

## **LCHR RECOMMENDATIONS ON THE RIGHT TO PRIVACY (3/11/03)**

1. Congress should amend the Homeland Security Act to give the agency's Privacy and Civil Rights Officers full access to information, enforcement authority and resources.
2. Congress should amend the Homeland Security Act to establish a designated official within the Inspector General's office to receive complaints regarding specific violations of civil rights.
3. Congress should amend article 215 of the USA PATRIOT Act to restore safeguards against abuse of the seizure of business records, and in particular the records of libraries, bookstores, and educational institutions where seizure poses a particular risk of endangering freedom of expression.
4. Congress should require regular reports of the use by federal authorities of special powers to seize personal records, disaggregating data so that measures involving the records of libraries, bookstores, and schools are clear.
5. Congress should hold hearings on the use of data mining of personal information within the United States, by public and private agencies, and its implication on the right of privacy and on the data protection norms required to safeguard against abuse.
6. Congress should prohibit the Department of Defense from pursuing its Total Information Awareness (TIA) data mining program.
7. Congress should enact legislation requiring any governmental or government contractor's use of data mining techniques to be in accord with public guidelines based on the highest data protection and privacy standards, which are developed on the basis of broad consultations.
8. Congress should hold detailed hearings on any proposals by the Executive Branch to increase its powers under the Foreign Intelligence Surveillance Act (FISA).
9. Congress should amend Section 218 of the USA PATRIOT Act, giving the FBI authority to use its FISA powers only when foreign intelligence gathering is the "primary purpose" of the warrant application under FISA.