

What's Happening to Your Privacy?

by Phil Stanford

The federal government has on file a great deal of data about U.S. citizens—and the number of files is increasing. To examine the handling of all this information, the Privacy Protection Study Commission was established in 1975 under chairman David F. Linowes. This June, the commission is scheduled to make its recommendations to Congress and President Carter.

Linowes, who has had a long career as a certified public accountant, management consultant and director of several corporations, is not a man likely to be carried away by every new idea that comes along. He is, as he describes himself, "a cautious type of person"—one reason, no doubt, why he was chosen to be chairman of the Privacy Commission.

But Linowes is worried. "I don't want to overstate the problem," he said recently, "but I seriously believe that at some point in the not-so-distant future, data collection, maintenance and dissemination may no longer be merely a tool of society, but will instead become an end in itself—a force with awesome powers of surveillance and control over the lives of individuals."

One reason for Linowes' concern can be found in a little-known report entitled "Federal Personal Data Systems." Under the Privacy Act, passed by Congress in 1974, federal agencies are now required to publish a list of all their record systems and, with the exception of some law enforcement and intelligence agencies, the number of names in each one.

Billions of files

According to the report, which tabulates all the agencies' lists, the federal government today maintains 6723 different record systems containing a total of 3.9 billion individual files. That's 18 files for every man, woman and child in the United States.

Some of the most interesting lists belong to the intelligence agencies. According to its own report, the FBI has a fingerprint file on 62 million people and



David F. Linowes, head of the Privacy Protection Study Commission, believes the amassing and computerization of data on U.S. citizens by the government and by commercial institutions is an increasing threat to individual rights.

records of wiretaps on 480,000. Army counterintelligence maintains files on 106,468 citizens who have "come to their attention." The Drug Enforcement Administration has a file with the names of 1.6 million "known and suspected drug traffickers."

It isn't necessary, however, to be a known or suspected lawbreaker to be in a government file. In fact, as the report shows, every contact a person has with government is routinely recorded and filed away.

There are extensive files on current and former federal employees. The Army, for example, has a file on 100,401 "military, retired military, military dependents and civilian employees with drug or alcohol problems." The Department of Health, Education and Welfare (HEW) has a similar file with 135,000 entries.

One of the surest ways of getting into a government filing system is to accept government assistance. Another is to participate in a government study. The report has pages of entries for records kept on HEW projects, such as the Massachusetts Sample Survey of Developmentally Disabled Persons, Seattle-Denver Income Maintenance Experiments, or a Boston study on the Impact of the Women's Movement on Educational and Occupational Behavior and Attitudes of Married Women.

In all, 85 federal agencies keep files on U.S. citizens. By department, the biggest record-keeper in the federal government is HEW, with 1.2 billion individual files. The Treasury Department, which includes the Internal Revenue Service, is next with 965 million. The Commerce Department has 440 million; the Defense Department, 317 million; Veterans Administration, 216 million, and the Justice Department, 133 million.

As Linowes points out, many of the records listed in the report have a legitimate purpose. "The danger," he says, "is that they will be used for purposes

for which they weren't intended—for harassment or political purposes. We already know how confidential records have been abused at the highest levels of government—by the Nixon White House, for example."

Abuse via computers

The possibilities for abusing personal information are only increased by the computerization of government files, says Linowes. With computers, it is possible not only to store much more information than before, but also for one agency to hook up electronically with another agency's computers. As the report shows, more than 80 percent of the individual files maintained by the government are either wholly or partly computerized.

Yet, according to Linowes, records kept by federal agencies are only half of the problem—perhaps the lesser half. "There are substantially more records kept by the private, or commercial, sector than by the federal government," he says. It is safe to assume, he adds, that billions of personal records are kept by commercial institutions, such as credit card companies, airlines, banks, the telephone company and large retail chains.

One of the primary tasks of the Privacy Commission has been to determine the extent of commercial records on citizens. According to a preliminary staff estimate, three of the largest credit agencies in the country have a total of

more than 100 million names on file. The Medical Information Bureau, which supplies information to insurance companies, has the medical records of approximately 12.5 million people. "One mailing-list company," says Linowes, "boasted that it has 70 million names.

"Once you get an accumulation of data of this magnitude—especially once it is on computers—it is possible to put together a precise analysis of the type of person you are—the magazines you subscribe to, the books you read, where you travel, the political and religious organizations you support, and so on."

According to Linowes, federal investigative agencies make regular use of the information collected by commercial organizations. Sometimes the infor-

mation is requested under subpoena, sometimes informally. Last year, for example, the Bell System furnished to federal agencies the billing records of 20,565 customers.

Chief users

A study now being completed by the Privacy Commission staff shows that the principal government users of commercial data are the FBI and IRS. Frequent requests are also made by the CIA, the Securities and Exchange Commission, the Federal Energy Administration and the Drug Enforcement Agency.

The use of commercial data by federal investigative agencies is of particular concern, says Linowes, because it is virtually unregulated. When the Privacy Act was passed—largely in response to the abuses of the Watergate era—it laid down rules for the use of personal data collected by the federal government.

Besides requiring federal agencies to publish lists of the records they keep on U.S. citizens, the Privacy Act places restrictions on how data can be passed from one agency to another. Under it and the Freedom of Information Act, citizens can also demand to see their files and make sure that the information in them is accurate, up-to-date and relevant.

However, the Privacy Act failed to regulate the collection or use of commercial records. Instead, it set up the Privacy Commission to study the problem.

No easy answers

The answers do not come easily, says Linowes. On the one hand, both government and business need vast amounts of information in order to operate efficiently. On the other, the citizen, who is the subject of the information, needs protection against its misuse.

"What we must do," says Linowes, "is balance the needs of the collector against the individual's rights. Unfortunately, what has happened is that the balance has tipped too much in favor of the collector and too little in favor of the individual, who has been largely neglected."