# OFFICE OF MANAGEMENT AND BUDGET

### National Information Infrastructure; Draft Principles for Providing and Using Personal Information and Commentary

**AGENCY:** Office of Management and Budget.

**ACTION:** Notice and request for comments.

SUMMARY: OMB is publishing these draft principles on behalf of the Privacy Working Group of the Information Policy Committee, Information Infrastructure Task Force. They were developed by the Working Group to update the Code of Fair Information Practices developed in the early 1970s. DATES: Comments should be submitted no later than March 21, 1995.

ADDRESSES: Comments should be sent to the Working Group on Privacy c/o the NII Secretariat, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4892, Washington, D.C. 20230. The Principles and Commentary can be downloaded from the IITF gopher/bulletin Board System: 202–501–1920. The IITF gopher/bulletin board can be accessed through the Internet by pointing your gopher client to IITF.DOC.GOV or by telnet to IITF.DOC. GOV and logging in as GOPHER. Electronic comments may be sent to NII@NTIA.DOC.GOV

# FOR FURTHER INFORMATION CONTACT: Mr. Jerry Gates, Chair, Privacy Working Group, Bureau of the Census, Room 2430, Building 3, Washington, D.C. 20233. Voice telephone: 301–457–2515. Facsimile: 301–457–2654. E-mail: GGATES@INFO.CENSUS.GOV

SUPPLEMENTARY INFORMATION: The following Principles and Commentary were developed by the Information Infrastructure Task Force's Working Group on Privacy with the goal of providing guidance to all participants in the National Information Infrastructure. (The Principles appear in plain text, and the Commentary appears in italics.) The Principles are intended to update and revise the Code of Fair Information Practices that was developed in the early 1970s. While many of the Code's principles are still valid, the Code was developed in an era when paper records were the norm.

The Working Group distributed a draft of the Principles and Commentary for comment in May 1994 via electronic mail and in a notice published in the **Federal Register**. Major resulting changes are: (1) The Commentary has

been incorporated into the Principles and has been modified to reflect changes to the principles, define terms, and to clarify areas of confusion; (2) the principles for Information Collectors have been incorporated into Principles for Users of Personal Information since some users also have a responsibility to inform and obtain consent for uses; (3) the Principles now require Information Collectors to conduct a privacy assessment before deciding to collect information; (4) the notice given to individuals becomes the determining factor for limiting the use of personal information; (5) the information an individual may access and correct is expanded; and (6) the provision of notice and a means of redress that was linked to "final actions" that may harm individuals is now based on an improper disclosure of information or the use of information that lacks sufficient quality.

Before issuing the Principles as a final product, the Working Group is proposing them for comment again. The Working Group recognizes that the Principles cannot apply uniformly to all sectors. They must be carefully adapted to specific circumstances, therefore, the Working Group asks that final comments focus on major concerns about applying the principles broadly. Sectorial concerns should be addressed as organizations develop internal principles.

Further, the Working Group debated the privacy rights of deceased persons and how they might be addressed in the Principles, but was not able to come to a conclusion. The Working Group also welcomes comments on whether and how the Principles should be revised to treat the rights of the deceased or their survivors.

#### Sally Katzen,

Administrator, Office of Information and Regulatory Affairs.

## Privacy and the National Information Infrastructure: Principles for Providing and Using Personal Information

Preamble

The United States is committed to building a National Information Infrastructure (NII) to meet the information needs of its citizens. This infrastructure, created by advances in technology, is expanding the level of interactivity, enhancing communication, and allowing easier access to services. As a result, many more users are discovering new, previously unimagined uses for personal information. In this environment, we are challenged to develop new principles to guide

participants in the NII in the fair use of personal information.

Traditional fair information practices, developed in the age of paper records, must be adapted to this new environment where information and communications are sent and received over networks on which users have very different capabilities, objectives and perspectives. Specifically, new principles must acknowledge that all members of our society (government, industry, and individual citizens), share responsibility for ensuring the fair treatment of individuals in the use of personal information, whether on paper or in electronic form. Moreover, the principles should recognize that the interactive nature of the NII will empower individuals to participate in protecting information about themselves. The new principles should also make it clear that this is an active responsibility requiring openness about the process, a commitment to fairness and accountability, and continued attention to security. Finally, principles must recognize the need to educate all participants about the new information infrastructure and how it will affect their lives.

These "Principles for Providing and Using Personal Information" recognize the changing roles of government and industry in information collection and use. Thus, they are intended to be equally applicable to public and private entities that collect and use personal information. However, these Principles are not intended to address all information uses and protection concerns for each segment of the economy or function of government. Rather, they should provide the framework from which specialized principles can be developed as needed.

# I. General Principles for All NII Participants

Participants in the NII rely upon the privacy, integrity, and quality of the personal information it contains. Therefore, all participants in the NII should use whatever means are appropriate to ensure that personal information in the NII meets these standards.

A. Information Privacy Principle: An individual's reasonable expectation of privacy regarding access to and use of his or her personal information should be assured.

B. Information Integrity Principle: Personal information should not be improperly altered or destroyed.

C. Information Quality Principle: Personal information should be accurate, timely, complete, and relevant