
 14 what I know is conversations both documented and  
 15 undocumented that they have given us or that they've  
 16 had with us, and there may be others that I don't know  
 17 or other examples that I'm not thinking of.  
 18 Q. I'm sorry. Just to be clear, the "they" in  
 19 response --  
 20 A. The users -- the users have communicated with  
 21 us.  
 22 Q. You mentioned "examples." Are there any  
 23 examples beyond the examples we've already discussed  
 24 today?  
 25 A. Sure. I can give you a couple if you'd like.

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1 Q. Yes. That would be very helpful. Thank you.  
 2 A. So I'm just trying to think of not the entire  
 3 breadth of every example I've heard but some  
 4 representative options. For example, we had a user  
 5 who was very concerned that they, as a U.S. citizen  
 6 who lived abroad, would be a representative target and  
 7 be much more interested -- interesting to U.S.  
 8 surveillance.  
 9 They specifically sent us a message that --  
 10 they actually sent it directly to the stewards, to our  
 11 trusted community members who were elected to do this,  
 12 amongst other things, asking for permission to be able  
 13 to use Tor or virtual private networks. Not other.  
 14 They're sort of separate technologies, but in order to  
 15 hide their true location and their true IP address  
 16 when editing and when viewing the projects.  
 17 When viewing is -- generally, you would still  
 18 be able to view, but you would not be able to edit  
 19 from any of those projects through Tor or through any  
 20 open or closed proxy. They asked for that permission  
 21 explicitly stating that they were doing so because  
 22 they felt at higher risk as a U.S. person outside of  
 23 the United States because of NSA surveillance and  
 24 because of -- how they described it, I believe  
 25 off-stream surveillance because they were specifically

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1 asking right around the consultations around upstream  
 2 surveillance and because they talked about sort of in  
 3 the background conversation.  
 4 They were granted that permission, but that  
 5 is a cumbersome process that would require action on  
 6 their part. So that every time they want to edit,  
 7 it's not the normal way to view pages or to work with  
 8 our sites. And even though they do have permission to  
 9 do that, it requires them to take special action in  
 10 order to continue editing on our sites.  
 11 We also had a number of users. We've already  
 12 talked about some of the users with the identification  
 13 policy and concern about sending identification. We  
 14 have had conversations about whether or not we would  
 15 be willing to allow people to hide their IP address by  
 16 default, something that we were not completely willing  
 17 to do, which I imagine could very well cause some of  
 18 them to back off without telling us exactly why.  
 19 We had a user more recently, I think 2017,  
 20 similar to the last person I talked to from 2013, who  
 21 is a non-U.S. person, but this person was arrested  
 22 into the Philippines, specifically asking permission  
 23 to use virtual private networks or other proxies in  
 24 order to be able to edit and hide his IP address  
 25 because they were afraid that the NSA would surveil

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1 their information and turn it over to those  
 2 Philippine -- the Filipino government, who they felt  
 3 we were closely tied with and were willing to share  
 4 information with. So, again, we're asking for the  
 5 specific knowledge of that.  
 6 I've been told stories of Chinese users  
 7 who -- especially Chinese users who were more western  
 8 focused and had come to the United States for  
 9 education, to attend school and then went to -- went  
 10 back to China and are now on mainland China, who  
 11 believe they may be especially focused on -- a special  
 12 focused on NSA surveillance because they sort of came  
 13 onto their screen while they were sort of in the  
 14 United States but now that they've moved back, and  
 15 because of that have been wary of communicating with  
 16 us about grants.  
 17 They got grants from us when they were in the  
 18 United States. Or communicating with us -- with our  
 19 servers and reading or editing topics that may be of  
 20 interest to the United States and to their activities  
 21 on mainland or adjacent to Hong Kong or Macau. So  
 22 Chinese controlled areas where many of them are  
 23 engaged in prodemocracy or antigovernment behavior.  
 24 And so they felt that might be of interest to U.S.  
 25 surveillance in addition to probably understandably

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1 concerns about foreign surveillance. But they did  
2 have specific concerns.  
3 There have been similar concerns that have  
4 been relayed to me through other stuff from other  
5 Asian users. For example, we had a contractor and a  
6 long-term editor from Vietnam who expressed a strong  
7 desire to avoid specific pages, and while he was  
8 helping us with translation and communication in  
9 Vietnamese, to refrain from contacting certain people  
10 because of their connection with antigovernment  
11 groups. They're a more publicly known connection, and  
12 a perceived -- or at least perceived understanding  
13 that their government, who they had big concerns with,  
14 was getting closer to the United States and would be,  
15 perhaps, more likely to receive information.  
16 As part of that, they also asked my  
17 permission to hide their name and to normally -- while  
18 we don't require regular users to provide their real  
19 name, if they want to be a contractor, if they want to  
20 work for us, they have to use their public name, their  
21 real name on their work accounts or anything public  
22 facing. They did not want to do that because they  
23 were afraid of that, especially to communicate through  
24 electronic communication.  
25 Many users in Asia specifically go through

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1 intermediaries. And so I will either find out through  
2 another community member, if they want to contact me,  
3 or how other behaviors that have happened, they'll  
4 usually go through somebody perhaps in Taiwan or  
5 somebody in a position that they feel like will be a  
6 little bit easier to get ahold of us. Or they go  
7 through staff members that they know are not in the  
8 United States.  
9 Q. Okay.  
10 A. The -- let's see. Other general -- so  
11 specifically I'm thinking about editing withdrawal on  
12 this?  
13 Q. At this point I was interested in anything at  
14 all that we hadn't discussed that would shed light or  
15 provide a basis for why Wikimedia Foundation has  
16 concluded that there's been a decrease in engagement,  
17 be that with editors, users, or anyone else that  
18 participates in the Wikimedia project.  
19 MS. HANLEY COOK: Objection. Vague and  
20 ambiguous.  
21 BY MR. JOHNSON:  
22 Q. To the degree you don't understand my  
23 question, I can clarify, please. Let me know how I  
24 can clarify.  
25 A. So, again, as we talked earlier, putting

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1 aside the possibility of academic research, we also  
2 have had some specific -- multiple specific sort of  
3 sensitive incidents and issues. So my work, for  
4 example, on investigations of sensitive topics, we had  
5 where we've had to do a lot of work to try to make  
6 people feel comfortable and make ourselves feel  
7 comfortable, and we were talking to them about  
8 government surveillance or about government actions in  
9 their local government and their concern that the  
10 United States would be listening in on that. That  
11 would include --  
12 Q. I'm sorry. So these are foreign  
13 individuals --  
14 A. Yes.  
15 Q. -- concerned about foreign government  
16 actions?  
17 A. Yes.  
18 MS. HANLEY COOK: Objection. Misstates the  
19 prior testimony.  
20 THE WITNESS: So, yes. For those  
21 individuals, these are foreign individuals but  
22 interacting with Wikimedia Foundation staff --  
23 BY MR. JOHNSON:  
24 Q. Okay.  
25 A. -- or us attempting -- the Wikimedia

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1 Foundation trying to reach out to foreign individuals  
2 to ask them questions or ask their evidence in  
3 incidents that have happened in multiple -- in both  
4 the United States and internationally. And in many of  
5 those cases they have expressed concern communicating  
6 with us, interacting with us.  
7 I already spoke about some of the privacy  
8 policy conversations and identification there, and  
9 conversations with users who stated that they may --  
10 that they wanted to reduce their interaction. At the  
11 moment, that's the big sort of topic, sort of general  
12 areas. There are multiple examples in most of those  
13 areas that we could go in, but that covers most that I  
14 can think of for right now.  
15 Q. Obviously, if you think of something else  
16 that's relevant, we appreciate you letting us know  
17 later during this discussion.  
18 Sort of along those same lines, we've been  
19 focusing on users. Is it Wikimedia Foundation's  
20 position that upstream surveillance has similarly  
21 caused Wikimedia staff and contractors to decrease  
22 their participation, engagement in Wikimedia projects?  
23 MS. HANLEY COOK: Objection. Outside the  
24 scope of the topic for which this witness is  
25 designated, but I'll let him answer in his personal



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1 capacity.  
2 MR. JOHNSON: This topic I will just briefly  
3 state, this was covered in Wikimedia's response to,  
4 it's --  
5 MR. GILLIGAN: Interrogatory 19.  
6 MR. JOHNSON: Which was part of Topic 4.  
7 Q. But proceed.  
8 A. I think it's definitely true that Wikimedia  
9 Foundation staff and contractors have had to reduce or  
10 change our interactions or communication with  
11 community members, and at times with the general  
12 public because of concerns with this.  
13 Q. Have -- would that include any  
14 self-censorship communications that you would have  
15 sent but didn't send because of upstream surveillance?  
16 A. Yes, there have definitely been times where  
17 both I personally and other members of the Wikipedia  
18 Foundation staff have decided to either change what  
19 they were sending or not send something because of  
20 concerns about surveillance.  
21 Q. Can you provide some examples?  
22 A. Sure. So one specific example, which  
23 actually led to some ongoing concerns, was a case we  
24 had involving a torture in Azerbaijan.  
25 This was originally a complaint that came to

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1 us from multiple community members in an Azerbaijani  
2 language project, that they had -- they had an  
3 individual who was -- who had been tortured -- or was  
4 being tortured by local government, as well as under  
5 the -- what they believe was the direction of a local  
6 government official who was an elected administrator  
7 on the project. That was obviously of great concern  
8 to us, and so we wanted to investigate that. We did  
9 not completely understand the topic. We were speaking  
10 through language difficulties.  
11 They -- both themselves and staff, we were  
12 concerned about communicating about the topic directly  
13 in the open. Some of that was concern for local  
14 government surveillance, but especially on our part  
15 there was also concern about U.S. surveillance because  
16 we were talking about a sort of sensitive area of the  
17 world. We knew that there was lots of interest both  
18 in the U.S. government and from other governments in  
19 that region and that we were talking about specific  
20 actions that were being done by the local government,  
21 sort of in retaliation and against us and the press in  
22 general.  
23 So because of that, we had to proceed quite  
24 slowly and carefully, and doing this investigation  
25 despite knowledge that some of this behavior may have

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1 been ongoing and highly problematic for users. That  
2 involved quite a few conversations early and ongoing  
3 with human rights organizations and other groups that  
4 had more knowledge and understanding in how to do  
5 these types of investigations and the behavior of both  
6 the United States and other countries.  
7 It involved having to work through  
8 intermediaries, community members that we knew were  
9 either able to speak the language orally and so could  
10 contact individuals behind the scenes and have  
11 discussions and then communicate with us orally as  
12 well through either encrypted voice chat or through  
13 encrypted written conversations with a preference  
14 towards encrypted voice chat and other nondocumented  
15 methods.  
16 It also involved multiple staff members  
17 outside the United States having interviews with the  
18 individuals who had reached out to us to try to more  
19 fully understand the -- exactly what was happening.  
20 So, for example, at the very beginning we had a  
21 general belief that their word "tortured" actually  
22 meant much more of a theoretical sense, that somebody  
23 was being stressed because of interactions. It took  
24 us a while to realize they meant physical torture.  
25 We were eventually able to take some action,

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1 including banning and removing the administrator  
2 involved, but it took us almost a month of attempting  
3 to sort of methodically go through this while  
4 communicating as little as we could with individuals  
5 outside, and for what communication we had to do,  
6 taking some burdens, some steps to try to keep that as  
7 private as possible for their safety.  
8 And in the end, we couldn't do everything.  
9 We sort of had to do the most we could. That included  
10 what became an ongoing sort of monthly -- before that  
11 it had been sort of ad hoc -- oral and encrypted,  
12 where possible, meetings with our larger steward  
13 group, with our elected global users from around the  
14 world, to be able to brief them on what was happening,  
15 why, and to what we were doing in our direction.  
16 Those were conversations that we did not want  
17 to be overheard by anybody, both U.S. and overseas  
18 because that group includes a large amount of people  
19 who are involved in -- who are involved in behavior  
20 that we felt could be interesting both to their local  
21 government and to the United States. 30 to 35 people,  
22 for example, who are in 25 different countries sort of  
23 spread out.  
24 And we, in past before that we had had -- we  
25 had sort of avoided -- we'd either had written

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1 documented meetings, especially prior to 2013, sort of  
2 ad hoc, occasional meetings that we would have in  
3 documented IRC channels or conversations that we just  
4 happened to have in open E-mail.  
5 We then moved to trying to just avoid  
6 sensitive topics with them and talk about topics that  
7 we were fine with being viewed. Because of the great  
8 usefulness that they presented to us in that  
9 investigation, they -- we wanted to be able to  
10 continue to talk to them about sensitive topics, and  
11 so had to start setting up regular meetings using  
12 encrypted forms of communication to be able to  
13 continue to have that, but then also to keep focusing  
14 those sensitive topics to very specific times when we  
15 were able to do so securely. We also had a couple  
16 in-person meetings, not on that topic but with that  
17 group because of that.  
18 There have been a number of times, both  
19 personally and as the -- within the Foundation, that  
20 we have refrained from sending notices or warnings to  
21 people that we knew were in sensitive locations. For  
22 example, in China, specifically where we knew that  
23 there were individuals that had been surveilled that  
24 they had been presented evidence that there was  
25 surveillance. We felt that there was a good chance

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1 that they were targets of U.S. and foreign  
2 surveillance. So they would be of interest.  
3 We -- again, there are many examples, but  
4 another specific example would be we had some Iranian  
5 users who we work very closely with, one of which ran  
6 into problems in Iran where they had been picked up  
7 multiple times, had threats made to them by the local  
8 government, and because of that they wanted to leave  
9 Iran, and we were going to help them, along with our  
10 affiliates in Germany.  
11 And they were very concerned and we were  
12 concerned about surveillance from both the U.S. and  
13 internal, domestic surveillance in Iran. So they sent  
14 us -- they were willing to send certain documentation,  
15 especially after the fact or when it was in the open,  
16 but during the actual sort of most sensitive periods  
17 of that movement they wanted to talk to somebody  
18 private and outside the United States.  
19 So I had one of my staff members who lives in  
20 Greece talk to them, and then the communication with  
21 Germany -- with our German affiliate happened through  
22 encrypted E-mail between myself and the liaison there,  
23 specifically to keep that restricted.  
24 Q. Thank you. Is it possible to estimate how  
25 many times Wikimedia Foundation staff have had to

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1 completely forgo communications based on concern of  
2 upstream surveillance?  
3 A. I think it would be impossible to estimate a  
4 full number. There have certainly been dozens of  
5 times that I know of, but given that there are many  
6 times that people sort of decide to do it differently  
7 or to not do it at all, it never gets to a point where  
8 somebody I've talked to or myself would know about it.  
9 Knowing for certain all of those occasions would not  
10 be possible. And there are certainly other examples  
11 that I may be unaware of that may have already been  
12 things that we've turned over or maybe something that  
13 no one has yet told me about, somebody I've talked to.  
14 Q. Thank you. When Wikimedia staff engaged in  
15 such censorship, what did they fear would happen if  
16 the NSA intercepted their communications?  
17 A. So I can't speak for everybody. For those  
18 I've talked to myself, I think the biggest concern was  
19 for the individuals we were communicating with, and  
20 that that information could be used to -- either  
21 directly by the United States now or in the future if  
22 it was seen to be of interest. Many of these  
23 individuals were either to our knowledge or could be  
24 where they were involved in activities that would be  
25 of interest in the United States and to allied

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1 countries.  
2 And there was concern that their  
3 identification and information about what they --  
4 about their actions and travel and communication would  
5 put them at risk, would allow them -- would make them  
6 be more easier to pick up, to be talked to easier, to  
7 blackmail or to be asked to do certain other  
8 activities or would -- well, could be used against  
9 them in general while asking them to do certain  
10 activities I think was the biggest one.  
11 And, again, as I talked about some of the  
12 community concerns earlier, there was concern about  
13 this sort of out-of-context questions about it, either  
14 purposefully or not, that if you only see a slice of  
15 activity, it can be very -- it can look very  
16 differently than it is intended to. I think I am  
17 unaware of -- yeah. I'm unaware of any specific  
18 incident where we thought the United States would or  
19 should be worried about an individual we were talking  
20 to, but that given the wide variety of things they  
21 were doing, any small snippet could make it appear to  
22 be of concern. And so that was a worry that that  
23 would then be seen as a problem -- as a person who is  
24 a problematic individual or -- and a need of action to  
25 be taken because of that.

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1 Q. Obviously, I don't want to mischaracterize  
2 what you're saying, but am I understanding you  
3 correctly -- and correct me to the degree I'm wrong --  
4 the concern was that the U.S. government or foreign  
5 governments might take action against your users as  
6 opposed to Wikimedia staff themselves?  
7 MS. HANLEY COOK: Objection. Misstates prior  
8 testimony.  
9 BY MR. JOHNSON:  
10 Q. To the degree I did, please correct me.  
11 A. I think that is one concern is that that  
12 communication could then be used against the users. I  
13 believe there would be -- both the witness tomorrow  
14 and some of our others, there's also concern of staff  
15 that it could be used against them. Many of our staff  
16 are international citizens or international residents.  
17 From a completely personal capacity, I know  
18 that there are multiple Visa holders that have been  
19 worried about communication that could then be used  
20 against them as citizens who are residing in the  
21 United States, sort of on approval from the  
22 United States, that could be used against them in  
23 order to remove them or to cause them to do something  
24 in order to stay.  
25 We also have many staff members and

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1 contractors -- or actually, all contractors, but sort  
2 of related individuals who are outside the  
3 United States and work with us who are also -- who are  
4 then worried that they would be targets communicating  
5 back and forth.  
6 Q. Thank you.  
7 A. I should clarify there may be other examples  
8 that I'm not thinking about right now.  
9 Q. Of course. Thank you.  
10 You had mentioned that -- and again, please  
11 correct me to the degree you disagree with any of this  
12 characterization -- that one basis for Wikimedia  
13 Foundation's conclusion that upstream surveillance was  
14 decreasing -- or had played a role in decreasing  
15 engagement was academic studies.  
16 In the discovery responses two particular  
17 studies I mentioned are entitled "Showing Effects,  
18 On-line Surveillance on Wikipedia Use," and Privacy,  
19 Anonymity, and Perceived Risk in Open Collaboration, A  
20 Study of Tor Users and Wikipedians."  
21 I can provide additional information of those  
22 articles to the degree that's unclear, but to the  
23 degree you understand the articles I'm referring to,  
24 are those the articles that you've mentioned as one  
25 basis.

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1 MS. HANLEY COOK: Objection. Misstates prior  
2 testimony in the beginning of that long question.  
3 Go ahead.  
4 THE WITNESS: I do not know, just as not  
5 writing it, how much these were relied upon in the  
6 original filings for future, just that I believe that  
7 academic studies are going to be much better at giving  
8 specific stats or specific facts about changes related  
9 to some upstream surveillance and other surveillance  
10 in, especially, readership and editing at large  
11 because there are so many different things that need  
12 to be controlled for that requires specialized  
13 knowledge and specialized research.  
14 I am aware of those two -- of the two studies  
15 that you mentioned, or at least believe I am from how  
16 you described them. I have not read every word of  
17 both of those studies but had perused them in  
18 preparation for this deposition.  
19 BY MR. JOHNSON:  
20 Q. Thank you. Are you aware of any other  
21 academic studies, excluding any expert testimony that  
22 the Wikimedia Foundation might offer in this case, on  
23 which the Wikimedia Foundation is relying to  
24 demonstrate a decrease in engagement?  
25 MS. HANLEY COOK: Objection. Outside the

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1 scope of the topic noticed. He'll answer in his  
2 personal capacity. It might also call for expert  
3 testimony.  
4 MR. JOHNSON: I obviously disagree.  
5 Q. Please answer.  
6 A. I am not aware of any specific studies that  
7 have been done other than that. I imagine that if we  
8 are aware, we would give them to you or they would be  
9 made aware otherwise. It would surprise me if there  
10 were more, but I do not know any off the top of my  
11 head.  
12 Q. Of the two studies aforementioned, did the  
13 Wikimedia Foundation support or facilitate these  
14 studies in any way?  
15 MS. HANLEY COOK: Objection. Outside the  
16 scope of the topic noticed. He'll answer in his  
17 individual capacity.  
18 MR. GILLIGAN: We disagree.  
19 MR. JOHNSON: We disagree.  
20 MS. HANLEY COOK: If you want to save time,  
21 we can stipulate that you always disagree with me when  
22 I make those objections.  
23 MR. JOHNSON: Sure. Fine. Thank you.  
24 THE WITNESS: I'm not aware of any specific  
25 support which gave for either of those. I am aware

<p style="text-align: right;">Page 146</p> <p>1 a total. 2 BY MR. JOHNSON: 3 Q. Have Wikimedia readers or editors complained 4 about the article quality on Wikimedia sites? 5 MS. HANLEY COOK: Objection. Same objection. 6 THE WITNESS: Again, that is a topic that has 7 come up sort of off and on for a while. I think in my 8 personal experience and knowledge from others, that is 9 a complaint that has become less and less prevalent. 10 It used to be a very frequent question or concern 11 either from editors or from readers or from the mass 12 media and from others outside of the movement. That 13 has become a significantly less concern to the point 14 that, in general, most comments that we hear now are 15 the opposite. 16 And so, for example, lots of large companies 17 using our content either directly -- so, for example, 18 Facebook shows -- if you go to a page about a company 19 that has not created a page on its own, it will 20 attempt to show you the Wikipedia articles that you 21 can still see information about that individual or -- 22 that individual or that company. There is much 23 more -- in the more recent news there is use of 24 articles on news companies on Facebook recently to try 25 to look at the idea of fake or incorrect news.</p>	<p style="text-align: right;">Page 148</p> <p>1 That is much more in the realm of the editors, except 2 for extreme situations where there is a legal reason 3 or a safety reason or something of that level that we 4 have to come in on. So the editors create content 5 policies. They help to manage the content. They have 6 done so and have obviously been perfecting and 7 adjusting those policies throughout the time. 8 We have also -- the Wikimedia Foundation has 9 certainly either assisted or run programs to try to 10 push for better content. So part of the gender 11 diversity push, which focuses on -- for example, there 12 were pushes mostly led by the community but with 13 support from the Wikimedia Foundation on articles 14 about female scientists, or similar, to try to push 15 for better representation there. 16 We have also tried to support the development 17 of the new project Wikidata, which is used by a lot -- 18 as sort of a data repository, and it's freely 19 available for anybody, both commercially and 20 noncommercially to use. That is a relatively recent 21 project that we have put a lot of time and effort and 22 money into developing, as well as trying to ensure 23 that the view, both through APIs for third parties and 24 through our websites, is easier for that content. 25 BY MR. JOHNSON:</p>
<p style="text-align: right;">Page 147</p> <p>1 YouTube is using it to try to present people 2 with information and knowledge around different means 3 or different topics that may be confusing to people. 4 That has become an increasing -- an ever increasing 5 thing that I think is a sign that people are trusting 6 our content. A lot of different search engines, for 7 example, also use our content, both Wikipedia content 8 as well as content coming from Wikipedia Commons, a 9 repository with data -- our repository to present that 10 data, for example, in the little info box on the side 11 of Google or Bing. I know uses it in some of their 12 presentations. That is an ever increasing thing, 13 which I think sort of goes against the older concerns 14 about quality. 15 BY MR. JOHNSON: 16 Q. Are there any particular changes that 17 Wikimedia Foundation has made that have increased 18 quality? 19 MS. HANLEY COOK: Objection. Vague and 20 ambiguous. Overbroad. Beyond the scope of the topic 21 noticed. 22 He can answer in his individual capacity if 23 he knows. 24 THE WITNESS: So the Wikimedia Foundation 25 itself, just to be clear, does not control content.</p>	<p style="text-align: right;">Page 149</p> <p>1 Q. Do Wikimedia sites experience any seasonal 2 variations in their traffic? 3 MS. HANLEY COOK: Objection. Beyond the 4 scope of the topic noticed. 5 He can answer in his individual capacity to 6 the extent he knows. 7 THE WITNESS: In general, I think there is 8 some seasonal variation. The -- exactly what seasonal 9 variation can adjust depending on the projects -- 10 which project we're talking about or areas of the 11 projects that individual articles may or may not have 12 seasonal variation depend on the subject involved. 13 Different languages may have a difference based on the 14 population that is using them. 15 One example is that our global user base, 16 especially in English Wikipedia, tends to have a bit 17 of a dip during the summer, just because there are 18 people out of school, and a lot of people use it in 19 school or when they are studying. And then that will 20 come back up. So that, obviously, needs to be taken 21 into account. 22 BY MR. JOHNSON: 23 Q. Have Wiki users or editors complained about 24 foreign government censorship of Wikimedia projects? 25 MS. HANLEY COOK: Objection. Beyond the</p>

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1 excuse us, I know it's easier for us to step out  
2 briefly. We just want to discuss and make sure that  
3 we haven't neglected any important areas of inquiry,  
4 but otherwise, we're just about done.

5 MS. HANLEY COOK: I'm going to run to the  
6 bathroom.

7 MS. HUSSEY SCOTT: Let's go off the record.  
8 (A recess was taken from 4:55 p m.  
9 to 5:01 p m.)

10 BY MR. JOHNSON:

11 Q. Okay. Really, just to wrap things up, are  
12 there any answers to my questions you've given today  
13 that you'd like to change before I stop asking  
14 questions?

15 A. Not that I can think of specifically other  
16 than to just clarify our methods of communication. I  
17 know a lot of the time we were talking about  
18 communication I focused on, sort of person-to-person  
19 written communication, E-mails and chat programs, and  
20 that includes VPN or like private chat channels, apps  
21 that may be encrypted, allow voice chat, allow text  
22 chat, E-mail, encrypted E-mail, phone conversation,  
23 and the like.

24 But it also includes with the Wikipedia  
25 Foundation as a whole, a lot of server traffic that

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1 can -- that is also a significant amount of the  
2 communication, obviously, between users especially,  
3 our readers, and editors whenever they're interacting  
4 with our website.

5 Q. Any information responsive to any of my  
6 previous questions that you didn't remember when I  
7 asked you but that you've since recalled?

8 A. Not that I can think of, but it's certainly  
9 possible. But, yeah, nothing that I can think of at  
10 the moment.

11 Q. Anything else you'd like to add to what  
12 you've told us today so that we can better understand  
13 Wikimedia Foundation's perspective on this issue?

14 MS. HANLEY COOK: Objection. Vague and  
15 ambiguous.

16 BY MR. JOHNSON:

17 Q. The topic is the topic notice of the  
18 deposition.

19 A. Only to point out sort of the breadth of the  
20 fears that people can have. And so there are very  
21 explicit and specific fears that information collected  
22 by the NSA will be used against them now and in the  
23 future, and that it will be used as sort of a chip  
24 against them or that it could be -- that it could be  
25 harmful to them in the future. However, there's also

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1 the sort of underlying and ongoing concern of the  
2 violation of privacy in general, sort of the looking  
3 over your shoulder fears. The harm that comes from  
4 feeling that you're always watched.

5 That has been an ongoing conversation, an  
6 ongoing concern that has gone on in individual  
7 one-on-one, person-to-person conversations, especially  
8 at Wikimedia events. I even talked to one staff  
9 member who got stopped at one point on the street by a  
10 reader who was concerned and asking questions about  
11 who could view the information that they were sending,  
12 like what articles they were reading and similar.

13 Editors certainly have a lot of that concern.  
14 Some of the communication we've gotten from readers is  
15 like the fear that just sort of everything that  
16 they're doing is being watched. I think that was a  
17 strong underlying fear and harm from everything as  
18 they were going on, especially after more and more of  
19 the revelations happened.

20 The original awareness was -- awareness  
21 increased originally around more electronic sharing  
22 between like coming from a service provider on a  
23 specific requests to the government, to the U.S.  
24 government. That was always seen as a lower level  
25 concern because it sort of meant that there was --

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1 they were being targeted. And so any individual who  
2 did not feel they had a reason to be targeted did not  
3 feel they had a reason to be afraid.

4 The upstream surveillance changed that fear  
5 very significantly because suddenly, they're worried  
6 about the mass collection or the mass viewing of their  
7 data about sort of somebody always looking. And so  
8 always having to be careful that what you're doing  
9 could be taken out of context or could be seen  
10 differently, or one mistake could suddenly come back  
11 to haunt you later on when they may not have even  
12 realized it was a mistake.

13 I think that has been another ongoing one  
14 even if at times we focused on a specific incident or  
15 a specific fear at one individual point in time. I  
16 don't think that always gets to that broader  
17 underlying concern.

18 Q. So am I understanding you to be saying that  
19 the Wikimedia users complained -- who expressed  
20 concerns about upstream surveillance understood it to  
21 be a mass surveillance program?

22 MS. HANLEY COOK: Go ahead.

23 THE WITNESS: It is my understanding from a  
24 lot of the communication that I've received from  
25 editors, I viewed from editors and the communication

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1 I've received from other staff, that most of the  
2 people they discussed NSA surveillance with, upstream  
3 surveillance with, they saw it as a mass collection  
4 program that was not -- that could be targeted but was  
5 not always targeted.  
6 And so they were unsure of how much that  
7 would be filtered and how much was going to be viewed  
8 and for how long.  
9 BY MR. JOHNSON:  
10 Q. Just to clarify, you mentioned a fear that  
11 the United States would use users' data as a chit  
12 against them, I believe was the phrase. Could you  
13 elaborate on what you mean by that?  
14 A. To clarify the term "chit," that was  
15 definitely my own wordage.  
16 Q. Of course not a technical term, but what you  
17 meant in context.  
18 A. That it could be used as either blackmail or  
19 as leverage against them, that if they made -- if they  
20 were viewing, say, articles of political significance  
21 or of concern, that that could be shown to them. It  
22 could be threatened to be given to others, that  
23 articles that they were writing or editing that they  
24 felt were private, for example, something that really  
25 revealed that they may have been gay or transgender or

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1 a lesbian or something that revealed that they may  
2 hold political views that are unacceptable or  
3 problematic in their region.  
4 Whether that's a region in the United States  
5 or a region in the world, that that could be used as a  
6 negative in their favor or against them.  
7 MR. JOHNSON: Okay. As a technical  
8 housekeeping matter, we would like to hold this  
9 deposition open for now simply because --  
10 MS. HANLEY COOK: Have you said you have no  
11 further questions?  
12 MR. JOHNSON: I have no further questions at  
13 this time.  
14 MS. HANLEY COOK: So I'm going to step  
15 outside and figure out if I have any redirect to clean  
16 up the record at all, but go ahead.  
17 MR. JOHNSON: I just want to make sure that I  
18 note for the record that we're holding it open simply  
19 because we need to review the additional documents  
20 that were produced last night. If those don't bring  
21 any further questions, then we'll be happy to  
22 officially close the deposition.  
23 MS. HANLEY COOK: Okay. Let's go off the  
24 record. I'll try and keep it quick. Let's just  
25 circle out for one second. Let me figure out if

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1 there's anything I need to clean up.  
2 (A recess was taken from 5:10 p m.  
3 to 5:13 p m.)  
4  
5 EXAMINATION  
6 BY MS. HANLEY COOK:  
7 Q. So, James, earlier today you were asked what  
8 types of private information users expressed fear  
9 about sending to Wikimedia Foundation due to upstream  
10 surveillance. I believe you said IP address, sending  
11 pictures of their photo or government ID, personal  
12 information related to attendance at events, and I  
13 think you just mentioned web requests. Were there any  
14 other kinds of private information users expressed a  
15 fear of sending to the Wikimedia Foundation due to  
16 upstream surveillance?  
17 A. So web requests were like HTTP requests  
18 specifically, contain a bunch of information  
19 themselves that they would possibly be adding, much of  
20 which would be considered private information. It  
21 would include the actual pages that who they are  
22 viewing and who they are, their IP address, what pages  
23 they're requesting specifically. And it would also  
24 include information about their computer. What we  
25 would call a "user agent," but also things like the

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1 size of their monitor and what browser they're using,  
2 what OS information that can be used to identify --  
3 that could be used to identify them compared to, say,  
4 other people who were at the IP address, and they  
5 could appoint specific laptop or desktop phones that  
6 they were on.  
7 It could -- it also could include other  
8 information that could be used to identify them. For  
9 example, information from our cookies that could help  
10 somebody to connect to the user who was actually  
11 viewing those pages, or the person that is viewing  
12 those pages, potentially information from other  
13 cookies or other sites that would be over the same, as  
14 well as the site that they were coming from, which  
15 would reveal something about them.  
16 For the web address, I think that's the  
17 majority. There also may be pieces of it that I may  
18 not be thinking about. In addition, the  
19 identification or identifying information sent to us  
20 is not just for events. It could also include  
21 identifying information because they want to join one  
22 of our programs. It could be information that they  
23 are required to present in order to be on a committee,  
24 to be on -- to ask us for assistance, or they also  
25 have to frequently send information to identify

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1 themselves or to reidentify themselves to the  
2 community but to our servers for the ticketing system  
3 that I was suggesting to release -- if they want to  
4 release copyright images or if they want to confirm  
5 copyright text that they already hold and they're  
6 trying to donate, or if they want to verify who they  
7 are, that they own an account.

8 For example, if they are a notable  
9 individual, they have to -- who says that they are a  
10 noted individual, they will have to send us  
11 identifying information to compare and connect their  
12 account to their individual, and while we keep it  
13 private, it still comes through our serves and would  
14 still be readable and accessible. There may be others  
15 that I'm not thinking about.

16 They also, of course, not infrequently, will  
17 tell us what some of their fears are, which can then  
18 reveal information about them, specifically what could  
19 be used to target them.

20 MS. HANLEY COOK: Great. I have no further  
21 questions.

22 MR. JOHNSON: Okay. No further questions  
23 from us either.

24 MS. HANLEY COOK: Okay. Great.

25 Thanks, Nancy. I will figure out who can

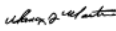
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1 scan this.  
2 (Witness excused.)  
3 (Deposition concluded at 5:17 p.m.)  
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1 CERTIFICATE

2 I do hereby certify that the aforesaid testimony  
3 was taken before me, pursuant to notice, at the time  
4 and place indicated; that said deponent was by me duly  
5 sworn to tell the truth, the whole truth, and nothing  
6 but the truth; that the testimony of said deponent was  
7 correctly recorded in machine shorthand by me and  
8 thereafter transcribed under my supervision with  
9 computer-aided transcription; that the deposition is a  
10 true and correct record of the testimony given by the  
11 witness; and that I am neither of counsel nor kin to  
12 any party in said action, nor interested in the  
13 outcome thereof.

14   
15

16 Nancy J. Martin, RMR, CSR

17 Dated: April 16, 2018  
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19  
20  
21 (The foregoing certification of this transcript does  
22 not apply to any reproduction of the same by any  
23 means, unless under the direct control and/or  
24 supervision of the certifying shorthand reporter.)  
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1 INSTRUCTIONS TO WITNESS

2

3 Please read your deposition over carefully  
4 and make any necessary corrections. You should state  
5 the reason in the appropriate space on the errata  
6 sheet for any corrections that are made.

7 After doing so, please sign the errata sheet  
8 and date it. You are signing same subject to the  
9 changes you have noted on the errata sheet, which will  
10 be attached to your deposition. It is imperative that  
11 you return the original errata sheet to the deposing  
12 attorney within thirty (30) days of receipt of the  
13 deposition transcript by you. If you fail to do so,  
14 the deposition transcript may be deemed to be accurate  
15 and may be used in court.

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2 ERRATA  
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4 PAGE LINE CHANGE

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1 ACKNOWLEDGMENT OF DEPONENT

2  
3 I, JAMES ALEXANDER, do hereby certify that I  
4 have read the foregoing pages, \_\_\_\_\_ to \_\_\_\_\_,  
5 and that the same is a correct transcription of the  
6 answers given by me to the questions therein  
7 propounded, except for the corrections or changes in  
8 form or substance, if any, noted in the attached  
9 errata sheet.

10  
11 \_\_\_\_\_

12 DATE SIGNATURE

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