

OUTSMARTING THE SMART CITY



THE NEW FRONTIERS

SERIES - 1 / ARTICLE - 12
JANUARY 12, 2023

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It is estimated that by 2050, almost 70 percent of the world's population will be residing in urban settings. But the concept of a 'city' today will not be the concept of a city tomorrow.

All around the world, cities are retooling to incorporate 'smart' solutions into the delivery of all goods and services and the full integration of modern technologies throughout every industry. From transportation to healthcare, from the delivery of food supplies to education and energy, AI-driven systems are being launched as 'smart solutions' which will keep us connected to the Internet of Things (IoT) for basically all of our needs. But this vast implementation of personal data-sharing is not without its risks, and lawyers will need to be ready to ensure the Smart City doesn't outsmart our basic notions of freedom and democracy.

A Technology Turning Point

As with any urban development, there are numerous design and development features that go into building a Smart City or Connected Community. However, unlike traditional urban developments, the Smart City is identified as a region or geographical location utilizing interconnected digital technology and infrastructure to collect and share data in real-time, monitor operations, and distribute a host of services, all while maintaining standards of sustainability. The technology being developed to run Smart Cities will cut across all urban infrastructure, including that necessary for energy, mobility, communication, and the supply chain. It will retrofit and transform existing industries so as to integrate with Smart City technology.

Smart cities are intended to provide many benefits—in addition to sustainability—such as greater security and less bureaucratic and more streamlined governance. Over the next two years, the global Smart City industry is estimated to reach a market value of over \$820 billion.

The Five Major Elements of 'Smart'

Experts have identified the five major features of the Smart City as

1. Technological Development
2. Providing Online Government Services
3. Intelligent Traffic Management
4. Increased Public Security
5. Sustainable Energy Consumption.

Although most municipal, state, county, and federal government offices offer a wide variety of government services online, a major goal of Smart City innovation is to make such services completely accessible online while making them more affordable and 'transparent.' Citizen feedback and interaction will also be integrated in order to improve such services. Smart transportation systems will address not only the resolution of congestion but will also resolve traffic safety issues via overall intelligent traffic management. Crime rates, as well as natural disaster harm, will be reduced by way of increased surveillance in public areas and greater access to public safety services. Sustainable energy technology will be implemented to track energy usage, detect energy waste, and reduce energy consumption while reducing air pollution and water resource management.

Executive Summary

> The Issue

What critical issues arise as America pushes for Smart Cities?

> The Gravamen

The enormous amount of personal data being shared in order for Smart Cities to work brings significant data security and infrastructure security challenges.

> The Path Forward

A combination of regulatory measures and technology security vigilance will have to be put in place in order for Smart Cities to operate securely.

All That Data...

But the Smart City picture is not without its cautionary apprehensions. While the futuristic prospects and cutting-edge innovations are all very exciting, the collection and dissemination of vast quantities of personal data raise data privacy and security vulnerabilities for Smart City citizens. It is for this reason that cyber-security worries have come front and center in the midst of all the buzz over the integration of all IoT technologies. The widespread—perhaps universal—collection of highly confidential and/or sensitive data by so many interconnected, and possibly not fully secured, AI devices has led some observers to red flag the grave harm that could ensue if cybercriminals hack into the IoT. Simply put, millions of connections mean millions of entry points for cybercriminals.

There is also the risk of technical disruption of critical infrastructure or services, including those of healthcare, public utilities, transportation, and food chain supply. Even absent malicious intent, anyone who has ever been misdirected by a cellphone road

direction app, or read of a self-driving car crash, or, who has ever had their internet service go down, can understand how severe the impact could be if such glitches occurred in one or more interconnected life-sustaining infrastructures. Securing Smart Cities will be no easy task and will require a formidable integration of regulation and technology.

Connectivity and Compliance

In May 2021, the Smart Cities and Communities Act was re-introduced in Congress, which, if passed, would have authorized \$1.1 billion over five years to provide federal funding for Smart Cities and to assist local governments in implementing the new technologies. Although the bill itself did not become law, various elements of it wound up in the Moving Forward Act and the American Jobs Plan. The federal government's grant investments in Smart City technologies are expected to create enormous opportunities for emerging technology companies—but at the same time, will require compliance and regulatory oversight that is unique to this technology sector.

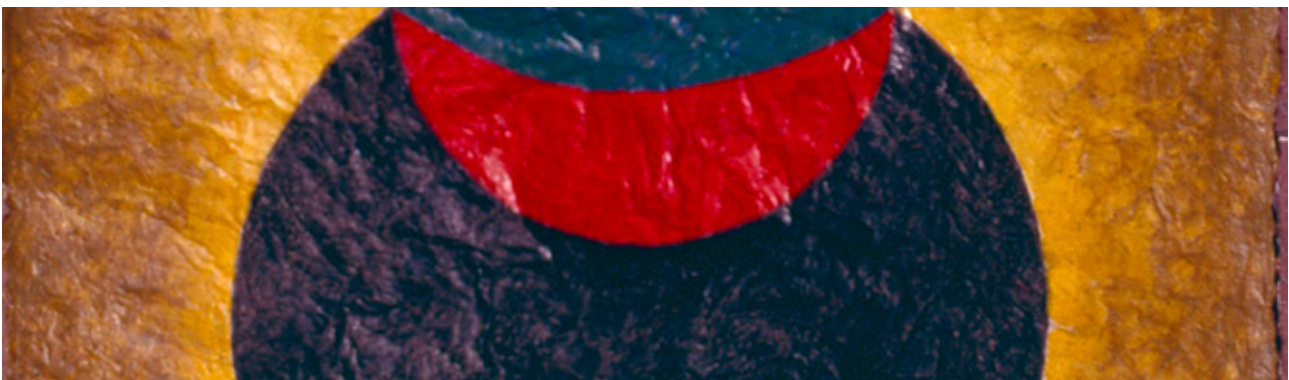
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1 Federal Oversight:

With billions of dollars in federal grants being awarded, the Smart City technology sector will have to come under close regulatory scrutiny to ensure proper development of the hoped-for urban innovations.

2 Which Systems Will Interconnect?:

While the prospect of smart solutions for environmental and energy sustainability along with enhanced social interaction is most enticing, it would be unwise to experiment with full technological integration all at once; therefore, pragmatism and prioritization should be the rheostat for measured Smart City development.



As Big Law meets Big Data, both privacy concerns as to the handling of that data and contract security issues will need to be addressed. Of particular note is the fact that the U.S. technology sector is dependent upon commercial contracts with foreign companies for everything from chip development to application design in addition to parts supplies. This level of coordination and exposure alone will demand a keen legal eye overseeing the cross-border transfer of highly sensitive technology and data. A multi-disciplinary practice approach will need to be employed to safeguard U.S. Smart City infrastructure and the most private data of American citizens.

Before we bring into existence Smart Cities, we better have in place a cadre of Smart Lawyers looking out for our sustainable and secure future

“ENVIRONMENTAL AND SOCIAL IMPACTS ARE AT THE FOREFRONT OF THE SMART CITY DISCUSSION, AND THE INTERACTION BETWEEN PEOPLE, COMPANIES AND TECHNOLOGIES IS ESSENTIAL FOR SMART CITIES TO THRIVE IN A LOW CARBON CLIMATE AND TO GROW ‘SUSTAINABLY’.”

- TALLAT HUSSAIN,
COUNSEL WHITE
& CHASE, LONDON

Action

3 Infrastructure Security:

Technology has its glitches, but if those issues show up in the fields of hospital care, high-speed transportation, and our food supply chain, the impact could be life-threatening. AI operational monitoring will have to be greatly improved before those domains are all interconnected.

4 Data Safeguards:

The anticipated reliance of America's basic infrastructure, energy, and public safety systems on foreign commercial and industrial enterprises will require new concepts in contract security and data safeguards.



Further Reading

1. <https://www.wiley.law/newsletter-Smart-Cities-A-Look-at-Risks-and-Opportunities-for-Technology-Companies>
2. <https://www.biicl.org/events/11606/law-and-change-smart-cities-and-sustainability>
3. <https://www.smartcity.co.nz/blog/challenges-of-smart-cities>
4. <https://www.tripwire.com/state-of-security/securing-smart-cities-what-you-need-to-know>
5. <https://www.pli.edu/programs/securing-the-road-to-smart-cities?t=ondemand&p=330668>





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After receiving his Juris Doctor degree from The John Marshall Law School in Chicago, Mr. Brochin served as an Administrative Law Judge with the Illinois Department of Labor for six years where he presided over cases dealing with job separation issues and matters pertaining to contested Unemployment Insurance claims. He also co-wrote the agency's administrative rules, and periodically served as a 'ghost writer' for Board of Review decisions.

Following that position, he was Director of Development for a Chicago-area non-profit college where he was responsible for High Net Worth donations to the institution. For the next eighteen years he practiced as a solo practitioner attorney with an emphasis in the fields of Real Estate law and Commercial Contracts transactions, and was an agent for several national title insurance agencies.

In 2003 he was recruited to head up a U.S. title insurance research office in Israel, a position he held for four years, and between 2007-2017 he participated in litigation support for several high-profile cases. He has taught Business Law as a faculty member of the Jerusalem College of Technology, and has authored a wide variety of legal White Papers and timely legal articles as a professional legal content writer for GPL clients. Separate from his legal writing, he has co-authored academic articles on Middle East security topics that have been published in peer-reviewed publications.



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William Anderson is Managing Director and Head of Law & Compliance. He leads the GreenPoint practice in providing regulatory, legal, and technology solutions to law firms, legal publishers, and in-house law departments around the world, overseeing our team of experienced US attorneys and data and technology experts. Will has over 25 years' experience working with corporations to improve the management of their legal and corporate compliance functions. Will began his legal career as a litigator with a predecessor firm to Drinker, Biddle LLP. He then served as in-house counsel to Andersen Consulting LLP, managing risk and working with outside counsel on active litigation involving the firm.

Will has leveraged his legal experience interpreting regulations and appearing before federal (DOJ, SEC, FTC) and state agencies (NYAG) to oversee research and other areas at Bear Stearns. In this capacity, he counseled analysts on regulatory risk and evolving compliance requirements. Will also consulted on the development of a proprietary tool to ensure effective documentation of compliance clearance of research reports. Will then went on to work in product development and content creation for a global online compliance development firm pioneering the dynamic updating of regulated firms' policies and procedures from online updates and resources. Will holds a Juris Doctorate with High Honors from the Washington University School of Law in Saint Louis and is admitted to state and federal bars. He lives in Pawling, NY, with his wife and daughter.



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About GreenPoint Law & Compliance

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