

# Policy Statements on Access to Public Information and Protection of Personal Information Privacy in Federal Digital Geospatial Databases

Digital geospatial databases are being built with increasing levels of geographic specificity, linking, for example, names with addresses and street maps, and linking cadastral records that identify land parcels and land owner names with high resolution imagery and other geospatial and tabular databases. Privacy concerns are raised with regard to digital geospatial data because location creates a powerful new personal identifier. Geospatial databases linked to tabular databases that include personal information may be subject to the provisions of the Privacy Act and/or the Freedom of Information Act (FOIA).

For information to fall under the umbrella of Privacy Act regulations an actual Privacy Act System of Records must exist. The definition of a System of records is the following: "A group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual." Systems of records that meet the definition, but have not been *officially* identified as Privacy Act Systems of Records are also under the purview of the Privacy Act. Adopting a pro-active, "no regrets" strategy will help Federal agencies achieve the appropriate balance between open access and protection of personal information.

The overall purpose of these policy statements is to articulate the Federal Geographic Data Committee (FGDC) endorsement of established principles that promote public access to information and principles that ensure appropriate stewardship of personal information in digital geospatial databases. The policy statements are in consonance with the goals of the FGDC; and are consistent with existing fair information practices and principles as articulated in these publications: the Office of Management and Budget Circular A-130; the Freedom of Information Act of 1966; and as amended in the Electronic Freedom of Information Act Amendments of 1996; the Privacy Act of 1974; the Organization for Economic Cooperation and Development Guidelines on the Protection of Privacy and Transborder Flow of Personal Data (adopted 1980); and the 1995 National Information Infrastructure Task Force report, *Privacy and the National Information Infrastructure: Principles for Providing and Using Personal Information*.

## Freedom of Information Act Principles

- ▶ **Agencies shall continue to ensure public access to agency records and information except those protected from release by these nine specific exemptions:** (See FOIA for complete text of exemptions).
  1. Classified national defense and foreign relations information;
  2. Internal agency personnel rules and practices;
  3. Material prohibited from disclosure by other statutes; including the Privacy Act
  4. Trade secrets and other confidential business information;
  5. Certain inter-agency, or intra-agency communications;
  6. Personnel, medical, and other files involving personnel privacy;
  7. Certain records compiled for law enforcement purposes;
  8. Matters relating to the supervision of financial institutions; and
  9. Geological and geophysical information and data, including maps, concerning oil wells.
  
- ▶ **Agencies shall seek to improve access to digital geospatial data and information, unless access is restricted under the FOIA or disclosure is not approved under the Privacy Act.**
  
- ▶ **Agencies shall maximize the usefulness of digital geospatial data and information collected, maintained, used, retained, and disseminated.**

## Information Privacy Principles

- ▶ **Agencies shall inform individuals from whom personal information is collected directly:**
  - Why they are collecting the information;
  - The legal authority to collect the information;
  - What the information is expected to be used for;
  - What steps will be taken to protect its confidentiality, integrity, and quality;
  - The consequences of providing or withholding information;
  - The means to correct their personal information that lacks sufficient quality to ensure fairness in its use;
  - Of opportunities to use appropriate technical controls, such as encryption, to protect the confidentiality and integrity of communications and transactions;
  - Of the opportunity to remain anonymous when appropriate;
  - Any rights of redress; and
  - Of the agency records retention schedule.
  
- ▶ **Agencies shall coordinate with FOIA and Privacy Act officers to ensure agency policy and technical staff are aware of privacy implications of GIS technology.<sup>1</sup>**
  
- ▶ **Agencies shall acquire, disclose, and use personal information only in ways that respect an individual's privacy.<sup>2</sup>**
  
- ▶ **Agencies shall ensure the integrity of personal information. Personal information held in, or linked to, geospatial databases shall not be improperly altered or destroyed.<sup>3</sup>**
  
- ▶ **Agencies shall ensure that personal information held in geospatial databases is accurate, timely, complete and relevant for the purposes for which it is acquired and used. Agencies shall not use personal information in ways that are incompatible with stated routine uses.<sup>4</sup>**
  
- ▶ **Agencies shall use appropriate technical and managerial controls to protect the confidentiality and integrity of personal information.<sup>5</sup>**

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<sup>1</sup>See National Information Infrastructure Education Principle; Information and Privacy Commissioner/Ontario, Geographic Information Systems and Privacy: Fundamental Principles, April 1997; and Data Sensitivity Issues Regarding Public Access to U.S. Army Corps of Engineers Geospatial Data via the Internet (1 Mar 1996 Draft Information Paper, 5.a; Department of Defense Program Regulations 32 CFR Part 286.37, Education and Training, Federal Register Vol. 62, No. 33, February 19, 1997 (guidelines for Department-wide implementation of E-FOIA) is an example of how to incorporate the NII Education Principle into agency regulations).

<sup>2</sup>See NII Information Privacy Principle I.A.; Privacy Act (especially use limitation and disclosure limitation); Circular A-130, Section 7(g); National Commission on Libraries and Information Science: Principles of Public Information.

<sup>3</sup>See NII Information Integrity Principle I.B.; Privacy Act (data quality principle).

<sup>4</sup>See NII Information Quality and Fairness Principles I.C. and II.D; Privacy Act (data quality principle).

<sup>5</sup>See NII Information Protection Principle II.C. and Privacy Act (security principle).

- ▶ **Agencies shall limit the type and extent of personal information acquired, disclosed, and used in geographic information systems to the information reasonably expected to support current or planned activities.<sup>6</sup>**

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<sup>6</sup>See NII Acquisition Principles II.A.; Privacy Act (collection limitation principles). For an example of this principle as written in an existing Federal agency guideline see NRCS National Instruction Part 408.44(c).