

In Search of Lost Data: A Study of Flash Sanitization Practices

Janine Schneider^a, Immanuel Lautner^a, Denise Moussa^a, Julian Wolf^a, Nicole Scheler^a, Felix Freiling^{a,*}, Jaap Haasnoot^b, Hans Henseler^b, Simon Malik^c, Holger Morgenstern^c and Martin Westman^d

^aDepartment of Computer Science, Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), Erlangen, Germany

^bLeiden University of Applied Sciences, Leiden, The Netherlands

^cAlbstadt-Sigmaringen University, Albstadt, Germany

^dMicro Systemation (MSAB), Stockholm, Sweden

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Abstract

To avoid the disclosure of personal or corporate data, sanitization of storage devices is an important issue when such devices are to be reused. While poor sanitization practices have been reported for *second-hand* hard disk drives, it has been reported that data has been found on *original* storage devices based on flash technology. Based on insights into the second-hand chip market in China, we report on the results of the first large-scale study on the effects of chip reuse for USB flash drives. We provide clear evidence of poor sanitization practices in a non-negligible fraction of USB flash drives from the low-cost Chinese market that were sold as original. More specifically, we forensically analyzed 614 USB flash drives and were able to recover non-trivial user data on a total of 75 devices (more than 12 %). This non-negligible probability that any data (including incriminating files) already existed on the drive when it was bought has critical implications to forensic investigations. The absence of external factors which correlate with finding data on new USB flash drives complicates the matter further.

1. Introduction

The increase of storage capacity of hard disk drives and the corresponding decrease in costs over the last 20 years has paved the way for a relevant second-hand market for storage technology. As Garfinkel and Shelat [4, 5] showed many years ago, such devices often “contain information that is both confidential and recoverable”: Of the 83 second-hand hard disk drives they acquired in 2003, a total of 49 contained recoverable data including credit-card information, corporate memoranda and personal medical records. This was corroborated later by Freiling et al. [2] who reported on similar and even more privacy-invading results.

Today, it is well-known that data can be recovered from disk drives unless effort is spent on its deletion [26], and poor sanitization practices have even reached popular culture like art expositions [14]. Given the rather aggressive way in which solid state drives reclaim deleted data [13], sanitization appears to have become easier with storage based on NAND-flash technology. This hypothesis is further supported by the fact that even forensic scientists encounter problems when examining NAND-based storage. The forensic analysis of NAND-based storage has already been discussed extensively [3, 17, 20, 21]. For USB flash drives and memory cards sold on the second-hand market poor sanitization practices have been confirmed by Robins et al. [19] and numerous other popular studies. So overall it is clear that nobody today can safely assume that a second-hand storage de-

vice does *not* contain any data from previous use.

From the viewpoint of a forensic investigator, poor sanitization practices are relevant if incriminating data is found on a storage device claimed to have been obtained second hand. In contrast, buying a new USB flash thumb drive was usually considered safe because no previous use implies no previous data. It was therefore rather surprising when Westman [24, 25] reported that he had found non-trivial data on *new* USB drives.

It has been speculated that Westman’s findings were due to the reuse of memory chips in USB devices. Naturally, reused memory chips are much cheaper than new ones and can be bought on specialized markets. These circumstances and the possibility of finding old data on new drives have caused great concern in the digital forensic community since attribution of data found on new devices becomes as difficult as for second-hand ones. It is therefore important to assess and somehow quantify the risks of acquiring evidence of former usage on such new USB drives.

1.1. Research Questions

Based on reports on chip recycling in the literature [1, 22] we investigate the following research question:

What is the risk of acquiring evidence on new USB drives that are due to former usage (of components) of the drive, i.e., usage before it was bought?

Surely, the percentage of USB flash drives that contain a recycled memory chip would be an upper bound on the probability to find such data, but we are not aware of any data that quantifies this percentage. As we describe later in this paper, manufacturers are also naturally reluctant to disclose the fact that second-hand components are built-in to new devices.

*Corresponding author

✉ janine.schneider@fau.de (J. Schneider); immanuel.lautner@fau.de (I. Lautner); denise.moussa@fau.de (D. Moussa); julian.jw.wolf@fau.de (J. Wolf); nicole.scheler@fau.de (N. Scheler); felix.freiling@cs.fau.de (F. Freiling); haasnoot.j@hsleiden.nl (J. Haasnoot); henseler.h@hsleiden.nl (H. Henseler); maliks@hs-albsig.de (S. Malik); morgenstern@hs-albsig.de (H. Morgenstern); Martin.Westman@msab.com (M. Westman)

Therefore, we have to examine a sufficiently large sample of “new” flash drives to approximate the risk of finding data. On such drives, we take the existence of non-trivial (user) data on a new USB drive as the only measurable and clear indicator of memory chip recycling.

Obviously, the existence of such non-trivial data is a critical issue of forensic concern, since a suspect may now claim in many circumstances that incriminating material had been on the drive when he bought the device. To distinguish this from the case that the suspect himself had planted the data on the disk, ideally, a new drive would have a label “contains traces of former usage” when it was bought. In case of a dispute, the label would allow an investigator to estimate the probability that the suspect himself had stored the file on the drive. But since such a label unfortunately does not exist, we ask ourselves whether there are any indicators that can stand-in for this information, e.g., visual appearance, capacity, built-in-technology, manufacturer, or manufacturing date. So, our second research question is:

What factors influence the probability for the existence of non-trivial user data on new USB drives?

As we assume that the probability of getting a recycled memory chip within a USB drive is inversely proportional to the price, we try to maximize this probability by focusing on the low-cost market of promotional USB drive products. For such cheap USB drives, our goal is therefore to measure (1) the probability of occurrence of old data and (2) the quantitative correlation between certain external factors of the USB drive and the existence of non-trivial user data on USB drives.

1.2. Contributions

To summarize, the contributions of this paper are as follows:

- We report on the results of the first large-scale study on the effects of chip reuse for cheap/promotional USB flash drives.
- We provide clear evidence of poor sanitization practices in a non-negligible fraction of USB flash drives from the low-cost Chinese market that were sold as original.
- More specifically, we forensically analyzed 614 USB flash drives and were able to recover non-trivial user data on a total of 75 devices (more than 12 %).
- Apart from finding data on the device, we found no other clear predicting indicator of chip reuse neither through external factors nor through internal ones.
- We discuss the methodological and legal consequences of these findings to forensic investigations.

1.3. Paper Outline

We provide some background on NAND flash and relevant technologies in Section 2 and on the flash drive market in Section 3. We then present the design of our study and the results in Sections 4 and 5. Legal implications are discussed in Section 6 before we conclude in Section 7.

2. Background

Today USB thumb drives are mainly built from memory chips that have a built-in controller circuit. Most of these chips follow the Embedded MultiMediaCard (eMMC) standard while some also adhere to the Open NAND Flash Interface Specification (ONFi). As background information, we therefore briefly give an overview over the involved technologies with focus on their possibilities for disk sanitization.

2.1. Flash Storage

NAND flash storage is a non-volatile storage consisting of transistors using the floating gate technology [18]. These transistors are able to push electrons onto an electrically insulated gate, which are then trapped and remain there even if all applied voltages are removed. The charge of the gate causes an increase of the threshold voltage, at which the transistor becomes conductive on the source-drain path. These processes can be digitally evaluated, where introducing electrons on the floating gate causes a logical 0 and removing electrons from the floating gate causes a logical 1. Furthermore, by a controlled intrusion of charges into the isolated gate, several changing states of the threshold voltage can be generated and read out again, with the effect that several bits can be stored in these cells.

How many bits can be stored per cell depends on the NAND technology and can range from Single-level cells (SLC, 1 bit per cell) over Multi-level cells (MLC, 2 bits) up to Triple-level cells (TLC, 3 bits).

2.2. eMMC Technology

The eMMC standard was introduced in November 2007 by the Joint Electron Device Engineering Council (JEDEC) and the MultiMediaCard Association (MMCA) in order to provide a data storage and communication media for a great number of mobile devices. The technology aims at meeting the performance requirements of such devices while keeping power consumption low [10]. An eMMC media is closely related to a Multi Media Card (MMC), since it is a managed NAND flash package, where the MMC components, flash media and device controller are in one unit. Data transfers happen via a configurable number of data bus signals. For issuing commands, a bidirectional command channel signal is defined by the standard.

There are 64 different commands (CMD0–CMD63) with fixed length of 48 bits, where some can take a 32 bit argument, often a memory address. Commands are sent from a host controller to the eMMC device, whereas responses are sent back from device to host controller [11]. In the eMMC standard, host addresses can either be *mapped* or *unmapped*.

The mapped host address range defines the addresses of the eMMC device that can be accessed by a read command from the host software.

An erasable unit of a eMMC is called ‘Erase Group’ and consists of a device specific number of write blocks which are the basic writeable units. An erase process is a three step sequence, consisting of the following commands:

1. ERASE_GROUP_START (CMD35) defines the start address of the range to be erased,
2. ERASE_GROUP_END (CMD36) defines the end address of the range, and
3. ERASE (CMD38) starts the actual removal process.

Depending on the argument given to CMD38, six different erasure behaviors were defined by the standard until today:

- The most basic form of *Erase* was already available since version 4.3 in 2007 [10].
- In 2009 (version 4.4) *TRIM*, *Secure TRIM Step 1*, *Secure TRIM Step 2* and *Secure Erase* were added.
- Since 2011 (version 4.5) the erasure behavior *Discard* is possible [11].

2.2.1. Simple Data Removal Operations

The *Erase* behavior will eventually erase the specified groups, but the controller is not forced to perform physical erasure at this point but can schedule it to a convenient time. Similarly, *TRIM* results in an application of the erase operation but not on erase groups but write blocks. The host can flag no longer required blocks for erasure so that the device can erase them during background erase events. Partial or full actual erasure of the flagged blocks is again performed at a convenient time by the controller.

When an *Erase* or *TRIM* command finishes with success, the targeted device address range behaves as if it was overwritten completely with zeros or ones (depending on the technology) and the specified address range moves to the unmapped host address range.

Discard is an operation similar to *TRIM*, the difference being that a discarded region may return parts or all of the original data. Parts that do not return data anymore behave like trimmed or erased parts, while data areas eventually should be moved to the unmapped address region. The controller can but does not have to perform full or partial erasure [11].

2.2.2. Secure Data Removal

Since the above erasure behaviors leave a lot of choices for the device whether and when to delete data, version 4.4 of the eMMC standard introduced *Secure Erase* and *Secure TRIM*. The difference between *Erase* and *Secure Erase* is that the latter blocks any other command to be processed by the device until the actual erasure is completed. Furthermore, a *secure purge* operation is performed on the erase groups and on any copies of items in those erase groups. On success, the operation results in removing all data from the

unmapped host address space. Similarly, *Secure TRIM* differs from *TRIM* by performing a secure purge operation on write blocks.

To minimize impacts on performance, *Secure TRIM* is divided in two steps: *Secure TRIM Step 1* and *Secure TRIM Step 2*. With the first step, a range of write blocks can be marked for the secure purge operation using CMD35 and CMD36. The second step then performs the actual secure removal the same way *Secure Erase* does. The two commands themselves cannot be interrupted but it is possible to issue commands between them. Note that if a block marked for erasure is written before *Secure TRIM Step 2* is issued, then this last copy will not be marked and therefore will remain untouched by the erase operation.

The above set of data removal operations were deprecated in versions later than 4.51 in favor of using an *Erase/ TRIM* followed by a *Sanitize* operation to achieve the same result. *Sanitize* (which was actually added in version 4.5) forces the device to remove all data from the unmapped user address space [11].

2.3. ONFi Technology

ONFi is an industry workgroup made up of more than 100 companies defining standardized component-level interface specifications as well as connector and module form factor specifications for NAND Flash. Their aim is to increase compatibility and interoperability of NAND devices from different vendors. Contrary to eMMC, ONFi is no card standard because it only defines the interface to the NAND flash component itself but excludes the specification of a device controller. The first ONFi specification (ONFi 1.0) was released in December 2006. The latest version 4.2 is from February 2020 (see www.onfi.org).

ONFi defines the device as a packaged NAND unit. It consists of one or more NAND targets which are made of an arbitrary number of logical unit numbers (LUNs). Each LUN can execute commands and report status independently. A LUN consists of an arbitrary number of blocks. A block contains a number of pages and is the smallest erasable unit. Each page optionally consists of partial pages which are the smallest unit to program or read [8].

A LUN generally can perform physical erase operations on blocks. Depending on the device controller, which is not part of the ONFi specification, different erase routines may be defined by manufacturers. In contrast to the eMMC standard, it is not possible to generally describe what data removal processes can be expected for ONFi devices.

3. The USB Flash Drive Market

USB flash drives are an increasingly important market sector for cheap end user storage devices. We now take a look at the players in the market of promotional products and the economic incentives that motivate chip recycling in this industry.

3.1. Market Players

According to the International Network of the Promotional Product Industry [9], there are five basic roles in the industry of promotional products, including give-away USB drives:

1. *Manufacturers* are companies that assemble electronics and the packaging of a USB drive.
2. *Promotional product suppliers* can be a manufacturer or merely import products from another manufacturer.
3. *Distributors* are companies that source promotional products.
4. A *finisher* takes the basic product from a distributor or supplier and prints, lasers, engraves, paints, stamps, etc. the product to bring it into shape.
5. Finally, an *advertising or media agency* gives full service to customers as part of public relations campaigns. This includes the acquisition of promotional products from finishers.

In order to receive promotional USB drives, customers from Europe usually contact an agency, a distributor or a supplier. A major fraction of manufacturers for USB thumb drives come from China with the Chinese manufacturing industry having its center in Shenzhen, Guangdong region, in southern China. These manufacturers usually source their eMMC chips from Taiwan or South Korea.

Distributors usually differentiate between class A and class B drives. Class A drives contain new and fully functional memory chips. Class B drives can contain memory chips that might not have the full capacity because of malfunctions on the chip or production problems. While it is rather unusual to be able to explicitly order class B drives, it is highly probably to get such drives when selecting by price and buy the “cheapest of the cheapest” ones. It is possible to also order USB drives from manufacturers directly via portals like Alibaba (www.alibaba.com).

3.2. The Chinese Chip Recycling Market

For years China was the most important importer of e-waste. This changed only because of the import ban on several kinds of waste in 2018 and its extension in 2019. Additionally, in the last years the amount of e-waste that is produced inside China itself has grown every year. This results in the need for recycling and remanufacturing of e-waste, a need which has been picked up by the informal sector of e-waste recycling, a sector that bears a relevant socioeconomic role in some cities in China [1, 22].

The Chinese government has tried to regulate the informal sector by facilitating a formal sector. However, this could not eliminate the informal sector successfully, in particular because the informal sector has a functioning network of individual collectors which are the preferred recycling option for the Chinese households. After the collectors gather the e-waste, it gets distributed by e-waste traders to local informal recyclers. As the economic disparity is high, the workers live from a low income which allows the process to be cost-effective. The recyclers use manual and low-tech

techniques to dismantle the waste and extract valuable components, such as using tools like hammers or heating the waste with coal-fired ovens. As the revenue is higher, the reuse of *components* from e-waste (like memory chips) is preferred in comparison to simply selling the raw material like copper. Additionally, if there is the possibility to reuse and resell an appliance directly this is preferred [1].

After the material is recycled, it gets resold to the respective market. Given the informal nature of the recycling process, it is difficult to determine whether a chip is new or definitely remanufactured. But with the low-costs and the barely existing regulations, there are strong incentives to declare old as new. At eMMC spot markets such as DRAMexchange.com or en.chinaflashmarket.com a 64 GB eMMC chip cost around 7 USD.

In the current state of the Chinese market, there are two possibilities how a reused chip can find its way into a new USB drive. Firstly, the USB drive could be reused as a whole. Secondly, a different appliances (e.g., a mobile-phone or a smart TV) gets recycled and the memory chip is removed and resold to a manufacturer. Here it could be profitable to mix old and new chips to further conceal the provenance. The manufacturer, knowingly or unknowingly, uses this chip to manufacture a “new” USB drive. Given that a new product first and foremost has to appear new, the second possibility seems to be the more favorable one.

4. Study Design

We now describe the design of our study and the measurements we made.

4.1. Possible Influencing Factors

According to the first research question, the dependent variable we wanted to predict was the probability of finding non-trivial data on a new USB drive. After some initial research and before starting our experiment, we collected the following set of independent variables which we could measure and which potentially could have an effect on the dependent variable:

- Manufacturer, location, company size, company name,
- used NAND technology (SLC, MLC, TLC),
- physical appearance (especially after opening the casing), since Westman had reported on potential signs of re-use like “stamps” on the eMMC chip [25],
- size/capacity of eMMC chip in GB,
- technology standard, for example the JEDEC standard for eMMC chips,
- eMMC chip manufacturer (Samsung, Toshiba, etc.), and
- cost.

4.2. USB drive acquisition

Due to the relatively large number of factors that could potentially have an influence on the results, while at the same time having little to no control over those factors when ordering those in small batches from suppliers, the decision was made to consider two primary factors when ordering the USB drives: cost and capacity. The hypothesis for this experiment was that cheap and low quality drives would have a higher chance of including recycled chips. Therefore it was attempted to get very cheap drives directly from vendors selling those via Alibaba.

Due to several research groups being involved in this project, the acquisition was also done in a decentralized way, meaning each group acquired their own drives for analysis. For the sake of simplicity, the participating research groups from Friedrich-Alexander-Universität Erlangen-Nürnberg, Leiden University of Applied Sciences, Albstadt-Sigmaringen University and Micro Systemation are referred to FAU, Leiden, Albstadt, MSAB in the following. Group FAU ordered a total of 500 drives from 10 different suppliers, 50 drives per supplier, which was usually considered the minimum order amount by vendors, and also allows to analyze both variety across vendors as well as within a vendor's batch. Five batches were ordered with 4 GB per drive, the other five batches were ordered with 2 GB per drive to also have variety in regards to capacity. The drives ordered by Group FAU were ordered in August and September 2018 and arrived between September and November 2018. The prices for 2 GB drives were between 2.08 USD and 3.50 USD per drive, the prices for 4 GB drives ranged from 2.00 to 4.00 USD per drive. The vendors were selected randomly from those selling USB flash drives on Alibaba with the desired product portfolio (in regards to price and capacity). Vendors were also not informed about the intended analysis and usage for these drives. The Friedrich-Alexander-Universität Erlangen-Nürnberg generously provided a budget to buy these drives from funds to support teaching.

Group Leiden acquired three batches of 4 GB drives through Alibaba as well, following the same criteria as Group FAU. One smaller batch of 16 GB drives was provided by MSAB for analysis and procured through their own channels. Of those drives, 14 were analyzed at Group Leiden and 16 at Group FAU.

Group Albstadt also acquired three batches of 2 GB and one batch of 16 GB drives (a total of 600 drives) through Alibaba. The drives ordered by Albstadt were ordered in November and December 2018 and arrived between December 2018 and January 2019. Unfortunately, due to organizational complications and work overload the analysis of the USB drives was only partially completed by December 2020. To prevent the introduction of any bias caused by the selection of analyzed drives, we decided to not include the data from Albstadt in our study.

4.3. Measurements

Following the second research question, each influencing factor is an independent variable while the dependent variable is the fact whether we can find non-trivial user data on the USB drive. Data is non-trivial user data if it is clearly distinguishable from random data, e.g., viewable as an identifiable photographic image. For simplicity, we refer to any non-trivial data as *user data* if it is found by a common file carver (like foremost [12]) and (after visual inspection) is not a false positive.

In preparation of the USB drive analysis, every supplier received an ID, then every drive from that supplier's batch was labeled with the supplier ID as well as a unique ID within that batch. This way, every drive was uniquely labeled and could be traced back to the supplier. The drives then were handed out to analysts with the task to create a forensic 1:1 image, collect data, and analyze the data on that image. The handling and analysis procedures were distributed in writing and contained a list of well-defined and repeatable acquisition and analysis steps.

The task required every analyst to document the following points per drive:

- Drive ID, supplier ID, analyst pseudonym, date imaged,
- drive size in GB,
- image SHA256 hash,
- image MD5 hash (only for crossover validation),
- NAND technology, eMMC standard, eMMC chip manufacturer,
- distinctive visual features of the chip (after removing the packaging),
- data found (yes/no), and
- if data was found: category of data found.

Not all data could be documented in all cases. For example, for many drives the NAND technology, eMMC standard and eMMC chip manufacturer could not be identified due to insufficient cues on the chip.

Most of the analysts were students, whereby each student received several drives to perform the analysis steps. Part of the acquisition and analysis procedures was to protect any personal data found by encrypting it with a public key to which only the instructors had access. Students had to sign a declaration that they would keep any user data they found on the drives confidential.

All results were double-checked by senior researchers before they entered the dataset. All USB drive images were stored on access-restricted file storage and the dataset was stored in a central database from which the results were computed.

5. Results

We now report on the results of our study.

	Group FAU	Group Leiden	Total
Total	516	134	650
Analyzed	484	130	614
Data found	61	14	75

Table 1

Number of USB drives per research group. In total 614 out of 650 USB drives were analyzed, whereby 75 contained data.

5.1. General Information

For the analysis of the experimental results, the datasets of the two research groups were joined together. As can be seen in Fig. 1 the joined dataset contained 650 USB drives of which 614 finally evaluated. 36 USB drives were sorted out because either the drive or the image was missing, the hash sum was incorrect, or the drive did not work anymore.

Overall, 75 USB drives contained non-trivial user data to varying degrees. However, any partially or fully reconstructable and readable user data was considered. Random data, false positives from file carving and corrupted data was sorted out. Results were generated using carving tools like scalpel [7], foremost [12] and PhotoRec [6], but also commercial tools were used. The carvers were configured to maximize the amount of results, meaning that all search patterns were activated. Furthermore, the analyst mostly used more than one carving tool. In some cases, additional examinations like file system analysis was performed.

Overall, we assume that the existence of non-trivial user data is an indication of chip recycling. However, two USB drives (ID S5-41, S5-13) contained an active FAT32 file system including deleted FAT entries and deleted private pictures. Interestingly, both USB drives contained the very same set of pictures which were created and immediately deleted shortly before the USB drives were shipped. We therefore assume that the pictures were used to test the functionality of the USB drive and that the pictures are not artifacts of chip recycling. Due to that, the data on these two USB drives was not considered to result from the use of recycled chips. In total we therefore assume that recycled chips were used in at least 73 out of the 650 USB drives.

5.2. Types of Data Found

Carving the USB drives resulted in a huge amount of data. Besides many false positives, numerous different relevant data items could be reconstructed. The type of user data hereby varies considerably between the different USB drives. Overall, the USB drives mainly contained the following types of data:

- Gifs, icons, emojis and logos
- Photos, pictures, wallpapers, maps
- Music, film and series covers and posters
- Ringtones
- RPM, TAR and ZIP archives
- Music, Videos and Movies

- Speech recordings
- Documents
- Source code

In a first step, the found data was used to identify possible devices or systems the chip originally could have been built in. This way it can be distinguished whether only the chip was recycled or the whole USB drive was reused. To achieve this a reverse image search on the found icons, logos, photos, pictures and wallpapers was performed. Furthermore, the archive files were unpacked and analyzed which resulted in much OS and App related data like operating system settings or application graphics. Other files were simply browsed through. Finally, the files were searched for certain terms like “Android” or “Chrome” using `grep`. Thereby, three originally used operating systems could be identified: Android, Chrome OS and Linux. Furthermore, the previous usage as smart TV (most of them were Samsung Smart TVs), printer and voice recorder could be proven. Fig. 1 summarizes which systems could be verified by the analysis of the reconstructed data on the USB drives. Our findings indicate that the USB drives were not reused as a whole but the chips have been recycled.

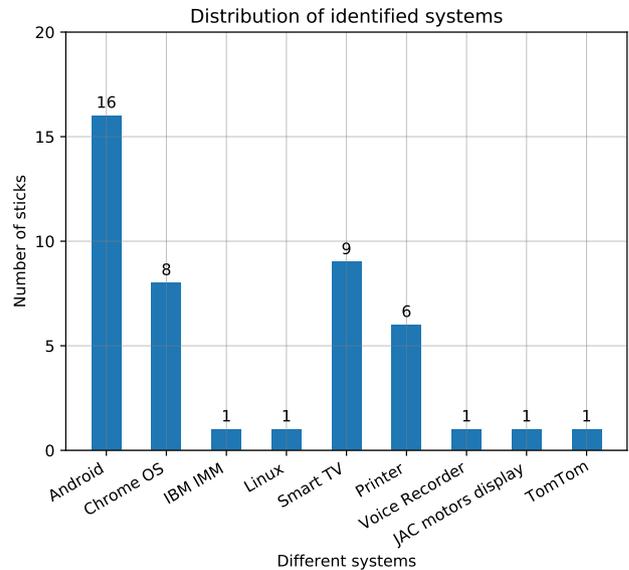


Figure 1: Distribution of different system data found on the USB drives.

Fig. 1 shows that 16 USB drives contained Android related data. On three of them (ID S11-03, S11-04, S11-15) private pictures, videos and movies could be reconstructed. One USB drive (ID S11-04) contained recordings of an Asian news broadcast and parts of a kid’s movie. One USB drive (ID S11-15) contained three pictures of an Asian child. On one USB drive (ID S11-03) we were able to reconstruct 10298 gifs and jpgs, whereby most of them were of private nature including pictures of young Asian (sometimes half naked or naked) women and babies.

This was the largest finding of data of the experiment. Unfortunately, in all three cases we were not able to analyze any kind of metadata.

One USB drive (ID S3-32) contained a recording of a private conversation in Chinese. Other data found on this USB drive indicates that the chip could have been part of a Sony speech recorder.

Furthermore, 27 USB drives contained some kind of world map, which could be an indication for a navigation system or weather data. One USB drive (ID S14-05) contained data that implies a former usage as Saregama music box. Since those possible systems could not clearly be verified, these USB drives are not contained in Fig. 1.

As mentioned in Sec. 3.1 many USB drive manufacturers source their chips from Taiwan or South Korea. During the analysis of the ordered USB drives we could observe that many USB drives contained data of Korean origin (Posters and covers of Korean TV shows, Korean voice recordings and pictures of Korean TV and music stars). Furthermore, on some chips the inscription “Taiwan” could be found. Besides, data from other Asian locations like India or China have been found and some USB drives also bear the lettering “Japan”.

5.3. USB Drive and Chip Characteristics

Besides the analysis of the reconstructed data, we also evaluated specific characteristics for correlations with the discovery of data. Correlations to the following properties were investigated:

- Supplier,
- NAND technology,
- chip architecture standard, and
- chip manufacturer.

Fig. 2 shows the distribution of data findings over the different suppliers. The suppliers have been anonymized for data protection reasons. From looking at the data, it is clear that there is a high correlation between data found and particular suppliers (ID S3, S11 and S12).

5.4. Visual Inspection

To investigate if there is a chance to visually determine if a chip could have been reused the analysts were asked to open the USB drive case and perform a visual inspection of the USB drive itself, the circuit board and the NAND chip. Thereby, the following could be observed:

- Regular serial and manufacturer specific numbers and inscriptions
- Regular manufacturer logos
- Glue and Epoxy
- Scratches
- Dirt

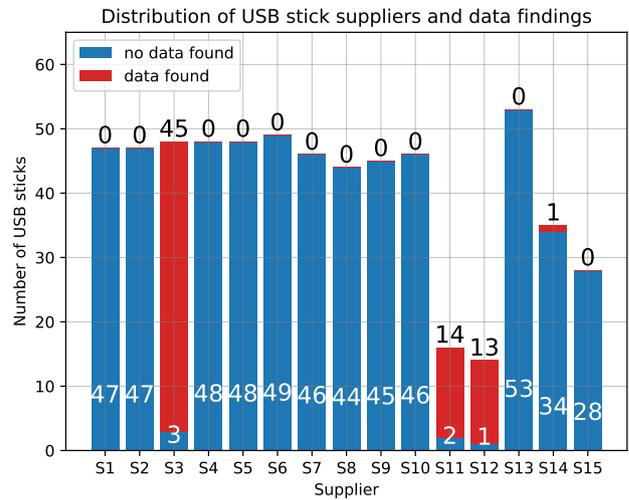


Figure 2: Distribution of USB drive suppliers and data findings. Blue indicates that the USB drives did not contain any data. Red indicates that the USB drives contained data.

- Flux
- Paint
- Irregular stamps
- Handwritten notes

On some chips irregular stamps could be observed. By comparing these chips with pictures of similar chips the difference between regular and irregular stamps and inscriptions could be established. According to Westman [25] such stamps are a sign of re-usage of chips, where the stamps are applied to the chip during quality control. Fig. 3 shows three examples where different irregular stamps could be found. Overall, irregular stamps could be found on 28 chips, whereby the same stamp could be found on chips from different manufacturers. Furthermore, we observed striking paint on 10 chips, handwritten notes on 6 chips and markant dirt on 8 chips. Thereof 4 USB drives with dirt, 7 with paint, 8 with scratches and 9 with stamps contained data. Fig. 4 shows four examples where possible signs of re-use could be found on the chip.

5.5. Correlation

For a more complete picture, Fig. 5 shows the Pearson correlation index for all USB drive and chip characteristics as heatmap. This index is a simple way to determine the linear relationship between two variables and indicates the strength of a correlation. The correlation coefficient by Pearson can range from one to minus one, where one implies a perfectly positive and minus one a perfectly negative correlation. In Fig. 5 values below zero are depicted in blue and values above zero are depicted as red. To calculate the correlation, the Python Library Pandas [15] (`pandas.DataFrame.corr`) was used. Before the Pearson correlation was calculated the data was normalized by using the One-Hot encoding (`pandas`.



Figure 3: Example NAND chips with irregular stamps on it.



Figure 4: Example NAND chips with a handwritten note, dirt and paint.

get_dummies). To generate the heatmap the Python Library Seaborn [23] (seaborn.heatmap) was used.

At first we used the index to evaluate whether there is a correlation between specific visual characteristics and the finding of non-trivial user data by correlating specific features and the item “Data found”, which indicates the finding of non-trivial user data. However, the analysis of the heatmap shows that there are a number of interesting relationships.

For USB drives of the suppliers S12 to S13 no visual inspection was performed. Therefore, the NAND technology, chip architecture, chip manufacturer and visual irregularities could not be evaluated for these drives. This applies to 130 of the 614 analyzed USB drives. Because of this, but also because not all data types could be observed on all USB drives, the correlation matrix contains some empty fields.

The heatmap shows that there is no clear correlation between data findings and the NAND technology, chip architecture standard or the signs of re-use. However, there is a correlation between “Data found” and the chip manufacturer Samsung (Pearson coefficient of 0.716). Interestingly the Samsung chips do not strongly correlate to the Smart TV data (0.459) but to the finding of maps (0.777). The correlation coefficient between the chip manufacturer Kingston and the discovery of Android (0.742) could indicate a relationship between these two characteristics. Furthermore, there seems to be a relationship between the chip manufacturer SanDisk and Chrome OS (0.641).

Overall, the results indicate no clear correlation between any useful external factors. The correlation with different suppliers indicates that if one USB drive from a batch con-

tains data, then the probability is high that other drives from the batch contain data too. Since we focused on low-cost USB drives where the probability of coming across a recycled chip is arguably highest, we believe that the probability of finding data will be lower for more high-end brands that focus on quality and not on price. To investigate this is part of future work.

6. Legal Implications

Law enforcement agencies and the judiciary face a problem that most of them are not even aware of: Data saved on USB drives (such as photos and documents) can no longer easily be used as “meaningful” evidence in criminal proceedings (neither in preliminary proceedings nor in a trial). As described above, it can happen that old data is found on USB drives purchased as new, of which the owner of the USB drive has no knowledge. We now discuss the legal implications of this situation, a situation that can be dramatic to the owner of such an USB drive, as the following scenario clarifies (in which we refer to articles of the German Law for brevity and precision): A successful middle-aged public known businessman faces the charge of tax evasion. As soon as there is an initial suspicion (sufficient factual evidence, § 152 II German Code of Criminal Procedures), criminal tax law proceedings are initiated. The reason for this can already be given by possible indications of third parties (e.g. disgruntled business partners or competitors) [20, p. 25]. In the course of the criminal tax proceedings, the respective investigating tax authority (if necessary also the public prosecutor’s office, § 386 I, IV German

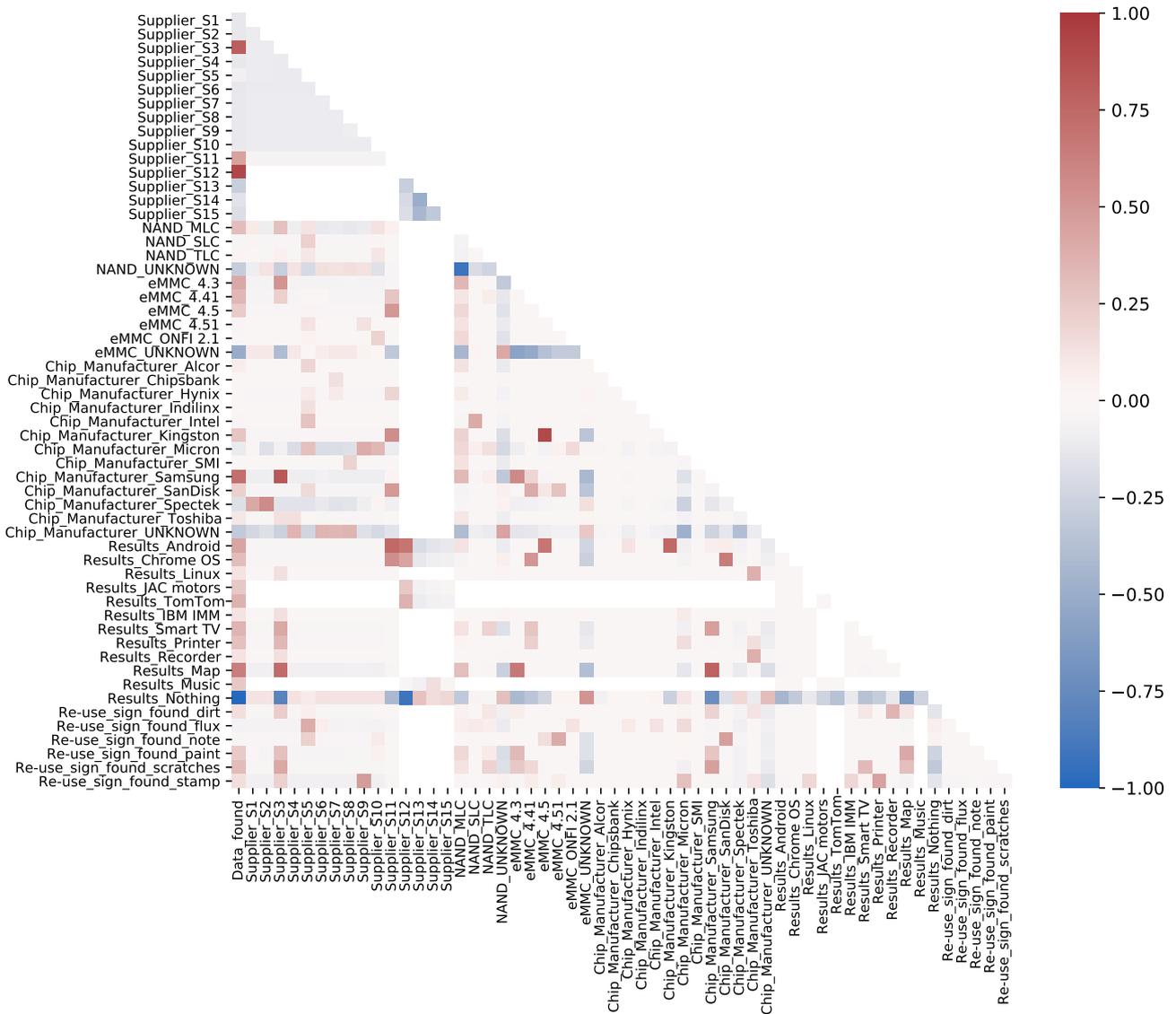


Figure 5: Correlation between different USB drive and chip characteristics and data findings.

Regulation of Taxation) uses, among other things and under certain conditions, the means of search and seizure (§ 399 I German Regulation of Taxation in conjunction with §§ 102 ff., 98 ff. German Code of Criminal Procedures) - mainly of (business) documents, computers and data carriers, including USB drives. After the forensic examination of these drives, already deleted files could be recovered, showing, among other things, posing pictures of young Asian girls or naked babies. It was also possible to inspect "copyright-protected" film clips and pieces of music as well as private addresses and sound recordings of private conversations. On the basis of these accidental findings (in the meaning of § 108 I German Code of Criminal Procedures), which might indicate the commission of further criminal offenses, such as § 184b German Criminal Code (possession of child pornographic writings), § 201a German Criminal Code (violation of the most personal sphere of life through

image recordings), § 106 I German Copyright Law (unauthorized exploitation of copyright protected works), §§ 43, 44 German Federal Data Protection (misuse of personal data on the Internet), the public prosecutor's office now initiates further investigative measures (§ 160 German Code of Criminal Procedures). Such investigative measures (e.g. §§ 100a ff. German Code of Criminal Procedures) may impose damaging consequences for the person concerned in his or her reputation as well as severe restrictions in his or her rights of freedom and in his or her personal and intimate sphere. The attempt to exonerate oneself - the USB drive had been bought new and had never been used before, so the existence of the data could not be explained - will probably "fall on deaf ears" with most of the accused. The current state of knowledge of the law enforcement authorities and the judiciary is more likely to lead to dismissing this as a weak excuse and assuming that the accused had deleted the data

before the seizure in order to destroy possible evidence. The fact that the forensic investigation cannot determine the date when these files were saved or deleted (because the old file structure and file system entries were overwritten during the recycling process) makes matters worse. This is precisely when law enforcement agencies and the judiciary need to be made aware during their investigations that the probative force and probative value of files recovered on USB drives as evidence in criminal proceedings can be severely limited. They can no longer be sure that files found on a USB drive really come from the owner of the drive. The results of this paper show that there is a certain probability for old files to be found on newly purchased USB flash drives that do not originate from the current owner of this flash drive and that the current owner could not even have known of their existence. For example, when child pornography material is found, the chain of forensic evidence often presented in the past is no longer sufficient [21]. Up to now, when an increasing number of circumstantial evidence¹ is available, the court can come to the conclusion (§ 261 German Code of Criminal Procedures) "that there cannot be so many coincidences" and recognize the material truth as proven and bases its judgment on it. However, the result of this paper is intended to illustrate how dangerous it can be to base one's conviction or investigations on a chain of circumstantial evidence whose individual pieces of evidence have no or limited probative evidentiary value in themselves. To ensure the quality of the evidentiary value, the forensic results must be critically examined and questioned by law enforcement agencies, the judiciary and forensic experts [24]. This is the only way to ensure that the facts of the case are clarified on a solid factual basis (§ 244 II German Code of Criminal Procedures).

7. Conclusions and Future Work

We reported on a large-scale experiment of sanitization practices of USB flash drives from the low-price Chinese market. Overall, we found a non-negligible probability (12 %) of finding data on cheap but new USB drives ordered for promotional products. This is a clear indication of weak sanitization practices in this market sector, practices that clearly violate good data protection methods and can even be classified as fraud in some jurisdictions.

We unfortunately found no clearly correlating factors to the existence of user data apart from the insight that data findings grouped within the batches we received from suppliers and not across the batches. This increases the uncertainty of data provenance if data without metadata is found on USB drives by file carving software.

By focusing on cheap drives ("cheapest of the cheapest", commercial giveaways, no-name and pirated no-name), we could confirm Westman's conjecture that chip recycling in this part of the market was a relevant factor that could be used

¹An auxiliary fact which influences the probability of the existence of a legal element of the offense, e.g. violence in the case of "rape" or generally the perpetration of the accused ["who... kills"].

as an excuse of suspects who had recently deleted incriminating evidence [25]. By merely looking at cheap drives, we could not investigate price of the drive as a correlating factor. Since we are unaware of any reported findings of data on more quality-oriented brands that use eMMC, a follow-up study should be undertaken with higher priced USB drives. Since this will require a substantially higher research budget, we are still looking for possible sponsors for this experiment.

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CRedit authorship contribution statement

Janine Schneider: Conceptualization, Data curation, Formal Analysis, Investigation, Methodology, Software, Supervision, Validation, Visualization, Writing – original draft, Writing – review & editing. **Immanuel Lautner:** Data curation, Investigation, Validation, Writing – original draft. **Denise Moussa:** Data curation, Investigation, Validation, Writing – original draft. **Julian Wolf:** Investigation, Writing – original draft, Writing – review & editing. **Nicole Scheler:** Writing – original draft, Writing – review & editing. **Felix Freiling:** Conceptualization, Methodology, Supervision, Writing – original draft, Writing – review & editing. **Jaap Haasnoot:** Data curation, Investigation. **Hans Henseler:** Conceptualization. **Simon Malik:** Data curation, Investigation. **Holger Morgenstern:** Conceptualization. **Martin Westman:** Conceptualization, Resources.

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