



PRIVACY & SECURITY LAW



REPORT

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Privacy Policies

Advocacy Groups Urge Companies To Consult, Work With Them on Privacy

SAN FRANCISCO—Companies planning to implement new marketing programs, products, business plans, and policies should build relationships and consult with consumer and privacy advocacy organizations before finalizing such efforts, panelists told privacy conferees Oct. 24.

Companies can avoid embarrassing headlines and may find help in their own privacy battles with the government and others by working with advocates, said Nicole Ozer, American Civil Liberties Union of Northern California technology and civil liberties policy director. Ozer was one of four closing keynote speakers at the International Association of Privacy Professionals Privacy Academy 2007.

“Not only can we give you good advice about when things are on the line, but we can help you defend against inappropriate requests in court, and, more importantly, in the court of public opinion,” Ozer said. “We can help frame the issue, frame you standing up for privacy and being protective of the public rather than obstructive.”

The government, Ozer warned, “is really engaged in a shopping spree in your corporate databases.”

Privacy advocates can find ways to work to “keep companies out of the middle” of battles, such as the National Security Agency’s alleged warrantless spying that has landed AT&T and other telecommunications companies in court, said Chris Hoofnagle, a senior attorney with University of California Berkeley’s Samuelson Law, Technology & Public Policy Clinic.

“We have shared interests,” Ozer said.

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NICOLE OZER,
ACLU OF NORTHERN CALIFORNIA

Establishing Relationships With Advocacy Groups. Jim Dempsey, policy director with the Center for Democracy & Technology, Washington, suggested that companies get to know the advocacy groups “and where they’re coming from.” Privacy advocates likewise should understand businesses and their interests, Dempsey said.

Start building relationships with privacy organizations “before you’re in trouble,” Dempsey advised. When meeting with privacy advocates, companies should ask questions about how to protect privacy, not merely state the solutions they have already decided on, he said. Companies should consult with privacy advocates early on in the process, not the day or the week before a launch of a product or service, he urged.

Dempsey told BNA that approximately every other week he meets with companies and other organizations that are seeking input from advocates on privacy issues or plans.

Ken McEldowney, executive director for the San Francisco-based national consumer advocacy Consumer Action, urged companies to step up the dialogue

with consumer and privacy advocates. "If nothing else, it will cut down on the dueling media sound bites when privacy things pop up in the media," he said.

ChoicePoint Improvements Cited. Hoofnagle told BNA that his vote for most improved company on privacy and security issues is ChoicePoint Inc. Data aggregator ChoicePoint became a household name after the company said that it mistakenly sold personal information on 163,000 individuals to a crime ring posing as ChoicePoint customers (4 PVLR 197, 2/21/05).

After the breach incident, ChoicePoint has worked with privacy advocates and strengthened its data security safeguards, Hoofnagle said.

In January 2006, ChoicePoint settled FTC charges that it violated the Fair Credit Reporting Act and the deceptive and unfair practice prongs of Section 5 of the Federal Trade Commission Act by agreeing to pay a \$10 million fine and to create a \$5 million fund for consumer redress (5 PVLR 110, 1/30/06).

The company May 31, 2006, pledged to strengthen safeguards for consumers' personally identifiable information in an administrative agreement with attorneys general from 43 states and the District of Columbia and paid \$500,000 to cover the investigative costs of the AGs (6 PVLR 863, 6/4/07).

By JOYCE E. CUTLER