

Cite as: 11 NCTU L. REV., September 2022, at 31

The Study on the Horizontal Phased Regulation of Internet Surveillance —Taking the “Carnivore System” as the Main Material for Review

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Abstract

This article points out that the current Communication Security and Surveillance Act (CSSA) was originally based on a centralized system as its prerequisite for legislation, so it is essentially unable to cope with the problems of decentralized systems. Because the Internet is a typical example of a decentralized system, this paper takes the Carnivore System (a technological method for internet surveillance) known as a packet sniffer as the main material to clarify the problem. With this as the premise, this article focuses on the technical characteristics of digital convergence, and change it from the perspective of “the across-giant-database” to further comprehensive analysis. With the development and popularization of information technology and various sensors, everyday life in the modern world is often inseparable from a variety of giant databases that have unlimited possibility of connecting the virtual and the real world. This is the aforementioned “the across-giant-

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database”. “The across-giant-database” as an investigative method can be divided into four stages: A stage-equipment installation, B stage-getting information, C stage-storage accumulation, and D stage-conformity analysis. This is the so-called cross-big library view. This article further analyzes this point of view and puts forward the so-called horizontal phased regulation theory to make specific suggestions for amending the current law.

Keywords: Carnivore System, Source-Telecommunications-Monitoring (Quellen-Telekommunikationsüberwachung), Particularity Requirement, Digital Convergence, Third-Party Doctrine, Mosaic Theory, Location Information