

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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