



Homeland Security

The Privacy Office
Department of Homeland Security
Privacy Office Workshop Series
Transparency and Accountability:
The Use of Personal Information Within the Government
April 5, 2006

OFFICIAL WORKSHOP TRANSCRIPT

Horizon Ballroom
Ronald Reagan Building and International Trade Center
1300 Pennsylvania Avenue
Washington, D.C. 20004

CLOSING REMARKS

Maureen Cooney

Acting Chief Privacy Officer

Chief Freedom of Information Officer

MS. COONEY: Well, again, I would really like to thank all of our panelists and panels today and in particular this panel of international friends. And I thank you all for coming and participating with us, along with our colleague Hugo Teufel from the Department of Homeland Security.

So, again, really appreciate it.

(Applause.)

MS. COONEY: I am pleased to bring our workshop today to a close. I think it's been a very informative day, certainly for the Department of Homeland Security, and I'm only really beginning to digest the discussions today and look forward to looking over the transcripts very carefully to see how they can inform our policy development.

Again, I want to stress that we really look forward to public comment, public interaction with the departments as we move forward with our programs and try to develop good programs for Homeland Security that are privacy sensitive and are

DHS Privacy Office: Official Workshop Series

April 5, 2006 Official Transcript

transparency proactive. That is the really the position of our department.

To close this session, I'd like to highlight just a few of the important topics that our panels addressed and what we may have learned today.

Our first panel spoke about notices as tools for transparency and not only talked about their importance, but also how to make them better. We learned about the importance of notices to the members of the public and to our civil society as a tool for government accountability.

We also learned about governmental research and best practices that have emerged with regard to private sector notices from which I might add having long-term experience in the government, nearly 20 years now, finishing my 20th year, I think there's a lot that we can learn back and forth from the private sector to the public sector, back and forth.

Representatives of the Graham, Leech, Bliley agencies summarized their efforts to develop improved financial privacy notices, notices that are easier to understand and to use. And, of course, one of the reasons we thought it was important to review that was because those privacy notices are required by the U.S. government.

So there is some accountability on the part of government agencies themselves in how to develop those privacy notices in a way that is somewhat consistent with what we require in the public space, in the government space.

We learned about a number of communication techniques to help make the notices more accessible to members of the public. We look forward to your continuing comments both in the United States and internationally on your own experiences in that area.

Most importantly for government notices, we learned that individuals need a context for understanding the privacy notices and that good design can play an important role in effective communication.

We also learned of a number of government agencies here and abroad that have developed better notices including layered short notices.

Our second panel discussed access to personal information, balancing the public interest and privacy. We explored the balance between private and public disclosure under the "Freedom of Information Act."

And I really loved what John had to say here and the way we said it consistently

DHS Privacy Office: Official Workshop Series

April 5, 2006 Official Transcript

since the start-up of the Department of Homeland Security is that privacy is on the front end of information intake, but it has a whole process. And "FOIA" in the United States is definitely the book end to privacy, ensuring access, and I would even argue redress.

We do pick up mistakes through that process and there are ways in which that informs our own departmental redress processes including inadequacies which we continue to work on.

We learned about the private interest and the public interest of how "FOIA" has worked to protect votes and the key court cases that have defined the balance.

Some panelists raised concerns about whether the "FOIA" privacy and other exemptions are being implemented appropriately. It's something for us to consider as we look at our own work in the government space.

Particular concern was raised about the timeliness of "FOIA" processing, an issue we at DHS are sensitive to and are working hard to address. And I would direct you in particular to our "FOIA" annual report which is posted on the DHS privacy web site.

It will give you some insights on how we're doing on timeliness and areas that -- and I will let you know in terms of implementing the President's Executive Order on "FOIA" which was issued in December, they're working across the department with all of our "FOIA" managers, with our Office of the General Counsel, with partners throughout the agency to really assess our programs and determine where our weak spots are, how we can do better with the tools that we have in existence now and with the budget space that we currently are given.

Our final panel presented a comparison of information access laws. I particularly want to thank our international panelists. I've done work in the international space for quite a number of years now both in privacy and in financial regulation. And I've learned a great deal and I think we learned in the U.S. government perspective a great deal by looking at comparative frameworks.

I will also say we've borrowed heavily in particular areas, particularly in the privacy office. And I would say our privacy impact assessment guidance reflects much of what we've learned in the international space as well.

I particularly want to thank our international panelists. I know we all learned a great deal about how our different nations both provide access and protect the privacy of individuals in that process.

DHS Privacy Office: Official Workshop Series

April 5, 2006 Official Transcript

We learned of some similarities and some differences, but overall, we shared the goal of protecting privacy while providing transparency.

I want to say that I noted as I looked out at the audience while our panelists represented North America and Europe, I do see my esteemed colleague from Japan, Professor Haribay (phonetic) and other international associates and colleagues. And we recognize that there are freedom of information and access laws around the world.

And so we continue to look forward to your comments and input with regard to this workshop and the development of policies at Homeland Security.

We learned from our keynote speaker who is very esteemed, and we're so thankful that you traveled from Mexico, Maria Marvan, about the social benefits of access to public information and the challenges to promote transparency including public education, standards to protect personal information, and to guarantee access to public information without undermining the right to privacy.

From our final panel, we also learned about the scope of the various access laws and their similarities and differences. Some "FOIA" laws are new, some are older. Our esteemed colleagues from Sweden can further inform us on a very extensive historical background that they've had with access laws.

We also heard about problems with "FOIA," timeliness, permitting emergency releases, de-identified and re-identified information, and, frankly, some slowness across government agencies including internationally because of the staffing resources needed to keep up with the burgeoning information flows that now take place using vastly progressive technologies that we didn't have when these laws were originally written or that we're catching up to.

So there's much to learn still in this area, but I think that this workshop goes far in raising many of those issues.

On behalf of the Department of Homeland Security and particularly the Privacy Office, I want to thank all of you for attending. We plan to continue these outreach and public workshops to inform of our work at the department. I thank you for your good thoughts and comments. And we look forward to you joining us again. Thank you very much.

(Applause.)