

Government Privacy

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Purpose & Content

Purpose: Provide overview of government privacy as it pertains to the BTF.

- Principles for information security and public records management in government
- Information privacy laws regarding data quality, public access to records, and other disclosures
- Best practices

Principles

- Core value of our society
- Potential consequences
- Collection Limitation
- Data Quality
- Purpose Specification
- Use Limitation
- Security Safeguards
- Openness
- Individual Participation
- Accountability
- Misc. (State vs. Private Actors, Expectation of Privacy, Privacy Continuum)

Information Privacy Laws

- Privacy Act (1974)
- Freedom of Information Act (1974)
- USA Patriot Act (2001)
- Data Quality Act (2002)
- E-Government Act (2002)
- Health Insurance Portability and Accountability Act (HIPAA) (1996)
- Fair Credit Reporting Act (1970)
- Family Educational Rights and Privacy Act (1974)
- Drivers Privacy Protection Act (1994)
- Children's Online Privacy Protection Act (1998)
- Financial Services Modernization Act (GLBA) (1999)

Best Practices

- **Processes**
- **Enforcement**
- **Privacy Management**
- **Functional Positions**
- **Federal Policies on Websites**

Way Ahead

- **Internal awareness and training**
- **Cognizance of emerging requirements, trends, and best practices**

Deny anonymity to evil-doers while protecting privacy of others.



Backup

Privacy Act of 1974

System of Records

- The term “system of records” means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual



Privacy Act of 1974

System of Records Notice (SORN)

- A description of the system of records maintained by the agency
- The SORN must appear in the Federal Register before the agency begins to operate the system, e.g., collect and use the information

Privacy Act of 1974

System of Records Notice (SORN)

- System Name
- Security Classification
- System Location
- Authority for Maintenance of the System
- Purpose of the System
- Use and Categories of users
- Policies & Practices for storing, retrieving, accessing, retaining, & disposing of records
- System Manager
- Notification Procedures

E-Government Act

- **“...a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services ...” (H.R. 2458)**
- **Privacy Provisions (section (208) and OMB guidance require federal agencies**
 - **Post Web site privacy policies in both statement and machine-readable form**
 - **Conduct Privacy Impact Assessments**

E-Government Act

Privacy Impact Assessments (PIAs)

- PIA is an assessment process for identifying and mitigating the privacy risks from a system
- Section 208 requires agencies to conduct a PIA before developing or procuring IT systems that collect, maintain or disseminate information in identifiable form (IIF) from or about members of the public

E-Government Act

Privacy Impact Assessments (PIAs)

OMB M-03-22, OMB Guidance for Implementing the Privacy Provisions of the E-Government Act

- What information is to be collected
- Why the information is being collected
- Intended use of the information
- With whom the information will be shared
- What opportunities individuals have to decline to provide information or consent to particular uses of the information
- How the information will be secured
- *Whether a system of records is being created under the Privacy Act*
- Analysis of choices agency made regarding an IT system or collection of information
- Information lifecycle analysis

E-Government Act

Privacy Impact Assessments (PIAs)

- Exceptions
 - For national security systems
 - Previously assessed systems under evaluation similar to PIA
 - Internal government operations
 - For government-run websites that do not collect identifiable information about the public
 - System collecting non-identifiable information

E-Government Act

Website Privacy Policy

- In addition to completing PIAs, agencies also must follow the web site policy in Section 208 of the E-Government Act
- The requirements are:
 - Post privacy policies on agency websites used by the public
 - Translate privacy policies into a standardized machine-readable format
 - Report annually to OMB

Data Quality Act of 2002

- Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information
- Report annually to OMB the number and nature of complaints received by the agency