

Privacy / access trade-offs

BY Ari Shwartz

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Privacy and access to government information are two core American values. Often, they are compatible. Both serve the goal of constraining government power, and they have a common enemy in government secrecy.

At the federal level, the Privacy Act of 1974 and the Freedom of Information Act are designed to promote transparency and accountability in government. In the House of Representatives and the Senate, the same congressional committees oversee both laws, and most agencies have one office implementing both.

However, it seems that these values are increasingly at odds. Concerns have arisen as bank account numbers have been disclosed in bankruptcy records, rape victims' names and addresses have appeared in court records, and Social Security numbers of senior military officers up for promotion have been printed in the Congressional Record.

Unfortunately, at all levels of government, information policy on public records has been implemented haphazardly and has failed to keep pace with government's rapid migration to the Internet. In the past, "public" records were stored in dusty volumes available to those who came asking. Few people knew what records existed, and even fewer had the time or incentive to search.

Now, the cost savings offered by the Internet has prompted governments to become proactive in making information available to the public online. The traditional users of public-record information, such as reporters and researchers, also have a valid interest in easily obtaining information they use in their daily work.

However, now that public records can be searched and retrieved by name or other personal identifiers from any computer terminal in the world, the range and depth of public records are being closely examined for perhaps the first time. Government officials and privacy experts alike are beginning to worry about the impact on privacy.

Most public records are at the state and local level. Almost two years ago, Vice President Al Gore called for a dialogue between state and federal governments to address the now-competing interests of openness and privacy, but little seems to have come of the initiative.

There are no easy answers. Each set of records needs to be looked at, with a public process allowing input from interested parties as policies are made. A balance will often need to be struck, weighing societal interests. Privacy principles must be designed into computerized records systems from the outset.

It is possible to build databases and search engines to give interested parties the information they need while still protecting privacy.

Land records, for example, can be searched by address but not by name. Arrest records can be made available only with a disposition and automatic purging, or sealing requirements can be programmed into systems to withhold information deemed too old.

The technology is flexible enough that we should avoid getting locked into a battle between privacy and access that would undermine either or both of these democratic values.

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