



BJS/JRSA 2008 National Conference



United States
Department of Justice

Privacy Policies and Criminal Justice Information Sharing

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SEARCH, the National Consortium for Justice Information and Statistics
representative to the Global Privacy and Information Quality Working Group

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**PRIVACY & CRIMINAL JUSTICE
INFORMATION**

**CRIMINAL JUSTICE &
HOMELAND SECURITY**



United States
Department of Justice

**Intelligence,
watch lists,
field reports**



**Arrests, dispositions,
corrections, supervision**



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PRIVACY & CRIMINAL JUSTICE INFORMATION



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PRIVACY THROUGHOUT THE AGES

**Private ... the noun
form of privacy,
from the Latin
privus, meaning
"single, peculiar."**



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PRIVACY THROUGH THE AGES



**Concept
takes root in
America –**

3rd Amendment

4th Amendment

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**Justice and homeland security initiatives shot
down by poor privacy policy planning ...**



MN police chiefs DB

MATRIX

Total Information Awareness

**Computer Aided Passenger
Prescreening II**

Carnivore

Yours?

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Majority of Americans concerned about the safety of their personal information ...

Zogby/UPI poll, April
2007: 91% of respondents
worried about ID theft

When asked in a Fall 2006 MSNBC
online poll, "Who do you trust
more to protect your privacy,
government or private corporations,"

88% of 6,500 respondents said "neither."



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WHAT IS PRIVACY?

... the claim of an individual to determine what information about himself or herself should be known to others.



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PERSONALLY IDENTIFIABLE INFORMATION

That which can be used to uniquely identify, contact or locate you ...



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In the 1960's and 1970's

**Growing
computer use in
the workplace
... concerns
over database-
creating
capabilities.**



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PRIVACY & CRIMINAL JUSTICE INFORMATION H.E.W. REPORT



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Records, Computers, and the Rights of Citizens (1973)

No secret personal data record system.

**Individual must be able to find out what's in record
and how it is used.**

**Individual can prevent information collected for
one purpose from being used for another.**

**Individual can correct/amend record of identifiable
information.**

**Data-holding agency must ensure data's reliability
and prevent its misuse.**

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PRIVACY & CRIMINAL JUSTICE INFORMATION CRIMINAL RECORD PRIVACY



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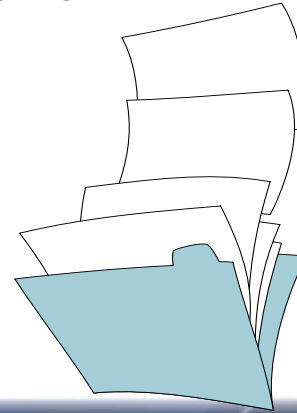
**Constitution largely neutral.
Handful of landmark US Supreme
Court decisions ...**

Paul v. Davis (1976)

**Dept. of Justice v. Reporters
Committee for Freedom of the
Press (1989)**

Arizona v. Evans (1995)

**Los Angeles Police Dept. v.
United Reporting Publishing Corp.
(1999)**



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PRIVACY & CRIMINAL JUSTICE INFORMATION Privacy Act of 1974



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**Protects against an invasion of privacy through the
misuse of personal information by the federal
government**

**Pertains to records concerning individuals maintained
in a system of records (retrieved by name or other
unique ID)**

**See, copy records, amend information that's not timely,
accurate, relevant or complete**

Published notice describing each system

**Covers disclosure, notice, criminal and civil penalties,
exemptions, fees, time limits**

**PRIVATE
NO ENTRY**

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PRIVACY & CRIMINAL JUSTICE INFORMATION



PRIVACY PROTECTION STUDY COMMISSION

United States
Department of Justice

'The real danger is the gradual erosion of individual liberties through the automation, integration, and interconnection of many small, separate record-keeping systems, each of which alone may seem innocuous, even benevolent, and wholly justifiable' (1977)



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Organization for Economic Cooperation and Development (OECD) issues 8 Fair Information practices in 1980 to support international trade.

Based on core H.E.W. principles

Informally known as the "FIPs"



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TENSION



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INFORMATION SHARING ENVIRONMENT

Five Communities. One Mission
Intelligence, Law Enforcement, Defense,
Homeland Security & Foreign Affairs

Priorities:

- Improving Sharing Practices (e.g. trusted partnerships)
- Creating a Culture of Sharing (**Includes Privacy Protections**)
- Reducing Barriers (e.g. develop standards)
- Institutionalizing Sharing (e.g. common legal & policy guidance)

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Global Privacy and Information Quality Working Group (GPIQWG) Mission Statement

- To advance the adoption of **privacy** and information quality policies by justice system participants that promote the responsible collection, handling, management, review, and sharing of (personal) information about individuals.

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CONFIDENTIAL

E-Government Act requires
Privacy Impact Assessment of
new or significantly modified
federal IT that uses personally
identifiable information.

Few requirements at state,
local levels ... even laws on
books not strongly enforced.

SEARCH has joined BJA, IIR, JMI and other
agencies to provide privacy TA, assistance with
policy development, other services.



PRIVACY & CRIMINAL JUSTICE INFORMATION



PRIVACY IMPACT ASSESSMENT

Analysis of information collected, stored, protected & exchanged in a new or significantly modified IT system.

Examines risks/ ramifications of collecting, maintaining and using information in an identifiable form.

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Privacy Impact Assessment

*Guide to Conducting Privacy Impact
Assessments for State and Local
Information Sharing Initiatives*



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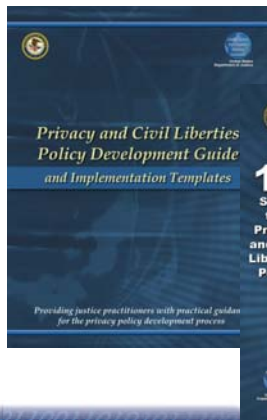


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“To advance the adoption of privacy . . . policies”



Privacy and Civil Liberties Policy Development Guide and Implementation Templates

Ten Steps to a Privacy and Civil Liberties Policy



Policy Development Checklist

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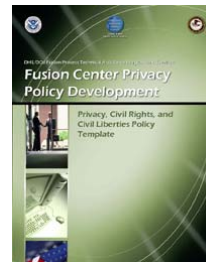
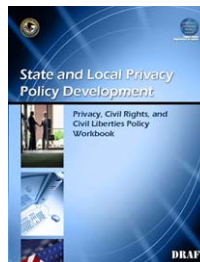
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Related Global Projects

- Privacy Technical Assistance (TA) Program:
 - Fusion Centers
 - State/Local Agencies



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