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*Privacy*

November 18, 1974

To: George Trubow

From: Eva

Mr. Buchen asked me to send  
the attached draft of letter for  
your approval.

He will sign each of the letters  
when they have been prepared,  
and he would like to use first-name  
salutations.

Thanks very much.

*Understand the  
date has been  
changed to  
Monday, Dec. 16*



D R A F T

Dear (General:)\*

The Domestic Council Committee on the Right of Privacy and the Council of State Governments, in accord with the President's desire to involve State and local government in privacy program development, are sponsoring a Seminar on Privacy. This Seminar will involve as many as 150 participants from State and local governments.

We had hoped the President would be able to appear during the course of the three-day proceedings at the Mayflower Hotel, but he will be away at that time.

The Committee staff has requested me to invite you to the closing luncheon which will be held on Tuesday, December 17, at \_\_\_\_ o'clock at the Mayflower Hotel. I very much hope that you, as a member of the Committee, could be present on this occasion. One of the principal topics of the Seminar is to be \_\_\_\_\_.

If you are unable to attend the luncheon, I would appreciate your designating an official from your Department [Agency] to attend as your personal representative.

Kindly let me know as soon as possible of your plans regarding the luncheon.

\* The other principal topics and addressees are: Consumer Affairs, Virginia Knauer; Employee Records, Secretary Brennan; and General Data Banks, Secretary Weinberger.



THE WHITE HOUSE  
WASHINGTON

Will you  
want a  
Transmittal  
note written?  
(to George)




80B  
11/15

DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

November 14, 1974

MEMORANDUM FOR: PHIL BUCHEN

FROM : GEORGE B. TRUBOW 

SUBJECT : Federal/State/Local Privacy Seminar

We have been advised that the President will be out of the country during the Seminar and therefore unable to attend. At the closing luncheon of the Seminar, we want some members of the Privacy Committee at the head table, though it is unnecessary for all of them to be there. We think that those who are closest to the topics selected for the Seminar should be there, and that would include the Attorney General, the Secretaries of HEW and Labor, and the Director of the Office of Consumer Affairs. We would like the President to send a note to these Committee members urging them to attend; suggested text for the note is attached.

Would you please have this request cleared by the proper person? On advice, we will prepare individual letters, as appropriate, for the President's signature.

Thanks for the help.

Attachment: a/s



D R A F T

Dear (General:)\*

The Domestic Council Committee on the Right of Privacy and the Council of State Governments, in accord with <sup>President's</sup> ~~my~~ desire to involve State and local government in privacy program development, are sponsoring a Seminar on Privacy. *Amert*

I will be out of the country at the time of the Seminar.

I hope that you will be able to attend the closing luncheon on Tuesday, December 17, 1974, since (Criminal Justice Information)\* is one of the princip<sup>al</sup>~~le~~ topics of the Seminar.

I know you have a busy schedule, but this Seminar will open the intergovernmental cooperative effort in privacy programming and therefore is relatively significant. Further information on the Seminar will be provided to you by the Committee staff.

Sincerely,

\*The other principle topics and addressees are: Consumer Affairs, Virginia Knauer; Employee Records, Secretary Brennan; and General Data Banks, Secretary Weinberger.



THE WHITE HOUSE

WASHINGTON

November 20, 1974

The Honorable William B. Saxbe  
Attorney General  
Room 5115 - Department of Justice  
10th and Pennsylvania Avenue, NW.  
Washington, D.C. 20530

Dear Mr. Attorney General:

The Domestic Council Committee on the Right of Privacy and the Council of State Governments, in accord with the President's desire to involve State and local government in privacy program development, are sponsoring a Seminar on Privacy. This Seminar will involve as many as 150 participants from State and local governments. You have probably already received information about it from the Acting Executive Director.

We had hoped the President would be able to appear during the course of the three-day proceedings at the Mayflower Hotel, but he will be away at that time.

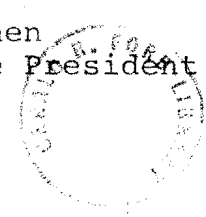
The Committee staff has requested me to urge your attendance particularly at the opening luncheon on Monday, December 16, at 12:15 p.m. at the Mayflower Hotel. I very much hope that you, as a member of the Committee, will be present on this occasion, since one of the principal topics of the Seminar is to be Criminal Justice Information Systems.

If you are unable to attend the luncheon, I would appreciate your designating an official from your Department to attend as your personal representative.

Kindly let me know as soon as possible of your plans regarding the luncheon.

Sincerely yours,

Philip W. Buchen  
Counsel to the President



THE WHITE HOUSE

WASHINGTON

November 20, 1974

The Honorable Virginia H. Knauer  
Director  
Office of Consumer Affairs  
Washington, D.C. 20201

Dear Mrs. Knauer:

The Domestic Council Committee on the Right of Privacy and the Council of State Governments, in accord with the President's desire to involve State and local government in privacy program development, are sponsoring a Seminar on Privacy. This Seminar will involve as many as 150 participants from State and local governments. You have probably already received information about it from the Acting Executive Director.

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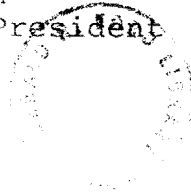
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If you are unable to attend the luncheon, I would appreciate your designating an official from your Agency to attend as your personal representative.

Kindly let me know as soon as possible of your plans regarding the luncheon.

Sincerely yours,

Philip W. Buchen  
Counsel to the President





THE WHITE HOUSE

WASHINGTON

November 20, 1974

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
The White House  
Washington, D.C. 20500

Dear Mr. Ash:

The Domestic Council Committee on the Right of Privacy and the Council of State Governments, in accord with the President's desire to involve State and local government in privacy program development, are sponsoring a Seminar on Privacy. This Seminar will involve as many as 150 participants from State and local governments. You have probably already received information about it from the Acting Executive Director.

We had hoped the President would be able to appear during the course of the three-day proceedings at the Mayflower Hotel, but he will be away at that time.

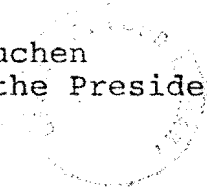
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If you are unable to attend the luncheon, I would appreciate your designating an official from your Agency to attend as your personal representative.

Kindly let me know as soon as possible of your plans regarding the luncheon.

Sincerely yours,

Philip W. Buchen  
Counsel to the President



THE WHITE HOUSE

WASHINGTON

November 20, 1974

The Honorable Peter Brennan  
Secretary of Labor  
Room 3140 - Labor Department  
14th and Constitution Avenue, NW.  
Washington, D.C. 20210

Dear Mr. Secretary:

The Domestic Council Committee on the Right of Privacy and the Council of State Governments, in accord with the President's desire to involve State and local government in privacy program development, are sponsoring a Seminar on Privacy. This Seminar will involve as many as 150 participants from State and local governments. You have probably already received information about it from the Acting Executive Director.

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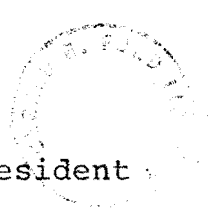
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If you are unable to attend the luncheon, I would appreciate your designating an official from your Department to attend as your personal representative.

Kindly let me know as soon as possible of your plans regarding the luncheon.

Sincerely yours,

Philip W. Buchen  
Counsel to the President



THE WHITE HOUSE

WASHINGTON

November 20, 1974

The Honorable Caspar W. Weinberger  
Secretary of Health, Education, and Welfare  
Room 5246 - HEW North Building  
330 Independence Avenue, SW.  
Washington, D.C. 20201

Dear Mr. Secretary:

The Domestic Council Committee on the Right of Privacy and the Council of State Governments, in accord with the President's desire to involve State and local government in privacy program development, are sponsoring a Seminar on Privacy. This Seminar will involve as many as 150 participants from State and local governments. You have probably already received information about it from the Acting Executive Director.

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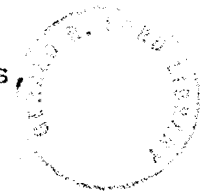
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If you are unable to attend the luncheon, I would appreciate your designating an official from your Department to attend as your personal representative.

Kindly let me know as soon as possible of your plans regarding the luncheon.

Sincerely yours,

Philip W. Buchen  
Counsel to the President



*Privacy*

November 21, 1974

To: George Trubow

From: Eva Daughtrey

At long last -- they finally  
brought me the signed letter.  
I have mailed it to Ms. Stein.  
So here are your copies.

You know how sorry I am that  
it took so long to get it out,  
but -----

Attachments



THE WHITE HOUSE

WASHINGTON

November 11, 1974

Dear Ms. Stein:

Thank you for your invitation for a contribution by the Domestic Council Committee on the Right of Privacy to Trial Magazine's Symposium on Privacy. I have asked Mr. Douglas W. Metz, who is directing the staff of that Committee, and Mr. George B. Trubow, its General Counsel, to submit a brief overview on privacy issues from the Federal perspective.

As I became involved with issues of individual privacy and information confidentiality in my role as Chairman of the Privacy Committee, I was impressed with their scope and complexity. Despite the complexities of these issues, this Administration is dedicated to action and will continue to propose and undertake new initiatives to protect personal privacy.

It is vital that there be extensive public dialogue to explore and clarify the precise meaning of privacy issues as they affect the American people. Trial Magazine's symposium is an important contribution to that dialogue, and I congratulate you for assigning priority to this important subject and for giving the Privacy Committee an opportunity to participate.

Sincerely,

*Gerald R. Ford*

Ms. Barbara A. Stein  
Editor  
Trial Magazine  
20 Garden Street  
Cambridge, Massachusetts 02138



PERSONAL PRIVACY - THE FEDERAL PERSPECTIVE

by

DOUGLAS W. METZ, ACTING EXECUTIVE DIRECTOR

and

GEORGE B. TRUBOW, GENERAL COUNSEL

DOMESTIC COUNCIL COMMITTEE  
ON THE RIGHT OF PRIVACY

November 11, 1974



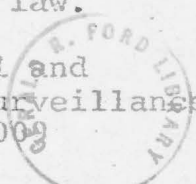
This Symposium is a useful contribution to the literature on privacy. The complex issues facing all levels of government and the private sector will need careful consideration so that personal privacy can be protected in a way consistent with the information needs of government and commerce.

The Domestic Council Committee on the Right of Privacy, was established in February, 1974, with then-Vice President Gerald Ford as Chairman. Mr. Philip Buchen, now the President's Legal Counsel was appointed Executive Director in March, 1974, and thereafter acquisition of a small staff was undertaken. Though the Committee is yet in its infancy, a discussion of some of its activities will provide a helpful insight into the scope of the Federal government's concern in relevant subject areas.

The work of the Privacy Committee addresses three subject areas: the privacy of the individual; practices for maintaining the confidentiality of personal information; and the security of personal data in information systems. (Questions concerning electronic surveillance are not a priority for the Committee at this time because of the mandate of the Wiretap Commission.)<sup>1</sup>

The first area involves questions of the law of privacy, which to date is an amalgam of legal concepts deriving from Articles and Amendments in the Constitution and from various interests recognized by the common law.

<sup>1</sup>National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance  
1875 Connecticut Avenue, NW., Washington, D.C. 20009

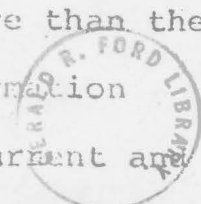


There is no coherent body of "privacy law" as such, and an important area of inquiry for the Committee is legal research into a conceptual and legal construct for individual privacy interests.

The extent to which personal information should be kept confidential is perhaps the central privacy issue; thus for the Privacy Committee, privacy protection largely concerns information and record-keeping practices. If an agency or business has information referenced with respect to identifiable individuals, what duties accompany the stewardship of that information?

Principles espoused in a study performed under the direction of the Secretary of the Department of Health, Education and Welfare in 1973, seem to make good sense as general guides to assure fair information practices in systems of records containing personal information:

1. Save in limited areas of national security, there should be no personal data system whose very existence is secret.
2. Individuals should have the right to look at files that contain personal information about themselves.
3. Agencies that use personal information should take care not to collect and keep more than they need for their purpose, and the information should be accurate, and reasonably current and complete, depending on the nature of use.





4. Information should be used only for the purposes for which it was gathered, unless the data subject gives consent to some other use.
5. There should be simple procedures by which the data subject can see to it that outdated, erroneous or incomplete information is amended or corrected.
6. Personal data should be safeguarded against unauthorized access and improper use.

The first five points go to confidentiality and information practices; the sixth point addresses security of data systems. These principles have been generally accepted by the Privacy Committee and form the basis for the work that is going forward. The questions surrounding matters of privacy and information confidentiality are many and complex. As President Ford stated in his capacity as Chairman of the Privacy Committee: "In our zeal to protect this right more adequately, we should not attempt to remedy all abuses within the four corners of one bill. Potential intrusions on personal privacy have too many facets and the public interests involved are too complex to permit all-inclusive remedies. The burden of legislating in this field requires a delicate balancing of the interests




of each individual to control the gathering and use of information about him and the interests of government in obtaining the information needed to administer its services and enforce its laws."<sup>2</sup>

The Committee realizes that the bulk of privacy and confidentiality concerns are within the domain of state and local government and the private sector. Though there are 2.8 million Federal civilian employees and a myriad of Federal service programs, the number seems less significant when compared with the 10.8 million state and local employees and the aggregate of countless state and local agencies that maintain personal information data files. Of equal significance, are the files in the private sector, concerning such personal matters as health, insurance, credit and financing, memberships, subscriptions, housing, etc.

Though state, local and private systems may be overwhelming, nevertheless, the initial focus of the Committee has been on the Federal government; before attention is paid to state and local government and the private sector, the Federal establishment should attempt to get its own house in order with respect to privacy and confidentiality. Accordingly, with a few exceptions, the Privacy Committee's initial activities have affected the Federal family of agencies.

<sup>2</sup>Letter from Vice President Gerald R. Ford to Honorable Sam J. Ervin, Jr., Chairman, Government Operations Committee, in connection with hearings on privacy legislation, June 19, 1974.



The core staff of the Privacy Committee is small, with the principle manpower for Committee work being supplied by the member agencies which are: the Secretaries of the Department of the Treasury, Department of Defense, Department of Commerce, Department of Labor, and Department of Health, Education, and Welfare; the Attorney General; the Chairman of the U.S. Civil Service Commission; the Directors of the Office of Management and Budget and the Office of Telecommunications Policy; and the Special Assistant to the President for Consumer Affairs. Each of these agencies has assigned staff or task forces to work on various projects, either in a lead or contributing capacity, depending upon the nature of the effort and the interest and expertise of the particular member agency.

Here is a list of some of the projects and initiatives commenced under the auspices of the Committee:

1. Development of standards for computer system and network security. This initiative should have benefits for all levels of government and the private sector, for it contemplates the development of personal information categories in terms of confidentiality requirements, together with standards to safeguard systems containing personal information.
2. Recommendations for legislation that will:
  - a. Provide confidentiality and security requirements for Federal data banks.



- b. Establish confidentiality and security requirement for criminal justice information systems.
- c. Provide increased confidentiality for tax information.
- d. Federal practices in pre-employment personnel background investigations.

Though these activities are directed mainly at the Federal level, hopefully our experience will provide useful guidance to other levels of government, and to the private sector, as they assume roles in programs to ensure the confidentiality of personal information.

In addition to what may be gained through "spillover" from Federally oriented activities, there are a few studies and programs that impact more broadly:

1. A survey of private sector pre-employment practices as regards personnel background investigations.
2. The development of a consumer code of fair information practices that can be voluntarily subscribed to by business and industry.
3. Examination of the Fair Credit Reporting Act, to develop recommendations for improving legislative safeguards on behalf of the consumer.
4. Support for legislation establishing stronger privacy protections for access to customer financial records maintained by banks.



5. Support of legislation, which has now been enacted, to protect the confidentiality of student records maintained by schools, colleges and universities, and to provide for access to records by students and parents.

As is obvious from these opening efforts of the Privacy Committee, the scope of the mandate is broad, and there is much yet to be done as a program is shaped.

In December, a symposium with representatives of state and local government considered a strategy for governmental cooperation in developing and implementing privacy and confidentiality safeguards; the report of that session soon will be available. Consistent with the concepts of New Federalism, governmental partnership in program development is being pursued in privacy initiatives, as well as other government service programs.

We also look to cooperative efforts with the private sector in developing responsible practices with regard to the handling of personal information about clients and consumers.

The present goal of the Committee is to develop a "self-executive program" -- one that develops an awareness and acceptance by all people, the persons responsible for maintaining systems of records of the nature and extent of privacy and confidentiality considerations. There are many





ways in which the privacy of individuals can be violated, without evil intention, as a result of inadequate regard for practices surrounding the use and maintenance of information about individuals.

Next, we look to the development of fair information practices, consistent with the principles mentioned earlier in this article, that can be adopted by government and the private sector. Everyone appears to be interested in protecting personal privacy. The operations of government and business should not be couched in the maintenance of personal information hidden from the data subjects and unverified by objective standards of accuracy and reliability. Surely there has not been enough attention paid to these considerations in the past, and the work of the Privacy Committee is bringing to light some of those failures. Efforts such as this symposium can provide more understanding and public awareness of the problems and the solutions. Nothing can be more sacred to our democratic society than the security of the citizen in his home, and the privacy of the individual in the conduct of his personal affairs. The Privacy Committee is working to that end, and if all citizens, government and businesses, join in the effort, the objective can be achieved.



Wednesday 11/13/74

6:05 Mr. Metz called. Said on the matter we discussed last Friday evening, which was a letter to go to the editor of Trial Magazine ---- they did make the request change in the one sentence and sent it to Jerry Jones' office, with the hope that it might be ready for President's signature Thursday or Friday of this week. Suggested they would like it back so they'd know it had been signed.

They now get the word that it has to be "staffed out".

This was discussed with Geoff Shepard, Jerry Jones, Mr. Buchen, and Mr. Metz, etc. last Friday night.

Why should it have to be staffed out again?

*Talked to Jerry Jones at 3:30  
11/15 who said he would  
try to locate letter &  
get it out to you signed.*



DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

November 11, 1974

MEMORANDUM TO: JERRY H. JONES  
FROM: DOUGLAS W. METZ *D.W.M.*  
SUBJECT: Trial Magazine Article

Will you please have the attached letter signed and returned to this office so that we can mail it as quickly as possible to Ms. Barbara A. Stein, Editor, Trial Magazine?

The text of the letter has been coordinated with Geoff Shepard and Phil Buchen's office.

Attachment

cc: Phil Buchen  
Geoff Shepard





THE WHITE HOUSE

WASHINGTON

November 11, 1974

Ms. Barbara A. Stein  
Editor  
Trial Magazine  
20 Garden Street  
Cambridge, Massachusetts 02138

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Sincerely,

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November 11, 1974



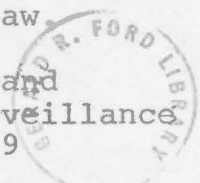
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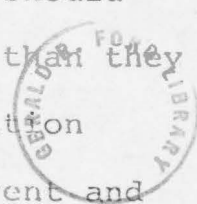
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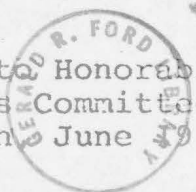


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2. The development of a consumer code of fair information practices that can be voluntarily subscribed to by business and industry.
3. Examination of the Fair Credit Reporting Act, to develop recommendations for improving legislative safeguards on behalf of the consumer.
4. Support for legislation establishing stronger privacy protections for access to customer financial records maintained by banks.





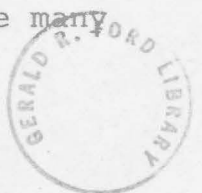
5. Support of legislation, which has now been enacted, to protect the confidentiality of student records maintained by schools, colleges and universities, and to provide for access to records by students and parents.

As is obvious from these opening efforts of the Privacy Committee, the scope of the mandate is broad, and there is much yet to be done as a program is shaped.

In December, a symposium with representatives of state and local government considered a strategy for governmental cooperation in developing and implementing privacy and confidentiality safeguards; the report of that session soon will be available. Consistent with the concepts of New Federalism, governmental partnership in program development is being pursued in privacy initiatives, as well as other government service programs.

We also look to cooperative efforts with the private sector in developing responsible practices with regard to the handling of personal information about clients and consumers.

The present goal of the Committee is to develop a "self-executive program" -- one that develops an awareness and acceptance by all people, the persons responsible for maintaining systems of records of the nature and extent of privacy and confidentiality considerations. There are many



ways in which the privacy of individuals can be violated, without evil intention, as a result of inadequate regard for practices surrounding the use and maintenance of information about individuals.

Next, we look to the development of fair information practices, consistent with the principles mentioned earlier in this article, that can be adopted by government and the private sector. Everyone appears to be interested in protecting personal privacy. The operations of government and business should not be couched in the maintenance of personal information hidden from the data subjects and unverified by objective standards of accuracy and reliability. Surely there has not been enough attention paid to these considerations in the past, and the work of the Privacy Committee is bringing to light some of those failures. Efforts such as this symposium can provide more understanding and public awareness of the problems and the solutions. Nothing can be more sacred to our democratic society than the security of the citizen in his home, and the privacy of the individual in the conduct of his personal affairs. The Privacy Committee is working to that end, and if all citizens, government and businesses, join in the effort, the objective can be achieved.



THE WHITE HOUSE  
WASHINGTON

Geoff Shepard  
to call  
Trubow





6pm  
Heph  
shepard

2 pretty car

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W. Phil  
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Handwritten notes:

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7:50  
called Jones

THE WHITE HOUSE

WASHINGTON

9:00 P. D. Perry Jones  
to help, let them know

said to  
work off  
Geoff on the  
message

They will  
get it taken  
care of.



11/8/74

To: Donna

From: Eva

The whole package!



11/8/74

THE WHITE HOUSE  
WASHINGTON

4:15 called to  
ask Jones' office.  
about this.

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Shepard feels  
the President  
shouldn't sign  
invitation  
letters.





11/8/74

THE WHITE HOUSE  
WASHINGTON

Shepard will  
call Trebort  
feels the transmittal  
letter should  
include more about  
privacy — feels  
Mety should sign  
article —  

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would like to rewrite  
article but will be  
away for  
2 weeks



Thursday 11/7/74

5:40 George Trubow called to ask whether the President would want to sign a memorandum generally or invitation letters which they will prepare for his signature -- or for the signature wheel.



DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

November 4, 1974

MEMORANDUM FOR: PHIL BUCHEN  
FROM: DOUG METZ *D.W.M.*  
SUBJECT: Article for Trial Magazine

Geoff Shepard suggested that a letter from the President responding to Ms. Stein's invitation should accompany the article for Trial Magazine which you would author.

cc: Geoff Shepard

Attachment



Ms. Barbara A. Stein  
Editor  
Trial Magazine  
20 Garden Street  
Cambridge, Massachusetts 02138

Dear Ms. Stein:

Thank you for your invitation for a contribution by the Domestic Council Committee on the Right of Privacy to Trial Magazine's Symposium on Privacy. Mr. Philip W. Buchen, my legal counsel, was formerly the Executive Director of that committee, and I have asked him to submit a brief overview on privacy issues from the Federal perspective.

As I became involved with issues of individual privacy and information confidentiality in my role as Chairman of the Privacy Committee, I was especially impressed with their scope and complexity. It is especially important, therefore, that there be extensive public dialogue to explore and clarify the precise meaning of the issues as they affect the American people. Trial Magazine's symposium is an important contribution to that dialogue, and I congratulate you for assigning priority to this important subject and for giving the Privacy Committee an opportunity to participate.

Sincerely,

Gerald R. Ford

*Privacy*

November 2, 1974

MEMORANDUM FOR: Jerry Jones

FROM: Phil Buchen

Would appreciate your implementing the attached request.

I believe the President should continue to be strongly identified with the initiatives of the Privacy Committee at least until we have a Vice President to head this effort.

Attachment

PWBuchen:ed



DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

November 1, 1974

MEMORANDUM FOR: Phil Buchen

FROM : George B. Trubow

SUBJECT: Privacy Seminar

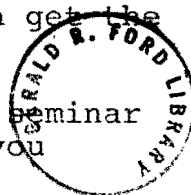
The staff of the Privacy Committee is currently working with the Council of State Governments to prepare for a Seminar on Privacy, which will be held in the Mayflower Hotel, December 15-17. This is in large measure a response to the President's desire for the involvement of State and local governments in pursuing comprehensive privacy strategies, as he emphasized in his speech to the National Governor's Conference last March. The Seminar will involve 100 - 150 participants including State, County and City administrators, council members and legislators.

To highlight the importance of the program, we request that the attached letter (or memo, as preferred) accompany the invitation to each Seminar participant. Our preference, of course, is a personalized letter signed by the President. (Attachment #1) (The logistical details, i.e., typing of addressee names, etc., would be handled by our co-sponsors, CSG. The last clause of the final sentence can be easily deleted if desired.)

If this is not possible, we present as our second option Attachment #2, which is a general memorandum addressed to "Privacy Seminar Invitee." This, of course, could be reproduced in sufficient number to accompany each invitation.

Since time is an important factor in our preparations, we urge a quick response (by November 6, so we can get the invitations in the mail by the 8th).

By mid-November, the detailed plans for the seminar agenda, etc., should be completed, and I'll keep you informed.



11/1/74

PROPOSED DRAFT FOR THE PRESIDENT'S SIGNATURE

Dear \_\_\_\_\_:

I am pleased to endorse the invitation that has been extended to you for the Seminar on Privacy. To assure a productive working session, participation is being limited to selected individuals with pertinent talents and interests. I sincerely hope you can arrange to be in Washington for this event.

As Vice President, I served as Chairman of the Domestic Council Committee on the Right of Privacy. Our objective was to put a stop to unwarranted future invasions of individual privacy, with initial emphasis on efforts by the Federal government or its agents. We knew, however, that privacy should be of concern at every level of government and, ultimately, at the level of each individual citizen.

Last March I indicated to the Governors that much of the remedy must be found closer to the people, at the State and local level. I urged them to begin looking at the problem and to work with the Federal government in developing means to safeguard privacy.





This Seminar is the initial effort to launch that kind of cooperation. This is your opportunity to make a significant individual contribution in a dynamic expression of New Federalism by helping to plan the State and local strategy for privacy protection.

I have high personal hopes not only that this will be a very enjoyable and worthwhile experience for each participant, but that out of it will come a significant program for a cooperative governmental effort. I will follow the progress of the Seminar with interest and anticipation, (and I hope to find time to participate).

Sincerely,



11/1/74

FROM : The President

SUBJECT: The Privacy Seminar

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Sincerely,



Friday 11/1/74

4:10 Geoff Shepard called to say that he had received the copy of George Trubow's memo -- at Geoff's suggestion, Mr. Trubow is also drafting a two-paragraph letter of a highly general tone for the President to sign to accompany the more detailed article which he thinks you should sign.

*I ~~would prefer~~ will sign.  
T.*

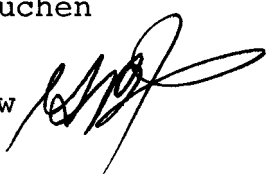


DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

November 1, 1974

MEMORANDUM FOR: Phil Buchen

FROM : George B. Trubow 

SUBJECT: Article for Trial Magazine (attached)

Trial magazine asked the President to submit an article for its January-February issue which will be a symposium on privacy. The request was sent to us.

After discussion with the symposium staff editor, Barbara Stein, I prepared an article in the form of a foreword, giving an overview of the Privacy Committee's activities. The nature and length of this article is agreeable to the editor.

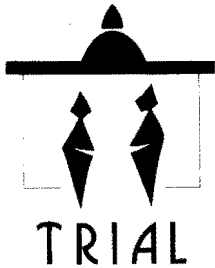
I don't know the policy regarding the President's signature on such articles, so I drafted this as if written by you. With slight editing it could be signed by the President, or by Doug and me. Your option. The due date is November 4, 1974.

Attachment: a/s

cc: Geoff Shepard

GBT/sgd





## THE NATIONAL LEGAL NEWSMAGAZINE

Richard S. Jacobson  
Editor and Director  
of Public Affairs and Education

Barbara A. Stein  
Editor

An Overview of Computer Data-Banks--Douglas Lea  
American Civil Liberties Union's  
Privacy Project

Criminal Data Banks--Clarence Kelley, FBI Director

Criminal Data Banks-Mark Gitenstein, Counsel, Senate Subcommittee  
on Constitutional Rights

Electronic Surveillance- Sen. Gaylord Nelson

Political Surveillance - John Shattuck, Director ACLU's  
political surveillance project

Consumer Data Banks- Sen. William Proxmire

Consumer Data Banks- John Spafford  
Associated Credit Bureau, Inc.

Psychiatrists and Privacy-- Dr. Alfred M. Freedman, President  
American Psychiatric Assoc.



PERSONAL PRIVACY - THE FEDERAL PERSPECTIVE

This Symposium is a useful contribution to the literature on privacy. The complex issues facing all levels of government and the private sector will need careful consideration so that personal privacy can be protected in a way consistent with the information needs of government and commerce.

Prior to appointment as Counsel to the President, I served then Vice President Ford as Executive Director of the Domestic Council Committee on the Right of Privacy. Perhaps a discussion of some of the Committee's activities will provide a helpful insight into the scope of the Federal government's concern in relevant subject areas.

The work of the Privacy Committee addresses three subject areas: the privacy of the individual; practices for maintaining the confidentiality of personal information; and the security of personal data in information systems. (Questions concerning electronic surveillance are not a priority for the Committee at this time because of the mandate of the Wiretap Commission.)<sup>1</sup>

The first area involves questions of the law of privacy, which to date is an amalgam of legal concepts deriving from Articles and Amendments in the Constitution and from various interests recognized by the common law.

<sup>1</sup>National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, 1875 Connecticut Avenue, NW., Washington, D.C. 20009

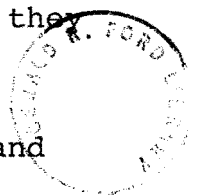


There is no coherent body of "privacy law" as such, and an important area of inquiry for the Committee is legal research into a conceptual and legal construct for individual privacy interests.

The extent to which personal information should be kept confidential is perhaps the central privacy issue; thus for the Privacy Committee, privacy protection largely concerns information and record-keeping practices. If an agency or business has information referenced with respect to identifiable individuals, what duties accompany the stewardship of that information?

Principles espoused in a study performed under the direction of the Secretary of the Department of Health, Education and Welfare in 1973, seem to make good sense as general guides to assure fair information practices in systems of records containing personal information:

1. Save in limited areas of national security, there should be no personal data system whose very existence is secret.
2. Individuals should have the right to look at files that contain personal information about themselves.
3. Agencies that use personal information should take care not to collect and keep more than they need for their purpose, and the information should be accurate, and reasonably current and complete, depending on the nature of use.



4. Information should be used only for the purposes for which it was gathered, unless the data subject gives consent to some other use.
5. There should be simple procedures by which the data subject can see to it that outdated, erroneous or incomplete information is amended or corrected.
6. Personal data should be safeguarded against unauthorized access and improper use.

The first five points go to confidentiality and information practices; the sixth point addresses security of data systems. These principles have been generally accepted by the Privacy Committee and form the basis for the work that is going forward. The questions surrounding matters of privacy and information confidentiality are many and complex. As President Ford stated in his capacity as Chairman of the Privacy Committee: "In our zeal to protect this right more adequately, we should not attempt to remedy all abuses within the four corners of one bill. Potential intrusions on personal privacy have too many facets and the public interests involved are too complex to permit all-inclusive remedies. The burden of legislating in this field requires a delicate balancing of the interests

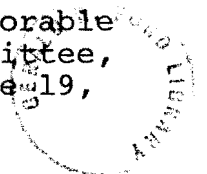


of each individual to control the gathering and use of information about him and the interests of government in obtaining the information needed to administer its services and enforce its laws."<sup>2</sup>

The Committee realizes that the bulk of privacy and confidentiality concerns are within the domain of state and local government and the private sector. Though there are 2.8 million Federal civilian employees and a myriad of Federal service programs, the number seems less significant when compared with the 10.8 million state and local employees and the aggregate of countless state and local agencies that maintain personal information data files. Of equal significance, are the files in the private sector, concerning such personal matters as health, insurance, credit and financing, memberships, subscriptions, housing, etc.

Though state, local and private systems may be overwhelming, nevertheless, the initial focus of the Committee has been on the Federal government; before attention is paid to state and local government and the private sector, the Federal establishment should attempt to get its own house in order with respect to privacy and confidentiality. Accordingly, with a few exceptions, the Privacy Committee's initial activities have affected the Federal family of agencies.

<sup>2</sup>Letter from Vice President Gerald R. Ford to Honorable Sam J. Ervin, Jr., Chairman, Government Operations Committee, in connection with hearings on privacy legislation, June 19, 1974.



The core staff of the Privacy Committee is small, with the principle manpower for Committee work being supplied by the member agencies which are: the Secretaries of the Department of the Treasury, Department of Defense, Department of Commerce, Department of Labor, and Department of Health, Education, and Welfare; the Attorney General; the Chairman of the U.S. Civil Service Commission; the Directors of the Office of Management and Budget and the Office of Telecommunications Policy; and the Special Assistant to the President for Consumer Affairs. Each of these agencies has assigned staff or task forces to work on various projects, either in a lead or contributing capacity, depending upon the nature of the effort and the interest and expertise of the particular member agency.

Here is a list of some of the projects and initiatives commenced under the auspices of the Committee:

1. Development of standards for computer system and network security. This initiative should have benefits for all levels of government and the private sector, for it contemplates the development of personal information categories in terms of confidentiality requirements, together with standards to safeguard systems containing personal information.
2. Recommendations for legislation that will:
  - a. Provide confidentiality and security requirements for Federal data banks.



- b. Establish confidentiality and security requirement for criminal justice information systems.
- c. Provide increased confidentiality for tax information.
- d. Federal practices in pre-employment personnel background investigations.

Though these activities are directed mainly at the Federal level, hopefully our experience will provide useful guidance to other levels of government, and to the private sector, as they assume roles in programs to ensure the confidentiality of personal information.

In addition to what may be gained through "spillover" from Federally oriented activities, there are a few studies and programs that impact more broadly:

- 1. A survey of private sector pre-employment practices as regards personnel background investigations.
- 2. The development of a consumer code of fair information practices that can be voluntarily subscribed to by business and industry.
- 3. Examination of the Fair Credit Reporting Act, to develop recommendations for improving legislative safeguards on behalf of the consumer.
- 4. Support for legislation establishing stronger privacy protections for access to customer financial records maintained by banks.



5. Support of legislation, which has now been enacted, to protect the confidentiality of student records maintained by schools, colleges and universities, and to provide for access to records by students and parents.

As is obvious from these opening efforts of the Privacy Committee, the scope of the mandate is broad, and there is much yet to be done as a program is shaped.

In December, a meeting with representatives of state and local government will be devoted to shaping a strategy for governmental cooperation in developing and implementing privacy and confidentiality safeguards. Consistent with the concepts of New Federalism, governmental partnership in program development is being pursued in privacy initiatives, as well as other government service programs.

We also look to cooperative efforts with the private sector in developing responsible practices with regard to the handling of personal information about clients and consumers.

The present goal of the Committee is to develop a "self-executing program" -- one that develops an awareness and acceptance by all people; the persons responsible for maintaining systems of records of the nature and extent of privacy and confidentiality considerations. There are many



ways in which the privacy of individuals can be violated, without evil intention, as a result of inadequate regard for practices surrounding the use and maintenance of information about individuals.

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*Privacy*

November 26, 1974

MEMORANDUM FOR: WILLIAM N. WALKER  
FROM: PHILIP W. BUCHEN  
SUBJECT: OMB Associate Director for  
Management and Operations Vacancy

I understand that Bob Marik, OMB Associate Director for Management and Operations, is leaving government early next month. Bob has been a key person in supporting the work of the Domestic Council Committee on the Right of Privacy as well as OMB's official Liaison Representative to the Committee. Because of the importance of Bob's position at OMB (responsibility for information systems and reports clearance) I believe that the qualifications of his successor should include a sensitivity to the privacy issue and a positive attitude toward the President's commitment to further progress in this field.

NOTE TO PHIL BUCHEN

After we spoke yesterday, I remembered that John Byington had mentioned to me his interest in a top position at OMB. His energetic "new look" approach to management and demonstrated enthusiasm for the President's program warrant his serious consideration for Bob Marik's position.

*Privacy*

November 2, 1974

MEMORANDUM FOR: Jerry Jones  
FROM: Phil Buchen

Would appreciate your implementing the attached request.

I believe the President should continue to be strongly identified with the initiatives of the Privacy Committee at least until we have a Vice President to head this effort.

Attachment

PWBuchen:ed

