

U.S. PRIVACY COUNCIL

666 Pennsylvania Avenue, SE

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Washington, DC 20003

Executive Committee

Evan Hendricks

Chairman

Sheri Alpert

John Barker

Robert Jacobson

Mary Gardiner Jones

Eli Noam

John Podesta

Marc Rotenberg

Robert Ellis Smith

Dear Colleague:

Following our successful meeting at the Computers, Freedom, and Privacy Conference in Burlingame last month, we are now ready to proceed with plans to formalize the U.S. Privacy Council (USPC). We want to let you know what has transpired since the Conference and give you an idea of the press coverage the Conference and Privacy Council have received to date. Last, but certainly not least, we are also at a point in our organizational development that we need some modest financial help to support our activities.

For those of you who were unable to attend our meeting at the CFP Conference, you missed a great event! Approximately 85 people attended the first meeting of the USPC. Each person was given a copy of the draft mission and objectives statement, and draft goals were read during the meeting. (The updated version of these statements is attached to this letter. We would appreciate your comments on them within the next 2-3 weeks.) Presentations were made by Marc Rotenberg (Director, Washington office of Computer Professionals for Social Responsibility), David Burnham (author and journalist), Simon Davies (Privacy International), Sheri Alpert (Coordinator of the USPC), and myself (publisher of Privacy Times). Many of those at the meeting also spoke in support of the creation of the Council. We also received many valuable suggestions (see attached).

A few notable activities have occurred since the conference. Six hundred dollars was raised to help fund Simon Davies' efforts to fight the Phillipine government's plan to institute a national ID card. Additionally, a letter is being written to the Smithsonian Institution to criticize their special award to the Thai government's data compilation activities. We are also closely monitoring privacy issues in Congress. For instance, the House Subcommittee on Government Information, Justice and Agriculture held hearings on April 10 on Congressman Wise's legislation to create a Data Protection agency. Attached is a brief report on the hearing. Finally, the USPC and CPSR are cosponsoring monthly seminars on privacy issues, held at the CPSR office in Washington, DC. The seminars occur on the first Friday of the month, from noon to 2 pm. All are welcome to attend. The most recent seminar featured a surprise visit from Europe's foremost privacy expert, Spiros Simitis.

We are also forming an executive committee to manage the daily tasks of the Council. This process should be completed soon. Once the committee meets, it will decide on the remaining organizational issues.

Attached are ten articles which have been published since the conference. Four of them were written as a direct result of the conference. It is apparent that our message is being heard!

I also want to let you know that Sheri Alpert is now available through e-mail. Her address is: sheria@well.sf.ca.us Feel free to communicate with her! We'd love to hear from you with your ideas, particularly about data protection/privacy initiatives occurring in your states which can serve as examples (good and bad) to others. These examples give the USPC a broader sphere of influence and will allow us to disseminate these experiences to others around the country.

As you well know, beginning an organization takes many resources. All of these have been donated, to date. However, as we formalize the Council and our efforts to ensure our privacy rights, resources will be stretched very thin. In the immediate future, we need help to cover the costs of copying, postage, and other small incidental expenses. In the longer term, we will introduce a nominal membership fee structure to support the Council's activities. The bottom line is that in order to be effective, we have to have the resources to get our message out. We need your help in this endeavor. Your contributions of \$15-\$100 will be greatly appreciated, and can be made to the U.S. Privacy Council; 666 Pennsylvania Avenue, SE; Suite 303; Washington, DC 20003.

Thanks for making the U.S. Privacy Council a reality! We'll be in touch soon.

Sincerely,



Evan Hendricks
Chairman
Executive Committee

Attachments:

- o New draft of the Mission, Goals, and Principles of the USPC
- o Comments from the CFP Conference on the USPC
- o Report on the House Subcommittee hearing on a Data Protection agency
- o 10 articles

U. S. PRIVACY COUNCIL

UNITED STATES PRIVACY COUNCIL

DRAFT MISSION STATEMENT (April 1991)

The United States Privacy Council is established for the purpose of strengthening the rights of privacy in the United States. Privacy is one of the most comprehensive of all rights, and among the most cherished by citizens of a free nation. It promotes the creation of trust and the development of smaller communities within the larger community. Privacy protects political liberty and safeguards intellectual freedom.

Though the United States has a well regarded tradition of privacy protection, our laws have not kept pace with new information practices. The absence of a well-developed information privacy policy jeopardizes the political rights of our citizens, the business opportunities of our corporations, and the great privacy heritage that was once our nation's claim.

DRAFT GOALS (March 1991)

1. Promote the oversight and enforcement of privacy laws and policies
2. Promote federal and state statutory privacy protection based upon 4th Amendment principles
3. Educate the public, the private sector, and the government about the importance of privacy protection and the ethical implications of the misuse of personal information

DRAFT OBJECTIVES/PRINCIPLES (April 1991)

- o To promote the Code of Fair Information Practices
- o To require that organizations obtain informed consent before transferring personal information
- o To establish protection for medical, insurance, and employee records
- o To update and strengthen federal privacy laws including the Fair Credit Reporting Act, the Right to Financial Privacy Act, the Privacy Act of 1974, and the Electronic Communications Privacy Act
- o To support the establishment of an office that will strengthen, update, and enforce federal privacy law with regard to data and information

- o To encourage and promote privacy protection at the state level
- o To promote open government and access to public information
- o To analyze the privacy impact of government record-keeping systems
- o To oppose the creation of a national ID card and to restrict the use of universal unique identifiers
- o To protect privacy in new and traditional telecommunications services and networks
- o To encourage alliances among organizations seeking outcomes similar to those of the USPC

CODE OF FAIR INFORMATION PRACTICES To promote information privacy

- o STOP DATA MISUSE

Personal information obtained for one purpose should not be used for another purpose without the person's informed consent.

- o ENCOURAGE DATA MINIMIZATION

Collect only the information necessary for a particular purpose. Dispose of personally identifiable information where possible.

- o PROMOTE DATA INTEGRITY

Ensure the accuracy, reliability, completeness, and timeliness of personal information.

- o ALLOW DATA INSPECTION

Notify record subjects about record-keeping practices and data use. Allow individuals to inspect and correct personal information. Do not create secret record-keeping systems.

- o ESTABLISH PRIVACY POLICIES

Schools, businesses, and government should establish information privacy policies.

COMMENTS & SUGGESTIONS FROM U.S. PRIVACY COUNCIL
MEETING AT THE CFP CONFERENCE

The following is a compilation of comments we received at the USPC meeting. They are printed here exactly as they appear on the cards the attendees completed.

- "The Council should develop powerful symbols and political language that connect with everyday people on a level of freedom and equity. A model state legislation bank would be helpful."
- "Goal: to promote and preserve laws which guarantee the right of private communication between individuals and organizations. Action: effect said laws -- defend those who violate existing law by maintaining privacy where no such right yet exists."
- "What do I think of the goals? Good, especially informed consent. Should add something about workplace monitoring. What should the Council do? Better connections with groups like CPSR."
- "I want to see if the [American Library Association] or LITA can work with the Council to exploit common concerns of both organizations."
- "Political analysis -- descriptive, if not prescriptive -- is of first order of importance."
- "I'm interested in the impact of technology on social structures and culture, including the definitions of privacy and the social interests engaged in the debate over privacy. I would be interested in helping you explore what members define as privacy issues."
- "Include in document:
 - encourage and coordinate privacy research and dissemination of research funding
 - include workplace surveillance issues
 - 3rd world issues"
- "Some of my concerns: workplace monitoring be included -- in U.S. and mfg. affiliates ... links to other community groups."
- "Suggest that as with Lotus Marketplace, net activity may be a good place to start in the undue of National ID in Thailand."
- "Let's use Caller ID as a starting project; medical records privacy; SSN. Caller ID is an issue that everyone with a phone can identify with -- an information campaign in major papers can turn it around."

- "Council should function as a FOCUSED, politically effective ADVOCACY organization. I see this as complementary to involvement with CPSR."
- "Should make scope more explicit in mission statement (goals) and not rely on the objectives to convey this. Objectives should be left flexible for the guiding committee."
- "Council [should]:
 - disseminate information regarding pending legislation in different states that threaten to undermine privacy rights
 - recommend formats for local/state action
 - focus media spotlight on privacy abuses
 - work with other privacy organizations around the world
 - testify, lobby, maintain vigilance."