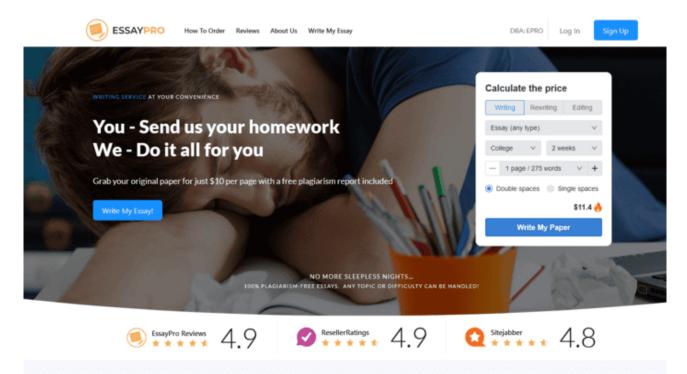
## **Overview of Data Encryption and Legal Issues**



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Overview of Data Encryption and Legal Issues
What is encryption and why do we need it?
The concept of encrypting information has been popular for hundreds of years. Revolutionaries, scientists, political activists and lovers have utilized this technique to maintain privacy and confidentiality in their communications. As kids, we would take our secret messages and shift the letters of the alphabet by a specific number to create an encrypted message. For example, by shifting the letters of the alphabet by three we could change the word cyberlaw to fbehuodz. In encryption, a message is referred to as plaintext before changing it in any way. Data encryption is the process whereby plaintext data is converted to ciphertext data. Ciphertext data can only be read by a party with a secret decryption key. A method for encrypting text is referred to as a cryptosystem. There are many uses for encryption today, particularly, with the widespread use of the Internet. Encryption is used to verify messages, validate and authenticate users and authorize transactions.

Banks use encryption to secure customer identification numbers at ATM machines.

All U.S. electronic funds transfer messages are encrypted. Online vendors depend upon the security of credit card transactions in conducting business. Many political groups use <a href="mailto:cryptography">cryptography</a> to protect the identity of online users. Internet users want electronic privacy; freedom from observance by the government or other parties. Anonymity is vital to both privacy and freedom of speech.

Potential Abuses of Encryption:

The U.S. Government is concerned with the abuse of this technology at the hands of criminals, terrorists and hostile foreign governments. Encryption could impede their effo...

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The availability of encryption codes will encourage a larger population of users to encrypt communications and will provide businesses worldwide a way to conduct transactions securely.

Arguments are made that the control of source code export discriminates against software distribution as opposed to encryption in print form. This greatly limits the expression of scientific ideas and thereby limits the marketplace for ideas.

The ability to remain anonymous is important to free speech and our right to privacy in communications on the Internet. If Clipper chips and escrow accounts become the standard, the U.S. government will be able to read private e-mail and determine the recipients. This would be a frightening departure from our proud tradition of preserving privacy in our communications and encouraging the free exchange of ideas and information.

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