

On Safeguarding the Right of Privacy

NYTimes

JUN 15 1974

By Frank T. Cary

ARMONK, N.Y.—Writing in The Harvard Law Review of 1890, Louis D. Brandeis warned of "mechanical devices" that would threaten the solitude and privacy of the individual.

Because of a cluster of new inventions, he noted, a "next step" was needed to protect a person's "right to be let alone." That warning went largely unheeded and the mechanical devices he wrote about so apprehensively—the snapshot camera and the telephone—quickly passed into familiar use and easy abuse.

Eighty-four years after Mr. Brandeis's admonition we are still waiting for that next step. Infringement of privacy, a lively issue long before the computer, still concerns those who

would protect the individual from the misuses of technology.

The basic conflict between personal liberty and public rights continues to defy a simple resolution. We still seek that delicate balance between a person's right to guard those confidences that make up his private life and society's desire for freedom of information.

In the past you had to be famous or infamous to have a dossier. Today there can be a dossier on anyone. Information systems, with a seemingly limitless capacity for storing and sorting information, have made it practical to record and transfer a wealth of data on just about anyone. The result is that we now retain too much information. The ambiguous and unverified are retained along with legitimate data.

Clearly, there is a real need for re-

form not only in our ways of handling personal data but in our thinking about what is and what isn't the proper concern of outsiders. Safeguarding data stored in the computer is a procedural and technological problem. But determining what information may be collected, by whom and to whom this information may be made available is a social and legal one.

There have been many proposals suggesting guidelines about who may have access to what in the computer. Last year, for example, there were some seventy bills dealing with protection of individual privacy pending in state legislatures. Whatever legislation is considered, we can minimize the need to revise or refine it by agreeing on a few general provisions for automated and manual files.

First, individuals should have access to information about themselves in

record-keeping systems. And there should be some procedure to find out how this information is being used.

Second, there should be some way for an individual to correct or amend an inaccurate record.

Third, an individual should be able to prevent information from being improperly disclosed or used for other than authorized purposes without his consent, unless required by law.

Last, the custodian of data files containing sensitive information should take reasonable precautions to be sure that the data are reliable and are not misused.

Of course, one way of preventing misuse of personal information is to discourage its collection in the first place.

Frank T. Cary is chairman of the board of I.B.M.