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INFO 101

Policy Brief

Privacy Act of 1974

**I. Introduction**

Individual term project for this term has required to write about policies. I’ll be writing about Privacy Act of 1974, which was recognized as a reasonable Information use that oversees the collection, preservation, usage and distribution of personally recognizable information. I think Privacy Act is really important in the context of information systems and it’s the main problem of an individual’s personal information which can be easily accessed to the federal officer.

They have the authority to access all private information of the individual’s, but this Privacy Act made it more secure for people.

**II. Parts of the policy brief**

**Executive Summary**

Privacy Act of 1974, which was recognized as a fair Information run-through that oversees the collection, preservation, usage and distribution of personally recognizable information. The system of records are being sustained by federal agencies. The system of records are a group of records, under the power of the organizations from which information is recovered. By using the name of the individual or by some identifier allocated to the individual (The united State Department of Justice, 2020).

According to (The united State Department of Justice, 2020) The Privacy Act requires agencies to give public notice of their systems of records by publishing in the Federal Registry. The Privacy Act forbids the revelation of a record about an individual from a system of records missing the written permission of the individual, unless the exposure is pursuant to one of twelve statutory exceptions. The Act also gives individuals with a means by which to follow approach to an amendment of their records.

The Privacy Act was amended by the Computer Matching and Privacy Act of 1988. Congress later enacted the Computer Matching and Privacy Protection Amendments of 1990 (Justice Information Sharing, 2020).

**Section 1. Statement of the problem/issue**

According to (Justice Information Sharing, 2020) the Privacy Act was implemented with the intention to balance the government’s need to keep information about people with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies’ collection, preservation, usage and distribution of personal information about them. The Privacy Act focuses on simple policy purposes:

1. To limit the revelation of individually identifiable records maintained by the agency.
2. To grant public’s increased rights of access to agency records preserved on them.
3. To grant people the right to seek an amendment of agency records preserved on themselves upon a showing that the records are not precise, appropriate, timely, or complete.
4. To initiate a code of ‘fair information practices’ which requires agencies to conform to constitutional rules for collection, preservation, and distribution of records.

According to (Justice Information Sharing, 2020) the Privacy Act “preserves certain federal government records relating to individuals. Specially, the Act protect systems of records that an agency sustains and retrieves by an individual’s name or other personal identifier for example (SSN) Social Security Number. Generally, the Privacy Act forbids unauthorized exposure of the records it protects. It also gives individuals the right to examine records about themselves, to find out if these records have been revealed, and to request improvements or modifications of these records, unless the records are legally exempted.

According to (Justice Information Sharing, 2020) exemption to the Privacy Act protections are allowed for:

* The Census Bureau
* The Bureau of Labor Statistics
* Routine uses (referring to external sharing of information outside the agency)
* Archival purposes if the records has sufficient historical value
* Law enforcement purposes
* Congressional Investigations
* Other administrative purposes

**Section 2. Policy’s history**

In 1974, Congress was concerned with restriction the illegal observation and investigation of individuals by federal that had been exposed during the Watergate scandal; it was also concerned with possible exploitation presented by the government’s increasing use of computers to store and recover personal data by means of a universal identifier – such as an individuals (SSN) social security number.

The Watergate scandal is widely considered to be the biggest in political history anywhere in the world. The Water scandal occurred on June 17, 1972, when several robbers were arrested from the Democratic National Committee headquarters. Richard Nixon re-election committee planned this plot in order to get negative information about the opponent candidate, and achieve their goal they chose the Democratic National Committee where the political information could be easily obtained. When the Watergate Scandal occurred, the FBI took this case in their hands, and in order to get rid of any future problems the Richard Nixon re-election committee made a plan to involve CIA. Richard Nixon approved this plan “to use CIA to blunt the FBI investigation” to basically save the skin of the White House. This decision taken by Nixon took him down from presidency, this decision of his was the biggest mistake he made. (News, 2017)

In December 1974, four months after Nixon’s resignation, the New York Times reporter exposed the reality of a long-time CIA intelligence plan targeting U.S. citizens, a through breach of its authority. Since, the two robbers of Watergate were former CIA agents, and were supported by the agency for the break-in.

On January 27, 1975, a special 11-member investigative body was recognized to look into misuses of power by the nation’s intelligence agencies. Led by the Democratic Senator Frank Church of Idaho, the church group called more than 800 witnesses over the passage of nine months, which included several previous officials from both the FBI and CIA (Maranzani, 2020).

**Section 3: Policy Options**

The Privacy Act of 1974 is amended which protects records about individuals that can be recovered by personal identifiers such as a name, Social Security number, or other identifying number or symbol. An individual is permitted to access to his or her records and to appeal the correction of these records if appropriate.

The Privacy Act forbids exposure of these records without the written consent of the individual(s) to whom the records relate unless one of the twelve disclosure exclusion tallied in the Act relates. These records are seized in Privacy Act systems of records. A notice of any such system is available in the Federal Register. These notices classify the legal authority for gathering and keeping records, individuals about whom records will be collected, what kinds of information will be collected, and how the records will be used.

One of the downfall of this Act will be when these individual’s records are being disclosed to administrator or bureau. The first concern is that when they are investigating a criminal and after the exposure of their records and alert is being sent to these criminals. They will easily manage to get away from investigation and will run away.

The other concern is that in this modern technology world most of the records are being kept in computer devices, which in particular is online. In addition to that, individuals can also access their records through online accounts, for their “specific” reasons. The evolution in technology has also led many crimes, for example, the hackers use their knowledge in technology to gain access to these federal registry private records to use the records for their own benefits. Taking everything into consideration, hackers find vulnerabilities in any software, which is sort of the biggest threat to the individual’s privacy. The government might use some security software, but still there is always a place for hacker to get into systems.

**Section 4. Policy recommendations**

When the individual’s records are exposed to the investigation bureau the federal registry should not inform or show on the individual’s online portals that “their records were being accessed by the Investigation Bureau due to their involvement in particular crime.” As, this might alert the criminals. This disclosure should only be informed to them once the case has been resolved that way the criminals won’t run away from the officers.

If the records are being accessed by for some other reason like an “institution” to get information about students than the person should be informed. Their cognizant about their records will not put anyone in harm. The Federal Registry should look at the situation and report to individuals according to that specific situation. It is basically whistle blowing for the federal registry to informed people that their records are being accessed because the crime investigation bureau is investigating about them.

Another recommendation for the Federal Registry will be to secure the records of individuals as much as they can. This brings in the concerns towards using the faithful software for securing the records. The Federal Registry shouldn’t use trivial software, and in trivial Kaspersky Lab is also counted. Kaspersky Lab has certainly good software, but it is not owned by the U.S., and almost anyone in Information Technology field knows about some of the scandals with Kaspersky Lab. In October 2017, some reports confirmed that hackers who are working for the Russian government embezzled some confidential data from the home computer of an American National Security contractor via Kaspersky antivirus software (wikipedia.org, 2020). There are proves that in the past Russia has tried to gain access to some confidential records by using Kaspersky. We are still not confirmed if the Kaspersky is actively collaborating with the Russian government, but we can take some discretion from our side. It will be best for the federal registry to use the U.S. owned and trusted software for their records and also keep updating the security of the records in the registry.

**Section 5. References**

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