

The Privacy Act of 1974

The historical context of the Act is important to an understanding of its remedial purposes: In 1974, Congress was concerned with curbing the illegal surveillance and investigation of individuals by federal agencies that had been exposed during the Watergate scandal; it was also concerned with potential abuses presented by the government's increasing use of computers to store and retrieve personal data by means of a universal identifier — such as an individual's social security number.

The Act has been in effect since September 27, 1975, can generally be characterized as an omnibus "code of fair information practices" that attempts to regulate the collection, maintenance, use, and dissemination of personal information by federal executive branch agencies.

General Provisions –

“Broadly stated, the purpose of the Privacy Act is to balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them.... The Act focuses on four basic policy objectives:

- To restrict disclosure of personally identifiable records maintained by agencies.
- To grant individuals increased rights of access to agency records maintained on them.
- To grant individuals the right to seek amendment of agency records maintained on themselves upon a showing that the records are not accurate, relevant, timely, or complete.
- To establish a code of 'fair information practices', this requires agencies to comply with statutory norms for collection, maintenance, and dissemination of records.”

Amendments –

The Privacy Act was amended by the Computer Matching and Privacy Act of 1988. Congress later enacted the Computer Matching and Privacy Protection Amendments of 1990.

Privacy and Other Civil Liberties Implications –

The Privacy Act “protects certain federal government records pertaining to individuals. In particular, the Act covers systems of records that an agency maintains and retrieves by an individual's name or other personal identifier (e.g., social security number).... In general, the Privacy Act prohibits unauthorized disclosures of the records it protects. It also gives individuals the right to review records about themselves, to find out if these records have been disclosed, and to request corrections or amendments of these records, unless the records are legally exempt.”

Exemptions to the Privacy Act protections are allowed for -

- the Census Bureau,

- the Bureau of Labor Statistics,
- routine uses (referring to external sharing of information outside the agency)
- archival purposes if the record has sufficient historical value,
- law enforcement purposes,
- congressional investigations, and
- Other administrative purposes.

Source:

- <http://it.ojp.gov/default.aspx?area=privacy&page=1279#contentTop>
- <http://www.justice.gov/opcl/1974intro.htm>