

37. Because it is important that information users appreciate how the NII affects information privacy, and that individuals understand the ways in which personal information can be used in this new environment, information users should participate in educating themselves and others about the handling and use of personal information in the evolving NII.

III. Principles for Individuals Who Provide Personal Information

38. As previously noted, the NII will be interactive. Individuals will not be mere objects that are acted upon by the NII; rather, they will actively participate in using and shaping the new information technologies and environments. In such an essentially interactive realm, individuals should assume some responsibility for their participation in instances where they can affect that participation. For example, where individuals will have choices about whether and to what degree personal information should be disclosed, they should take an active role in deciding whether to disclose personal information in the first place, and under what terms. Of course, in certain cases, individuals have no choice whether to disclose personal information. For example, if the individual wants to execute a transaction on the NII, personal information in the form of transactional data will necessarily be generated. Or, the choice may exist in theory only. For example, an individual may be permitted not to disclose certain personal information, although exercising such choice will result in the denial of a benefit that they cannot give up to participate fully in society—e.g., obtaining a license to drive an automobile. If individuals are to be held responsible for making these choices, they must be given enough information by information collectors and users to make intelligent choices.

III.A. Awareness Principle:

While information collectors have a responsibility to inform individuals why they want personal information, individuals also have a responsibility to understand the consequences of providing personal information to others. Therefore, individuals should

obtain adequate, relevant information about:

1. Why the information is being collected;
2. What the information is expected to be used for;
3. What steps will be taken to protect its confidentiality, integrity, and quality;
4. The consequences of providing or withholding information; and
5. Any rights of redress.

39. The Awareness Principle, in conjunction specifically with the Notice Principle (II.B) and more broadly with the Education Principle (II.E), strives to cultivate an environment where individuals have been given the tools necessary to take responsibility over how personal information is disclosed and used.

40. Increasingly, individuals are being asked to surrender personal information about themselves. Sometimes the inquiry is straight-forward; for example, a bank may ask for personal information prior to processing a loan request. In such situations the purpose for which the information is sought is clear—to process the loan application. There may, however, be other uses that are not so obvious, such as using that information for a credit card solicitation.

41. Indeed, individuals regularly disclose personal information without being fully aware of the many ways in which that information may ultimately be used. For example, an individual who pays for medical services with a credit card may not recognize that he or she is creating transactional data that could reveal the individual's state of health. The Awareness Principle encourages individuals to learn about and take into consideration such consequences before participating in these kinds of transactions.

III.B. Redress Principles:

Individuals should be protected from harm caused by the improper disclosure or use of personal information. They should also be protected from harm caused by decisions based on personal information that is not accurate, timely, complete, or relevant for the purpose for which it is used. Therefore, individuals, should, as appropriate:

1. Have the means to obtain their personal information and the opportunity to correct information that could harm them;

2. Have notice and a means of redress if harmed by an improper disclosure or use of personal information, or if harmed by a decision based on personal information that is not accurate, timely, complete, or relevant for the purpose for which it is used.

42. There will be times when individuals are harmed by the improper disclosure or use of personal information. Individuals will also be harmed by the use of personal information that lacks sufficient quality to ensure fairness in that use. It is therefore important to implement measures to avoid or limit that harm, as well as measures to provide relief should harm occur.

43. Therefore, individuals should be able to obtain from information users, as appropriate, a copy of their personal information and have the opportunity to correct information about them that lacks sufficient quality to assure fairness in use and thus prevent potential harm. Whether this opportunity should be granted depends on the seriousness of the consequences to the individual of the use of the information. Finally, appropriate forms of redress should be available for individuals who have been harmed by the improper disclosure or use of personal information, or by the use of personal information that lacks sufficient quality to be used fairly. The Principles envision various forms of redress including, but not limited to, mediation, arbitration, civil litigation, regulatory enforcement, and criminal prosecution, in various private, local, state, and federal forums with a goal of providing relief in the most cost-effective, efficient manner possible.

Appendix I. Principles for Providing and Using Information in the NII—Comparison of May 25, 1994, and Revised Version

I. General Principles for the National Information Infrastructure

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.

Original Version—May 25, 1994	Revised Version	Change
<p>A. Information Privacy Principle Individuals are entitled to a reasonable expectation of information privacy.</p>	<p>An individual's reasonable expectation of privacy regarding access to and use of his or her personal information should be assured.</p>	<p>Moves principal from abstract "expectation," to an assurance that is the responsibility of all participants.</p>