

Levitt Says Study Shows State's Intelligence Agency, With Data on 4 Million People, Is a Peril to Rights

Controller Arthur Levitt assailed the state's intelligence agency yesterday, saying it inadequately protected individual rights, gave "thousands of employees" all over the state access to its confidential files on four million people, and provided slipshod security of its own premises.

In an audit of the State Identification and Intelligence System—which has criminal records on two million people and data on the private lives of another two million individu-

als—Mr. Levitt also said the agency permitted unauthorized military personnel to search its records.

The report describes an unimpeded nighttime foray by state auditors in which "we were able to gain access late one night through an unlocked rear door and roam unhindered through the N.Y.S.I.I.S. premises," situated in an office building on the outskirts of Albany.

The agency was created in 1965 as a "computerized criminal justice information system

serving all agencies of criminal justice in the state."

Dr. Robert R. J. Gallati, director of the identification and intelligence system, said that many of the auditor's observations "were well-taken" and that the agency had already made arrangements.

Dr. Gallati noted that the audit covered the period from the agency's creation in 1965 to March 31, 1970. While he said he had received the actual report only a week ago, N.Y.S. I.I.S. personnel had been aware of the auditor's major criticisms

and had done "a tremendous amount" to increase security and respect the privacy of individuals, he added.

For example, he said, the agency had tightened up its own internal security and was beginning to check on some of the reasons for the requests for data.

"We are more sensitive to privacy than any other intelligence system in the country—bar none," the director said.

Attempts to reach Dr. Robert R. J. Gallati, director of the identification and intelligence

system, to comment on the auditors' findings were unsuccessful.

Mr. Levitt's audit questioned the agency's practice of responding to the inquiries of the "thousands of employees at the 3,600 user agencies" after noting that a police officer had recently been brought to trial on charges of selling information he had obtained from the intelligence agency to commercial firms.

"Our visits to user agencies," the report said, "indicated that numerous . . . troopers as-

signed to a state police station, clerks in a criminal identification bureau or a county police force or probation unit staff of a criminal court could initiate an inquiry."

In a section labeled "Privacy," the auditors said that "we found areas in which privacy, civil rights and civil liberties have not been protected in a manner consistent" with the agency's espoused posture of protecting individual rights and liberties.

They noted that the law gave a suspect who was not

convicted the right to request that his fingerprints be eliminated from the file. This places an undue burden on the individual, the report said, and retention of the fingerprints "does not seem to conform to the N.Y.S.I.I.S. policy of protecting the individual's rights."

The report singled out the agency's most sensitive division, the Bureau of Organized Crime, which has its data stored behind two doors.

"We noted, however, that the hinges of one door were on the outside of the room

rather than the inside," the report commented. "It is thus possible to easily remove the door and gain access to the room and highly confidential data."

The agency also has not made adequate provision to prevent disclosure of confidential information by employees of its clients, the report said, and urged enactment of well-publicized legal restrictions to deter such disclosures.

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