



In his January 21, 2009 Memorandum on Transparency and Open Government, President Barack Obama emphasized the importance of public participation in government. As President Obama recognized in his memorandum, public oversight and transparency of government processes is critical to ensuring meaningful participation. The Electronic Privacy Information Center (EPIC) strongly supports transparency and oversight in government and encourages the Administration to take steps to promote those principles.

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Promote Open Government and Protect Privacy

We have open government laws and privacy laws for the federal government. Individual privacy and government transparency are complementary ideals in a democratic society. Open government helps ensure transparency and enhance public participation. Privacy protections bolster public confidence in the government's treatment of citizens. Citizens are better able to participate in government initiatives when they are certain the Administration will safeguard their personal information.

EPIC recommends that the Administration pursue policies that support both open government and privacy protection.

Why is this important?

Laws such as the Privacy Act and Freedom of Information Act ensure fair government practices. If these laws are not consistently applied, the rights of citizens will be weakened.

Apply Meaningful Rules for Public Comment Across All Platforms

Public participation is the cornerstone of American democracy. When citizens take the time to participate in government, their views should be valued. A process for public comment should be open to all, easily accessible, established without favoritism, and ensure the systematic collection of the public's views.

There are many laws that help ensure **meaningful** public participation in the decisions of government. These laws provide for public notice and opportunities for the public to express their views on the decisions that government makes. They also require that decisions are made openly and transparently. And they allow courts to decide when agencies have unfairly disregarded the opinions of the public. EPIC recommends that the laws that help ensure meaningful public participation in decisions by government apply to all new technology platforms.

Why is this important?

For public participation in government decision making to be meaningful, there should be clear rules and a transparent process.

Stop the Commercialization of Personal Data Held By Government Agencies

People are required to provide information to the government for lots of purposes – to pay taxes, to obtain licenses, to receive benefits. The personal information that we all provide to the government should not be commercialized or data-mined. Also, our interests in government programs should not be turned over to advertisers without our consent.

EPIC recommends the use of new technology to promote the efficiency of government and to enable new forms of participation. But we also believe that this should not lead to the “monetization” of citizens.

Why is this important?

It’s not fair for personal information collected by government agencies to be used for marketing purposes.

Apply the Privacy Act to All Data Collected by the Government and Government Contractors

The Privacy Act is a very important, technology-neutral law that helps ensure accountability and transparency when personal information is collected by government agencies. The goal is not to limit the use of technology; it is to help ensure that new technology is used in a way to protect democratic values.

Social media, such as YouTube, Facebook, and Twitter, offer exciting new opportunities for public participation in government. At the same time, these services collect detailed personal information from users, including viewing habits, IP addresses, and location. Americans should not lose Privacy Act protections simply because the federal government acquires personal information indirectly through third-party vendors.

EPIC recommends that any social network service collecting information on behalf of a federal agency comply with all Privacy Act obligations.

Why is this important?

Citizens should not lose their privacy protections when the government contracts with private parties.

Don’t Track Users on Government Web Sites

Very few Internet users really understand how persistent identifiers, such as “cookies,” record and track their online activities. But it is clear that when users take the time to examine this issue, they are not happy. This was clear when the White House initially proposed to make the President’s speeches available over YouTube without taking privacy into account. Changes were made, but the problem could have been avoided.

EPIC strongly favors public access to new media and the government’s innovative use of new technology. At the same time, we think it is unnecessary and shortsighted to allow government agencies to stalk citizens with persistent identifiers.

EPIC recommends that the administration extend the policy against persistent identifiers to all government web sites. The government should not be tracking the public’s access to government information.

Why is this important?

President Obama established as a priority the collaboration between executive departments and agencies and the public. Tracking individuals who access government information would contradict these goals. The government should ensure the privacy of all citizens.