

Enforcing Privacy in America

ACLU Report Calls For Stronger U.S. Privacy Oversight

By [Global Research](#)

Global Research, November 15, 2009

[American Civil Liberties Union](#) 10 November
2009

Region: [USA](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

WASHINGTON - The American Civil Liberties Union today released a new report recommending steps Congress should take to create the vigorous privacy oversight institutions that are desperately needed in the United States to counterbalance the rush of new technologies and expanding government powers, and called for the Obama administration to move quickly to fill the seats on the Privacy and Civil Liberties Oversight Board (PCLOB).

“The United States needs stronger privacy institutions to protect us at a time when new technology and new government powers are threatening our privacy in truly unprecedented ways,” said Michael Macleod-Ball, Acting Director of the ACLU Washington Legislative Office. “The history of abuse during the civil rights era, the Cold War and, of course, during the Bush administration, underlines the need for a vigorous system of checks and balances as envisioned by our nation’s founders. The Obama administration and the 111th Congress have the opportunity to enter a new era of accountability and ensure that these abuses don’t happen on their watch.”

The ACLU report, *Enforcing Privacy*, is a blueprint for the creation of an American equivalent to something nearly every industrialized nation other than the United States has: a privacy commissioner charged with protecting citizens’ privacy from the government and private sector. Based on interviews with a wide range of experts on government and privacy, including privacy officers in other countries, it makes two primary recommendations to Congress. First, the report recommends building on the existing - but never filled - PCLOB by expanding its scope and powers to turn it into a full-fledged public-sector privacy oversight body. Second, the ACLU calls for an augmentation of the powers of the Federal Trade Commission to make it a full-fledged private-sector privacy regulator.

“The Obama administration has a lot on its plate, but protecting Americans’ privacy should not be put on the back burner,” said Jay Stanley of the ACLU Technology and Liberty Program. “It has been over nine months now and it is time to fill the PCLOB. With every passing day, new technologies and expanded government powers increasingly leave Americans’ privacy at risk; checks and balances are an urgent priority.”

The previous version of the PCLOB was created as an arm of the White House by the Intelligence Reform and Terrorism Prevention Act of 2004. Its lack of independence immediately became apparent and, in 2007, Congress passed legislation creating a new PCLOB as an independent agency like the FTC or the Federal Communications Commission.

The new PCLOB has some considerable oversight powers. However, due to a political standoff between President Bush and Democratic congressional leaders, the members of the new, independent board were never appointed under President Bush – and, under President Obama, they still have not been.

“Though some agencies have inspectors general, some have privacy officers, and OMB has a privacy oversight role, what is missing is a truly independent institution,” said Stanley. “The U.S. intelligence establishment is absolutely enormous, with a budget of at least \$57 billion. It is time that we begin constructing oversight mechanisms commensurate with the size of those institutions. A democratic people conscientious about their freedom can demand no less.”

The ACLU’s report, *Enforcing Privacy*, is available online at: www.aclu.org/technology-and-liberty/enforcing-privacy-building-american-institutions-protect-privacy-face-new-technology

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