

**SHORENSTEIN CENTER**

ON MEDIA, POLITICS AND PUBLIC POLICY

# **Data, Technology, and Innovation in Government**

## **Seminar 3: Privacy and Personal Data Portability**

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Nick Sinai

Walter Shorenstein Media and Democracy Fellow

Shorenstein Center for Media, Politics, and Public Policy

Harvard Kennedy School

@NickSinai

# Seminar Background

## Personal Background

- Government: White House, Federal Communications Commission,
- Technology VC: Insight Venture Partners, Lehman Brothers, Polaris

## Goals

- Expose you to real projects, policy, and people
- Raise your Tech IQ
- Get credits toward your GSD degree

**Logistics:** Students get priority, seminar is not for credit

# Seminar Series

- Introduction to Open Data
- Government Digital Services
- Privacy and Personal Data Portability
- Marketing U.S. Data: Data Jams, Datapaloozas, Hackathons, Prizes, & CDOs
- Government Spending Transparency
- Smart Cities/Internet of Things
- Data Journalism
- Freedom of Information Act
- Healthcare.gov: A Case Study
- Regulatory Modernization

# Today's guest: Jim Waldo



- Gordon McKay Professor of the Practice of Computer Science, SEAS
  - CS 105: Privacy and Technology
- Chief Technology Officer of Harvard University

Former

- Cloud Engineer at VMWare
- Distinguished Engineer at Sun Microsystems Laboratories

# 2012 “Consumer Bill of Rights”

“...America must apply our timely privacy values to the new technologies and circumstances of our times.” – White House



## Individual Control

Consumers have a right to exercise control over what personal data companies collect from them and how they use it.



## Access and Accuracy

Consumers have a right to access and correct personal data in usable formats, in a manner that is appropriate to the sensitivity and risk associated with the data.



## Transparency

Consumers have a right to easily understandable and accessible information about privacy and security practices.



## Focused Collection

Consumers have a right to reasonable limits on the personal data that companies collect and retain.



## Respect for Context

Consumers have a right to expect that companies will collect, use, and disclose personal data in ways that are consistent.



## Accountability

Companies should be accountable to enforcement authorities and consumers for adhering to these principles.



## Security

Consumers have a right to secure and responsible handling of personal data.

# Federal Privacy Regimes

- **US Government**

- Privacy Act of 1974
- E-Government Act of 2002

- **Industry**

- Fair Credit Reporting Act (FCRA)
- Family Educational Rights and Privacy Act (FERPA) of 1974
- Health Insurance Portability and Accountability Act (HIPAA) of 1996
- Children's Online Privacy Protection Act (COPPA) of 1998

# Federal Privacy Regimes

## ○ Privacy Act of 1974

“No agency shall disclose any record...to any person, or to another agency, except...with the prior written consent of the individual to whom the record pertains...and the record is to be transferred in a form that is not *individually identifiable*.”

## ○ E-Government Act of 2002

### Section 208:

- Requirements for data handling by agencies and departments
  - Privacy Impact Assessment (PIA)
- Privacy Policies on agency websites
  - Machine-readable
- Designation of “responsible official.”

## ○ Health Insurance Portability and Accountability Act (HIPAA) of 1996

The Privacy Rule protects all “individually identifiable health information” held or transmitted by a covered entity or its business associate, in any form or media. This information is classified as “protected health info” (PHI).





# Personal Data Portability

Profile Management | Sign Out | Exit

## Send My Transcript

Select the type of transcript and tax year that your lender requested from the drop downs below.

Type of Transcript <sup>?</sup> Tax Year <sup>?</sup>

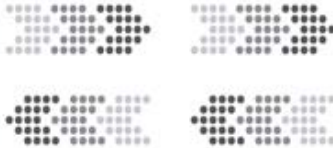
Account Transcript for 2009

Continue

Current and prior three years will be available during PoC



**Link It!**



IRS Data  
Retrieval Tool



# Across the Atlantic...

- European Union
  - Data Protection Directive
  - E-Privacy Directive (Cookie Law)
- UK
  - Information Commissioner's Office
  - Data Protection Act



**ico.**  
Information Commissioner's Office

# Discussion Topics

Is privacy the same as anonymity?

Data donation

Right to be forgotten

How do we balance big data in the social sciences with privacy?

# Key Takeaways

**Increasing focus on how data is used**

**Build privacy into products**

**Give citizens back their data!**

**Next Week: Marketing U.S. Data**

# Homework

- Read a privacy policy
- Get your personal data (electronically) from the U.S. federal government; send me feedback
  - IRS Get Transcript
  - My Student Data
  - Other

# Additional Resources

- Big Data and Privacy: A Technological Perspective
  - [http://www.whitehouse.gov/sites/default/files/microsites/ostp/PCAST/pcast\\_big\\_data\\_and\\_privacy\\_-\\_may\\_2014.pdf](http://www.whitehouse.gov/sites/default/files/microsites/ostp/PCAST/pcast_big_data_and_privacy_-_may_2014.pdf)
- John Podesta, Big Data and Privacy, 1 Year Out
  - <http://www.whitehouse.gov/blog/2015/02/05/big-data-and-privacy-1-year-out>
- Gov.uk – Data protection, making a complaint
  - <https://www.gov.uk/data-protection/the-data-protection-act>
- TechCrunch - US Government still leaning on Europe to dilute data protection reform proposal
  - <http://techcrunch.com/2013/01/18/us-government-still-leaning-on-europe-to-dilute-data-protection-reform-proposals/>