

FINAL REPORT
PROTECTION OF INDIVIDUAL RIGHTS OF PRIVACY STUDY COMMITTEE

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AVAILABILITY OF MINUTES

Copies of the minutes of the meetings of the Protection of Individual Rights of Privacy Study Committee are available from the Legislative Service Bureau.

F I N A L R E P O R T

PROTECTION OF INDIVIDUAL RIGHTS OF PRIVACY STUDY COMMITTEE

March 1989

APPOINTMENT AND CHARGE

The Legislative Council created the Protection of Individual Rights of Privacy Study Committee as an interim committee to study potential personal privacy concerns related to governmental or private information gathering systems during the 1988 interim period of the 72nd General Assembly. The Committee was charged with studying the issue of personal privacy and improper intrusion of personal privacy by government or any other entity. The Committee was required to balance legitimate needs of business, government, and others for the collection of information, with the legitimate interest and protection of individual rights.

The members of the Committee were:

Senator Thomas Mann, Co-chairperson
Representative Florence Buhr, Co-chairperson
Senator Richard Varn
Senator Linn Fuhrman
Representative John Connors
Representative Dorothy Carpenter

MEETINGS

The Legislative Council granted the Protection of Individual Rights Study Committee two meeting days. The first meeting of the Committee was held on September 29, 1988, in Room 24 of the Statehouse in Des Moines, Iowa. The second meeting of the Committee was held on November 16, 1988, in Room 22 of the Statehouse in Des Moines, Iowa. The Committee heard from various interest groups and interested persons at both meetings and discussed the provisions of several bills and resolutions, including a redraft of S.F. 2178 which had been considered by the 72nd General Assembly during the 1988 Session.

SEPTEMBER 29, 1988, MEETING

At its first meeting, the Committee heard from six representatives of various interest groups. Each interest group was given a copy of a redraft of S. F. 2178 and asked to submit written comments for review by the Committee at its second meeting.

The presenters to the Committee, their organizational affiliation, and a summary of their presentations are as follows:

1. Mark Lambert, Iowa Civil Liberties Union. Mr Lambert discussed previous legislation enacted by the Legislature, the growing trend of employers to regulate employees' off-duty time, wiretapping of suspects in criminal proceedings, and various aspects of freedom of speech and of the press.
2. Donald P. Rowen, Iowa Federation of Labor, AFL-CIO. Mr. Rowen presented a letter written by his organization's attorney relating to privacy concerns of employees. He discussed accessibility of employers and others to medical information of employees and privacy connected with the collective bargaining process.
3. Professor Herbert Strentz, Iowa Freedom of Information Council. Professor Strentz discussed the work of the Freedom of Information Council as it related to First Amendment freedoms and openness in government. He related the Council's position that current protections of privacy concerns are adequate to protect an individual's privacy rights.
4. Mike Coveyou, Department of Public Safety. Mr. Coveyou discussed privacy concerns as they relate to dissemination of criminal history, child abuse, child care, foster care, and adoption information.
5. Mike Laski, Department of Public Safety. Mr. Laski discussed privacy concerns as they relate to criminal investigations and wiretaps.
6. William P. Angrick, II, Citizen's Aide/Ombudsman. Mr. Angrick discussed the need for balancing the public's right to know against the individual's right to privacy, and bureaucracy's propensity to gather and maintain vast amounts of information. He discussed federal legislation relating to use of an individual's social security number and illustrated the extent of availability and accessibility of information about private citizens. He urged the Committee to consider the formation of a privacy commission to oversee current information gathering systems.

The Committee received several documents from Senator Varn relating to libel and defamation actions at the close of the meeting. Copies of these documents are on file in the Legislative Service Bureau.

NOVEMBER 16, 1988, MEETING

At the second and final meeting, the Committee heard from several presenters during their morning session and discussed written comments on S.F. 2178, as redrafted, another bill proposal, and a proposed resolution in the afternoon. The presenters to the Committee, their organizational affiliations, and summary of their testimony are as follows:

7. James Swanger and Charles Gribble, Iowa State Bar Association. Both Mr. Swanger and Mr. Gribble discussed privacy issues related to labor law. Mr. Swanger discussed concerns as to the potential effects of S.F. 2178 on the collective bargaining process. He also updated the Committee on a P.E.L.R.B. decision on the merits of a city of Clinton case, which had been mentioned by Mr. Lambert at the previous meeting. Mr. Gribble discussed the potential effects of S.F. 2178 on employee transfers, staff reduction, layoffs, and grievance procedures.
8. John P. Dolan, Jr., CLI Legal Investigator. Mr. Dolan expressed his concern that codification of a privacy right would hamper investigations in the legal arena.
9. Jerry A. Jackson, CSC Credit Services, Inc.; Lawrence Slotsky, Northwest Iowa Credit Bureaus, Inc.; Tom Penaluna, Credit Bureau Enterprises, Inc. All three of these gentlemen discussed their perceptions of the potential effects of the codification of a privacy right on credit information gathering for consumer credit transactions. They indicated concern that the bill would impose restrictions in addition to those required under federal law. They were concerned about possible detrimental effects of a right to privacy on small Iowa credit bureaus' ability to compete with out-of-state firms.

CONCLUSIONS AND RECOMMENDATIONS

During the afternoon session of their December 16 meeting, the Committee took up and considered the redraft of Senate File 2178. Co-chairperson Mann moved, and Representative Connors seconded, that the Committee take no position on that senate file and, further, that the Committee make no recommendation relative to action on Senate File 2178, as redrafted, to the Legislative Council. The motion carried. The Committee also considered a proposed concurrent resolution by Senator Varn which would create a comprehensive information and privacy four-year study. Although the Committee members agreed that further study is necessary and would be useful, there was disagreement on the length of time

needed to conduct such a study and on the makeup of the membership of the committee. The members of the Committee agreed to take no action on the resolution and make no recommendations to the Legislative Council unless the resolution was redrafted. The Committee also discussed meeting after the commencement of the legislative session to consider a redraft of the resolution.

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