

CSE 291: Privacy & Society

WI24

Lecture 6 - Data Collection, Privacy Act and Other Acts

Announcements



Reading notes due Th 7am
Reflection due Friday 11:59pm
Student led discussion (check doc)

United States Privacy Laws

- Fair Credit Reporting Act (1970)
- Privacy Act (1974)
- Freedom of Information Act (1974)
- Family Educational Rights and Privacy Act (1974)
- Drivers Privacy Protection Act (1994)

United States Privacy Laws

- Health Insurance Portability and Accountability Act (HIPAA) (1996)
- Children's Online Privacy Protection Act (1998)
- Financial Services Modernization Act (GLBA) (1999)
- USA Patriot Act (2001)
- Data Quality Act (2002)
- E-Government Act (2002)

Freedom of Information Act (FOIA)

- **Right for anyone to request access to federal agency records and information**
 - Disclosure subject to exemptions discussed on next slide



Freedom of Information Act

Exemptions Under FOIA

Exemption One: Classified Information

Exemption Two: Agency's Internal Personnel Rules & Practices

Exemption Three: Exempt by any other Statute

Exemption Four: Privileged & Confidential Trade Secrets, Commercial & Financial Information

Exemption Five: Privileged information Inter or Intra agency Memos

Exemption Six: Personnel, Medical & Similar Files

Exemption Seven: Law Enforcement Records

Exemption Eight: Financial Institution Regulatory Records

Exemption Nine: Geological & Geophysical Data Concerning Wells

Privacy Act of 1974

- Applies only to U.S. Citizens and lawfully admitted permanent resident aliens
- Objectives:
 - Restrict disclosure
 - Grant access
 - Grant amendment
 - Compile only what is relevant and necessary
 - Provide notice of new systems of records

Privacy Act of 1974

System of Records

- The term “system of records” means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual

Privacy Act of 1974

System of Records Notice (SORN)

- **A description of the system of records maintained by the agency**
- **The SORN must appear in the Federal Register before the agency begins to operate the system, e.g., collect and use the information**

Privacy Act of 1974

System of Records Notice (SORN)

- **System Name**
- **Security Classification**
- **System Location**
- **Authority for Maintenance of the System**
- **Purpose of the System**
- **Use and Categories of users**
- **Policies & Practices for storing, retrieving, accessing, retaining, & disposing of records**
- **System Manager**
- **Notification Procedures**

Privacy Act of 1974

Exceptions

- “Systems of records”
- Law enforcement purposes
- Routine Use



Potential issues with FOIA and the Privacy Act ?

Hint: What issues were predicted?

What ethical challenges arise when personal information is shared between agencies?

Think about the Patriot Act

What are the differences between the Privacy act and the California Consumer Privacy Act?

Hint: Why do we need both?

What are the differences between the Privacy act and the Family Educational Rights and Privacy Act?

Hint: Why do we need both?

Privacy Act of 1974

Establish a Violation

- **Plaintiff must prove...**
 - a. **The information is a “record” contained “within a system of records”**
 - b. **The agency violated its obligations under the act**
 - c. **The violation was willful or intentional**
 - d. **The plaintiff suffered actual damages**

Petitioner Buck Doe filed for benefits under the Black Lung Benefits Act, 83 Stat. 792, 30 U. S. C. §901 et seq., with the Office of Workers' Compensation Programs, the division of the Department of Labor responsible for adjudicating it.

Doe v Chao (2003)

The application form called for a Social Security number, which the agency then used to identify the applicant's claim, as on documents like "multicaptioned" notices of hearing dates, sent to groups of claimants, their employers, and the lawyers involved in their cases.

The Government concedes that following this practice led to disclosing Doe's Social Security number beyond the limits set by the Privacy Act. See 5 U. S. C. §552a(b).

The question before us is whether plaintiffs must prove some actual damages to qualify for a minimum statutory award of \$1,000. We hold that they must.

TIMELINE OF DATA PRIVACY LAWS & ACTS IN USA

US Privacy Act 1974	●	US Privacy Act of 1974- Maintains restrictions on data held by government agencies
HIPPA 1996	●	Health Insurance Portability and Accountability Act (HIPAA)- Protects sensitive patient health information
COPPA 1998	●	Children's Online Privacy Protection Act (COPPA) - Protects data of children under the age of 13
GLBA 1999	●	Gramm-Leach-Bliley Act (GLBA)- Protects financial non-public personal information
SOX 2002	●	Sarbanes-Oxley Act (SOX)- Protects investors from fraudulent financial reporting by corporations
H. B. 1493 2017	●	Washington Biometric Privacy Law- Governs collection, use, and storage of "biometric identifiers" of Washington citizens
NPL 2019	●	Nevada Privacy Law-Governs the collection of personally Identifiable Information (PII) by websites
CCPA 2020	●	California Consumer Privacy Act (CCPA) - Provides Consumers more control over the personal information that businesses collect about them
Maine Privacy Law 2020	●	Maine Broadband Privacy Laws of 2020- An Act to Protect the Privacy of Online Customer Information
CPRA 2023	●	The California Privacy Rights Act (CPRA) enhances digital privacy for Californians. It expands CCPA protections & establish stringent enforcement measures.
CPA 2023	●	The Colorado Privacy Act empowers residents with control over personal data, mandates business transparency, and enforces compliance
CTDPA 2023	●	The Connecticut Personal Data Privacy & Online Monitoring Act (CTDPA) aims to keep the personal information & online activities of people living in Connecticut safe and private.
VCPDA 2023	●	Replace this with: Virginia's Consumer Data Protection Act sets robust privacy standard for handling Virginians personal data.
UCPA 2023	●	The Utah Consumer Privacy Act (UCPA) is a legislative measure enacted to regulate the processing of personal data of Utah residents.