

DATA BANKS SEEN AS AID TO PRIVACY

Expert Says Computer Can
Be Set to Assure Rights

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WASHINGTON, Feb. 14 — When Senate hearings begin here next week on the government's rapidly expanding system of surveillance and electronic file keeping on millions of persons, the data processing computer is expected to be pictured as the villain of a dangerous trend toward widespread invasions of privacy and constitutional abuses in a "dossier age."

But according to one of the nation's leading authorities on computer storage techniques, the sophisticated electronic hardware of the data processors will be miscast if it is blamed for the growth of government and private snooping on the activities and foibles of individuals.

According to Dr. Alan F. Westin, a professor of law and government at Columbia University and the director of a National Science Foundation study on the political implications of data bank files, the very computers that threaten constitutional freedoms can be programed, with slight alterations, to provide better protection of privacy and individual rights than existed before the electronic age began.

The hearings before Senator Sam J. Ervin Jr.'s Subcommittee on Constitutional Rights, starting Feb. 23, are certain to lead to renewed efforts to restrict severely by law the information that agencies can seek and store on American citizens.

Mr. Ervin and others in Congress are concerned about what they have called the "intimidation" of dissent and political liberty through the Government's collection of a wide variety of computerized files on its constituents.

Secret List Disclosed

At a four-day symposium last week on data bank invasions of privacy at Dickinson College in Carlisle, Pa., for example, Senator Ervin disclosed that the United States Passport Office maintains a secret computerized "hit list" of 243,135 persons. The Passport Office computer is programmed to "flak" the names and report to various law enforcement and intelligence agencies — without the subjects' knowledge — the passport applications of a wide range of persons, including those suspected of being "subversive" or who may fail to "reflect credit" upon the United States abroad.

Ralph Nader, the consumer advocate, also told the Dickinson College symposium that commercial credit bureaus maintained private computer files of "gossip" and unverified "adverse information" on 72 million persons, which was available to anyone willing to pay a \$5 or \$10 fee.

But, in the closing address of the symposium, Dr. Westin made a defense of computer technology unusual for a civil libertarian who agrees, as he

strongly asserted that he does, with critics of the data collecting trend in the country today. He said that dossier collecting agencies were "forces which are jeopardizing the liberties of American society."

Dr. Westin did not stint the problem. Computers, he said, have encouraged the development of an "information buddy system," in which Government agencies, the military, the police, credit bureaus, personnel offices and schools make trades in "one great circuit" of personal information on people.

"We now live in an age of the total documentary portrait," he said. "Every individual has a life-long record somewhere, and we are being judged on those records more than on a face-to-face basis. Obviously, there are many times when you should erase those records — just wipe them out."

"Look at the way the property system has established rights in our capitalist system," Dr. Westin declared. "You wipe out records of bankruptcy, for example, and it is part of the commercial system that after a certain period of time we simply do not continue to record certain kinds of commercial failures because we want to encourage people to come back into business. The same thing should be true of our personal records and our personal liberty."

Erasure for Good Conduct

By using the great flexibility of computer systems, Dr. Westin maintained that it would be possible to program a computer file of, say, criminal records to discard and erase all entries after five years of good conduct.

Data banks could be arranged "so that it is impossible to get out of computer storage a piece of information without generating a record that someone has asked for that information, and who has asked and why," he said.

"Such a record could be generated at a distant point, at some regulatory or watchdog agency. Computers even make it possible to have direct, automatic notification to the subjects, themselves, that their records have been opened and queried."

"I think it is possible to be far more protective of what you put in, who has access to it, and how you combine the information in a computer environment than in the old manual records system," Dr. Westin declared.

Senator Ervin has said that he will propose the creation of a government regulatory agency that would have the statutory power — on a citizen request — to demand access to and erasure of erroneous or old or prejudicial information in data processing files.