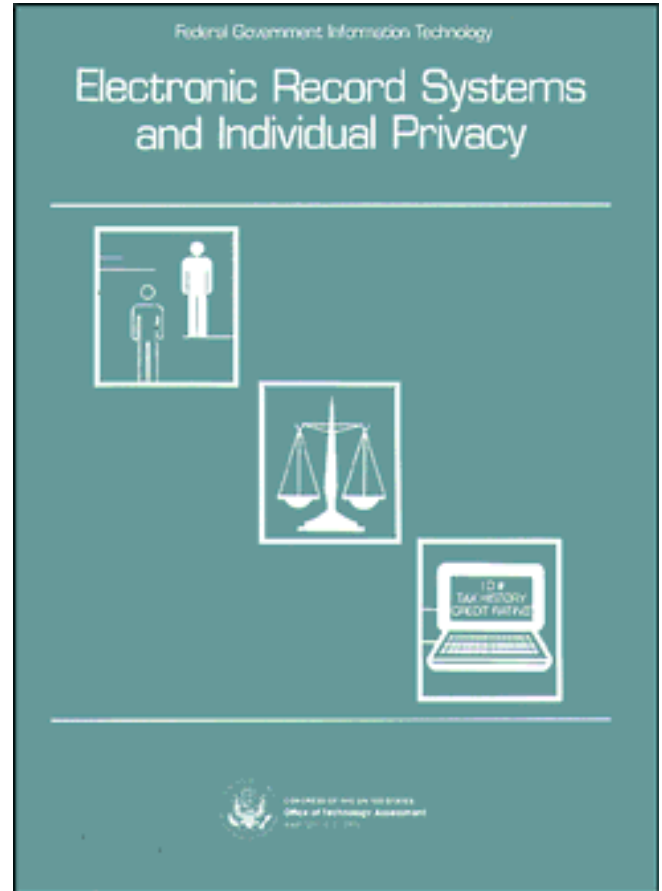


*Electronic Record Systems and Individual
Privacy*

June 1986

NTIS order #PB87-100335



Recommended Citation:

U.S. Congress, Office of Technology Assessment, *Federal Government Information Technology: Electronic Record Systems and Individual Privacy, OTA-CIT-296* (Washington, DC: U.S. Government Printing Office, June 1986).

Library of Congress Catalog Card Number 86-600524

**For sale by the Superintendent of Documents
U.S. Government Printing Office, Washington, DC 20402**

Foreword

Public policy on the protection of personal information collected, maintained, or disseminated by the Federal Government has been based on a balancing of the privacy of individual citizens versus management efficiency and law enforcement. New technological applications—such as the computerized matching of two or more sets of records, extensive electronic networking of diverse computerized record systems, and preparation of computer-based profiles on specific types of individuals—are challenging the existing statutory framework for balancing these interests.

This report addresses four major areas: 1) technological developments relevant to government record systems; 2) current and prospective Federal agency use of electronic record systems; 3) the interaction of technology and public law relevant to protecting privacy; and 4) possible policy actions that warrant congressional attention, including amendment of existing laws such as the Privacy Act of 1974 and establishment of new mechanisms such as a Data Protection Board or Privacy Protection Commission.

Prepared at the request of the Senate Committee on Governmental Affairs and the House Committee on the Judiciary, Subcommittee on Courts, Civil Liberties, and the Administration of Justice, this report is the third component of the OTA assessment of “Federal Government Information Technology: Congressional Oversight and Civil Liberties.” The first component, *Electronic Surveillance and Civil Liberties*, was published in October 1985, and the second, *Management, Security, and Congressional Oversight*, was published in February 1986.

In preparing this report on electronic record systems and privacy, OTA has drawn on working papers developed by OTA staff and contractors, the comments of participants at an OTA workshop on this topic, and the results of an OTA survey that was completed by over 140 agency components. Drafts of this report were reviewed by the OTA project advisory panel, officials from the U.S. Office of Management and Budget and the General Services Administration; U.S. Departments of Justice, State, Defense, and Health and Human Services, among other Federal agencies; and a broad spectrum of interested individuals from the governmental, academic, private industry, and civil liberty communities.

OTA appreciates the participation of the advisory panelists, workshop participants, external reviewers, Federal agency officials, and others who helped bring this report to fruition. The report itself, however, is solely the responsibility of OTA, not of those who so ably advised and assisted us in its preparation.

JOHN H. GIBBONS
Director

Electronic Record Systems and Individual Privacy Advisory Panel

Theodore J. Lowi, *Chairman*
Professor of Political Science, Cornell University

Arthur G. Anderson
IBM Corp. (Ret.)

Jerry J. Berman
Legislative Counsel
American Civil Liberties Union

R.H. Bogumil
Past President
IEEE Society on Social Implications
of Technology

James W. Carey
Dean, College of Communications
University of Illinois

Melvin Day
Vice President
Research Publications

Joseph W. Duncan
Corporate Economist
The Dun & Bradstreet Corp.

William H. Dutton
Associate Professor of Communications
and Public Administration
Annenberg School of Communications
University of Southern California

David H. Flaherty
Professor of History and Law
University of Western Ontario

Carl Hammer
Sperry Corp. (Ret.)

Starr Roxanne Hiltz
Professor of Sociology
Upsala College

John C. Lautsch
Chairman, Computer Law Division
American Bar Association

Edward F. Madigan
Office of State Finance
State of Oklahoma

Marilyn Gell Mason
Director
Atlanta Public Library

Joe Skinner
Corporate Vice President
Electronic Data Systems Corp.

Terril J. Steichen
President
New Perspectives Group, Ltd.

George B. Trubow
Director, Center for Information
Technology and Privacy Law
The John Marshall Law School

Susan Welch
Professor and Chairperson
Department of Political Science
University of Nebraska

Alan F. Westin
Professor of Public Law and Government
Columbia University

Langdon Winner
Associate Professor of Political Science
Rensselaer Polytechnic Institute

Congressional Agency Participants

Robert L. Chartrand
Senior Specialist
Congressional Research Service

Robert D. Harris
Deputy Assistant Director for
Budget Analysis
Congressional Budget Office

Kenneth W. Hunter
Senior Associate Director for
Program Information
U.S. General Accounting Office

NOTE: OTA appreciates and is grateful for the valuable assistance and thoughtful critiques provided by the advisory panel members. The panel does not, however, necessarily approve, disapprove, or endorse this report. OTA assumes full responsibility for the report and the accuracy of its contents.

OTA Electronic Record Systems and Individual Privacy Project Staff

John Andelin, *Assistant Director, OTA
Science, Information, and Natural Resources Division*

Fred W. Weingarten, *Manager
Communication and Information Technologies Program*

Project Staff

Fred B. Wood, *Project Director*

Jean E. Smith, *Assistant Project Director*

Priscilla M. Regan, *Principal Author and Analyst*

Jim Dray, *Research Analyst*

Jennifer Nelson, *Research Assistant*

Administrative Staff

Elizabeth A. Emanuel, *Administrative Assistant*

Shirley Gayheart,* *Secretary*

Audrey Newman, *Secretary*

Renee Lloyd, *Secretary*

Patricia Keville, *Clerical Assistant*

Contractors

William Dutton and Robert Meadow
The University of Southern California

David H. Flaherty
The University of Western Ontario

Karen B. Levitan, Patricia D. Barth, and Diane Griffin Shook
The KBL Group, Inc.

Robert Ellis Smith
The Privacy Journal

⁻ *Deceased, Dec. 11, 1985.

OTA Electronic Record Systems and Individual Privacy Workshop

Robert Belair
Attorney
Kirkpatrick & Lockhart

William Cavaney
Executive Secretary
Defense Privacy Board
U.S. Department of Defense

Louis D. Enoff
Acting Deputy Commissioner for Programs
and Policy
Social Security Administration

Robert Freeman
Committee on Open Government
Department of State
State of New York

John Gish
Vice President
W.R. Grace & Co.

John Grace
Privacy Commissioner of Canada

Richard P. Kusserow
Inspector General
U.S. Department of Health and
Human Services

Robert Meadow
Professor, Annenberg School of
Communications
University of Southern California

Philip Natcharin
Director of Program Integrity
New York State Department of
Social Services

Robert Oakley
Assistant Inspector General for Auditing
Veterans Administration

Alan Rodgers
Massachusetts Law Reform Commission

James Rule
Professor, Department of Sociology
State University of New York at
Stony Brook

Andy Savitz
Assistant Secretary of Administration
and Finance
State of Massachusetts

Robert Ellis Smith
Editor
The Privacy Journal

Jane Tebbutt
Office of Inspector General
U.S. Department of Health and
Human Services

Tom Tiffany
Acting Director of Legislative Affairs
Internal Revenue Service

Rob Veeder
Desk Officer
Office of Information and
Regulatory Affairs
Office of Management and Budget