

Global Justice Information Sharing Initiative
Privacy and Information Quality Working Group
Meeting Summary
Reston, Virginia
November 6, 2003

Meeting Background and Purpose

The Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), convened the Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG or “Working Group”) meeting November 6, 2003, in Reston, Virginia. The GPIQWG was convened for the purpose of examining justice privacy policy issues in the context of information sharing. Mr. Cabell Cropper, GPIQWG Chair and the Executive Director of the National Criminal Justice Association, facilitated the meeting and set forth the agenda to discuss the draft Privacy Policy Overview and the Project Manual.

GPIQWG Participants

The following individuals were in attendance:

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| Mr. Robert Belair <i>SEARCH, The National Consortium for Justice Information and Statistics Washington, DC</i> | Mr. John Jesernik <i>Illinois State Police Joliet, Illinois</i> |
| Mr. Robert Boehmer <i>Illinois Criminal Justice Information Authority Chicago, Illinois</i> | Ms. Rhonda Jones <i>National Institute of Justice Washington, DC</i> |
| Mr. Cabell Cropper <i>National Criminal Justice Association Washington, DC</i> | Ms. Jeanette Plante <i>Executive Office for United States Attorneys Washington, DC</i> |
| Mr. Bruce Edwards <i>Bureau of Justice Assistance Washington, DC</i> | Mr. Michael Ramage <i>Institute for Intergovernmental Research Tallahassee, Florida</i> |
| Mr. John Greacen <i>Greacen Associates, LLC Santa Fe, New Mexico</i> | Ms. Monique Schmidt <i>Institute for Intergovernmental Research Tallahassee, Florida</i> |
| Mr. Jim Gregart <i>Kalamazoo County Kalamazoo, Michigan</i> | Ms. Cindy Southworth <i>National Network to End Domestic Violence Fund Washington, DC</i> |

Mr. John Terry
*Institute for Intergovernmental
Research
Tallahassee, Florida*

Mr. Carl Wicklund
*American Probation and Parole
Association
Lexington, Kentucky*

Ms. Mary Gay Whitmer
*National Association of State
Chief Information Officers
Lexington, Kentucky*

Draft Privacy Policy Overview

The draft Privacy Policy Overview (“Overview”) was developed for the purpose of providing guidance to justice professionals, managers, and decision makers on topics crucial to privacy policy and justice information sharing. The Overview is one component of a series of tools that will be created to raise awareness and provide privacy guidelines to the justice community. To emphasize the importance of public safety, the Working Group will include real-life stories of privacy victims in the Overview, such as a stalker who has obtained government-disclosed information to seek out women and an identity fraud case. The group strongly recommended that they pursue the subject that privacy is a matter of public safety, not just a matter of regulation. In addition to the document format, the Overview will be developed in a CD media, in order to be more useful to the justice professional.

In advance of this meeting, participants had carefully examined the Overview and then provided critical input based on their respective areas of expertise. Mr. Mike Ramage, Institute for Intergovernmental Research, facilitated a group discussion on the Overview. At that time, individual comments were edited and recorded directly to the Overview. After considerable group discussion, consensus was reached on the product initiation and direction.

Draft Privacy Project Manual

The purpose of the draft Privacy Project Manual (“Manual”) is to provide multimedia tools to justice practitioners on topics crucial to privacy policy and justice information sharing. The Manual will be the framework for a series of tools that will be created to provide guidelines to the justice community. It will include details on definitions, legislation and regulations, and model templates geared towards the functional areas within the justice arena. In addition, a reference set of Web resources, as well as real-life examples, will be provided. A small subcommittee is developing the critical topic areas, and Mr. Ramage is responsible for coordinating the ideas and producing a product representative of the participants’ vision. Some topics that are currently being analyzed include the following:

Fair Information Practices (FIPs)

Ms. Jeanette Plante noted that the primary purpose of FIPs is to promote economic development. Certain aspects of FIPs need careful examination in respect to

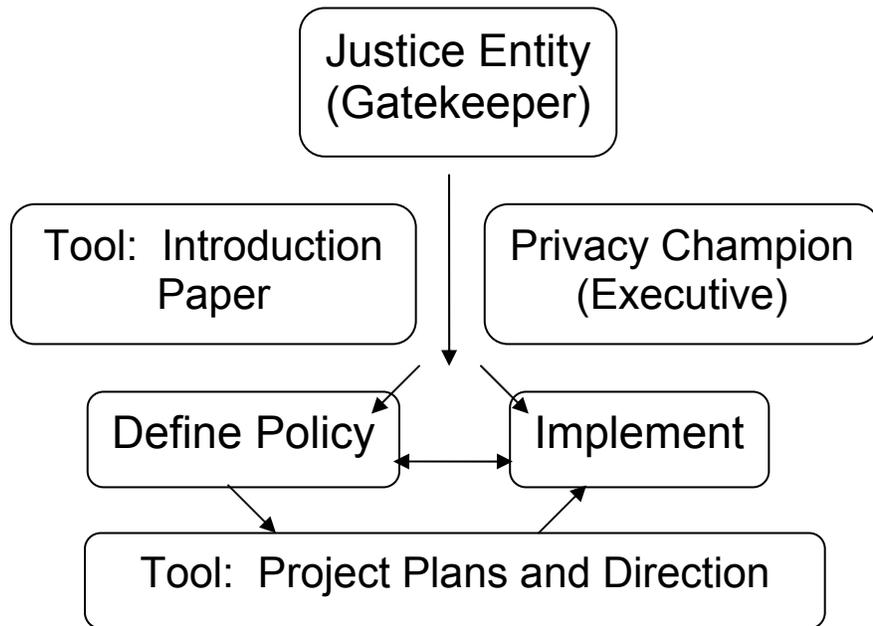
privacy concerns. For example, the “use limitation principle” needs to be examined in light of privacy needs.

Privacy Policy Models

The group decided to investigate the task of creating a model for each of the functional areas of law enforcement, corrections, and courts. Because there is a mosaic of legislation, regulations, and policies, there is a strong business need for privacy policies that promote justice interoperability and information sharing. Mr. Jim Gregart stated that what we need is a template, not a detailed listing of 30 years of privacy practices. However, other participants noted that there is not a one-size-fits-all solution and that some human intervention is necessary to develop an appropriate policy. Mr. John Greacen stated that it is better to have policy that is adopted from best practices than to have no policy at all. In fact, some templates may need to be developed on a case-by-case basis, specifically for courts. Mr. Bob Belair stated that private sector privacy templates are more easily established because of the relationship between the subject data and the record. Usually, the relationship is based on a consent model. In the case of justice data, the relationship between the subject data and the record is usually triggered by an event and not necessarily consensus. In criminal justice, the data in question may describe a victim or alleged criminal. In courts, private family matters may involve juvenile cases, civil cases, or even divorce records.

Business Case

Ms. Plante facilitated a discussion on the business case for privacy policy. The following diagram depicts how the process would aid the justice practitioner:



In addition, Ms. Plante recommended that the following project plan content be included in the Project Manual.

- ❑ Description of the Project Team
- ❑ Scope of information
- ❑ Providers of information
- ❑ Purpose of agency
- ❑ Application laws/regulations/existing policies
 - What type of sharing is allowed?
 - What is prohibited?
 - What are the consequences?
- ❑ Definitions
- ❑ Policy gaps
- ❑ Models
- ❑ FIPs
- ❑ Law enforcement exceptions (need definition)

Action Items

Issue One: Develop an introductory product regarding privacy policy development for the justice decision maker (Overview).

Status: The Working Group completed a review of the draft. Mr. Ramage will revise the document based on input from the participants. The objective is to have the Overview completed by the next GPIQWG meeting and ready for review at the April 21-22, 2004, Global Advisory Committee (GAC) meeting.

Issue Two: Produce the future product regarding developing and implementing privacy policy templates for justice agencies (Project Manual).

Status: Mr. Ramage will continue development of the draft, and a small group will meet on Thursday, January 15, 2004, to examine those new revisions. The participants include Mr. Alan Carlson, Mr. John Greacen, Ms. Jeanette Plante, and Mr. Carl Wicklund. The logistics for the January meeting are currently being planned. The goal is to present a draft of the Project Manual at the April 21-22, 2004, GAC meeting.

Issue Three: Create a subcommittee to address biometrics.

Status: The Office of Science and Technology, National Institute of Justice (NIJ), has been charged with creating a five-year road map to biometrics. The group recommended investigating the work being completed on biometrics for the federal government by NIJ. The Federal Bureau of Investigation will chair this group, and Ms. Plante will be the liaison for the GPIQWG.

Issue Four: Develop a pilot project.

Status: The Working Group recommended the idea of implementing a demonstration pilot in order to better examine the justice business process in combination with best practice privacy policies. It would be useful to design policy templates based on real world case studies. The Working Group will develop some ideas for a pilot project in 2004.

Conclusion

In conclusion, the group discussed that they were pioneering a mosaic of privacy policies in order to benefit the justice community. The question was raised, "Is any privacy policy better than no privacy policy?" Consensus was reached that there is a bedrock of core policies and that there is a benchmark that is achievable for privacy models. In addition, the privacy documents are dynamic and should be considered as works in progress.

A small group meeting is planned for further development of the privacy documents. The next GPIQWG meeting is tentatively planned for Thursday, February 26, 2004, in Williamsburg, Virginia. The purpose of the meeting will be to complete the Privacy Overview and Manual. Once assignments were delegated, and with no further business before the GPIQWG, the meeting was adjourned.

Summary Reston