

December 19, 2008

President-elect Obama:

We congratulate you on your election as the 44th President of the United States, and we look forward to working with you on one of the most challenging issues facing the country today – the protection of privacy. In our rapidly changing world, we recognize the importance of new technology and new business models. At the same time, there are new risks to citizens and consumers that will need to be addressed.

As you said during the campaign, “Dramatic increases in computing power, decreases in storage costs and huge flows of information that characterize the digital age bring enormous benefits, but also create risk of abuse. We need sensible safeguards that protect privacy in this dynamic new world.” You committed to “strengthen the privacy protections for the digital age and to harness the power of technology to hold government and business accountable for violations of personal privacy.”¹

There is a clear need to address the spiraling problems of identity theft, security breaches, and the commercialization of personal information that has left American consumers vulnerable to fraud and exploitation. We are heartened by your positions on these difficult challenges.

- **Strengthen the Authority of the Federal Trade Commission.** “Obama will increase the Federal Trade Commission’s enforcement budget and will step up international cooperation to track down cyber-criminals so that U.S. law enforcement can better prevent and punish spam, spyware, telemarketing and phishing intrusions into the privacy of American homes and computers.”²
- **Protect Sensitive Information.** “Obama will also work to provide robust protection against misuses of particularly sensitive kinds of information, such as e-health records and location data that do not fit comfortably within sector-specific privacy laws.”³
- **Protect the Privacy of Personal Information Obtained by the Government.** “One of the things that the American people count on in their interactions with

¹ Barack Obama, “Change We Can Believe In: Technology,” <http://web.archive.org/web/20080222011931/http://www.barackobama.com/issues/technology/>

² *Id.*

³ *Id.*

any level of government is that if they have to disclose personal information, that it will stay personal and stay private.”⁴

- **Respect the Confidentiality of Medical Information.** As you said during the debates, only a patient “in consultation with their doctor, family, and clergy” should make difficult medical decisions.⁵
- **Ensure that Businesses Protect Consumer Privacy.** “Invasions of privacy should not be tolerated.” The Protect Taxpayers Privacy Act that you sponsored would prohibit the disclosure of tax return information by tax return preparers to third parties.⁶
- **Ensure that Homeland Security Databases are Used Only for Limited Purposes.** “To ensure that powerful databases containing information on Americans that are necessary tools in the fight against terrorism are not misused for other purposes, Barack Obama supports restrictions on how information may be used and technology safeguards to verify how the information has actually been used.”⁷
- **Allow States to Innovate and Develop Legislative Solutions.** As you recently explained to the state governors, “A single courageous state may, if its citizens choose, serve as a laboratory.”⁸ It is vital that states have the freedom to respond to emerging privacy challenges and that weak national laws not preempt stronger state safeguards.

We are also inspired by your commitment to change the politics of Washington and to select people for public office who are not captive to private interest, to close “the revolving door between government and industry” and to reverse the “privileged access

⁴ Obama urges inquiry into passport snooping, CNN (March 21, 2008), <http://us.cnn.com/2008/POLITICS/03/21/obama.passport/index.html#cnnSTCVideo>

⁵ Obama on Constitutional Right to Privacy, http://epic.org/redirect/110708_Obama_CNN_DebatePrivacy.html

⁶ Senator Obama, sponsor, 109th Congress, S. 2494, the Protect Taxpayer Privacy Act, available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:s.02494>:

⁷ *Id.*, note 1 *supra*

⁸ President-elect Obama, statement, *President-elect Obama and governors tackle the economy*, available at http://change.gov/newsroom/entry/president_elect_obama_and_governors_tackle_the_economy/

to inside information-all of which have led to policies that favor the few against the public interest.”⁹

There is an enormous opportunity to realize the benefits of new technology and to safeguard the values that make us free and sustain our democracy. We look forward to working with your administration and the leaders you select for the government agencies on these important challenges.

Sincerely,

Lillie Coney
Electronic Privacy Information Center (EPIC)

Gil Mileikowsky, MD
Alliance for Patient Safety

Laila Al-Qatami
American-Arab Anti-Discrimination Committee

Mary Alice Baish
American Association of Law Libraries

Lynne Bradley
American Library Association

Tom DeWeese
American Policy Center

Prudence S. Adler
Association of Research Libraries

Mark D. Agrast
Center for American Progress Action Fund

Chip Pitts
Bill of Rights Defense Committee

Jeff Chester
Center for Digital Democracy

J. Bradley Jansen
Center for Financial Privacy and Human Rights

⁹ *Id.*, note 1 *supra*.

Doug Bandow
Citizen Outreach Project.

Linda Sherry
Consumer Action

Susan Grant
Consumer Federation of America

Pamela Banks
Consumers Union

Marcia Hofmann
Electronic Frontier Foundation

Sue Udry
Defending Dissent Foundation

Mike Stollenwerk
Fairfax County Privacy Council

Mark Cohen
Government Accountability Project

Jaimee Napp
Identity Theft Action Council of Nebraska

David Blau
Libertarian Party of Massachusetts

Michael D. Ostrolenk
Liberty Coalition

James Landrith
The Multiracial Activist

Dr. Deborah Peel
Patient Privacy Rights

Melissa Ngo
Privacy Lives

Remar Sutton
Privacy Rights Now Coalition

Beth Givens
Privacy Rights Clearinghouse

Evan Hendricks
Privacy Times

Todd Spencer
Owner-Operator and Independent Drivers Association

Dane vonBreichenruchardt
U.S. Bill of Rights Foundation