Federal Privacy Laws and Contemporary Data Practices

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Review of Privacy Laws

• GAO has recently initiated a review of the adequacy of the Privacy Act of 1974, the E-Government Act of 2002, and related guidance in light of contemporary practices for acquiring, managing, analyzing, and sharing personal information.

• GAO’s review is currently in the first of two phases, called the “design” phase.

• The design phase will continue until the end of July 2007.

• A target date for a final report has not yet been determined.
Rationale

• Advances in technology have made it easy for agencies to acquire, analyze, and share personal information from a variety of sources—as well as potentially lose control of that information in so-called "data breaches." This raises questions about how well the privacy protection principles underlying the Privacy Act and other laws are currently being implemented.
Design Phase Objective

• To what extent do requirements of the Privacy Act of 1974, the E-Government Act of 2002, and related guidance ensure that analytical uses of personal information by federal agencies incorporate key privacy principles?

• “Analytical uses” could include:
  • Data mining and desktop data analysis
  • Use of commercial data
  • Information sharing
Methodology

• Analyze the Privacy Act, Section 208 of the E-Government Act, and implementation guidance from the Office of Management and Budget (OMB) to determine types of information and activities that they affect.

• Summarize contemporary analytical practices at federal agencies—including data mining and the use of data from commercial sources—and associated privacy challenges, as identified in our previous work.
Methodology (cont’d)

• Conduct a survey of privacy officers in major federal departments and agencies to identify areas where guidance is lacking or practices inconsistent.

• Hold a forum with experts from the private sector to gain non-governmental perspective on the same issues.

• Identify common themes and related aspects of current law and guidance that need clarification and/or amplification.
Other Recent Privacy Reports

• **DHS Privacy Office: Progress Made but Challenges Remain in Notifying and Reporting to the Public** (GAO-07-522).

• **Privacy: Lessons Learned About Data Breach Notification** (GAO-07-657).

• **Homeland Security: Continuing Attention to Privacy Concerns is Needed as Programs Are Developed** (GAO-07-630T).
Other Recent Privacy Reports (cont’d)

- **Data Mining**: Early Attention to Privacy in Developing a Key DHS Program Could Reduce Risks (GAO-07-293).
- **Privacy**: Key Challenges Facing Federal Agencies (GAO-06-777T).
- **Personal Information**: Agency and Reseller Adherence to Key Privacy Principles (GAO-06-421).
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