

Privacy and Civil Liberties

Markle Task Force Brief

MARKLE

Task Force on National Security in the Information Age

In the fight against terrorism, we must deploy 21st century solutions that protect privacy and civil liberties.

MEETING THE THREAT OF TERRORISM:

Protecting Privacy and Civil Liberties in a Networked Information Sharing Environment

America's national security depends on information sharing—technologies and policies that support a collaborative environment ensuring that those who need it have access to the best information in a timely manner and under the appropriate conditions to enable the most informed decisions to stop terrorist attacks. This information sharing framework will succeed only if it respects privacy and civil liberties.

The Markle Task Force has offered a set of principles and policies to meet the challenge of strengthening national security and protecting civil liberties in a networked information sharing environment.

Government-Wide Privacy and Civil Liberties Guidelines for Handling Personally Identifiable Information

Government-wide guidelines should be developed by the Executive Branch incrementally, improved by time and experience, and with public comment. They should provide consistency and direction on hard issues while allowing agencies the flexibility that their different missions and authorities require. Different types of data should be treated differently.

- Auditing to ensure compliance with guidelines is critical, with monitoring focused on the quick correction of problems.
- Systemic, efficient dispute resolution will be needed as new circumstances and differences of opinion present questions that need prompt guidance.
- Training and incentives will help bring about the cultural change needed to make government workers comfortable with a new business process and ensure appropriate use of information.

Oversight and Accountability

A clear, calibrated, and predictable system of oversight and accountability are needed. These should involve agency inspectors general, privacy officers, and privacy advisory commissions actively engaged in reviewing programs and policies and ensuring understanding of and compliance with law and policy.

Stewardship for Sharing and Protecting Information

Wholesale dumping of an entire database threatens its misuse and clouds responsibility for ensuring its appropriate use.

- Ensure accuracy and reliability of data by establishing adequate data quality measurement policies and standards, communicating limitations on accuracy or reliability, and making reasonable efforts to correct errors. Inaccurate data increases the risks to privacy and decreases the ability to enhance security.
- Build a decentralized network with strong policy management and enforcement to maximize the ability to discover all available information with a system of electronic directories and pointers that show where relevant information can be found and accessed only by those with proper authorization.

Use Technology to Protect Privacy

Develop and deploy tools to allow fast, easy, and effective implementation of guidelines for protecting privacy, creating audit trails, anonymizing and minimizing information as much as possible, and building rules and permissions into the process of accessing and distributing information.

Ensure Public Trust in the System

Ensure trust with transparency in the development and implementation of policies and technologies. ■

About the Markle Task Force

The Markle Task Force on National Security in the Information Age has been a diverse and bipartisan group of former policy makers from the past six presidential administrations, senior information technology executives, and privacy advocates from both the public and private sectors. The Markle Task Force has recommended ways of improving national security decisions by transforming business processes and how information is shared. Its recommendations informed the 9/11 Commission Report and were subsequently included in two federal laws.

Learn more about the Markle Task Force at www.markle.org/national-security.