

AB-231

Bob Richards

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CONSUMER WATCH

We're lagging Europe in privacy protections

She predicts it will only be a matter of time before the American public demands better privacy protection regarding personal information being collected about all of us.

When I talked with her about a month ago, President Clinton's Special Assistant for Consumer Affairs, Leslie Byrne, had just returned from Europe where she says consumers now have far more protection than Americans.

Since being named Director of the United States Office of Consumer Affairs last August, Byrne has made privacy issues one of her prime focuses.

More people are becoming aware, she says, that technology now makes it easy for personal information collected by agencies such as credit bureaus, motor vehicle licensing agencies, and professional licensing agencies to be merged and layered into other databases allowing almost anyone to "surf through people's private lives."

"It's a marketing gold mine," Byrne

says. "They'll be able to tell what kind of medicines you take, what kind of vacations you take, what your income level is, what kind of cars you drive, and on, and on, and on."

However, the unrestricted sale of this private information, Byrne says, "really flies in the face of what I consider to be a constitutional question, your Fourth Amendment right to be secure in your person, papers and property."

Byrne says she is working to organize a White House Conference on Consumer Issues for next year centering on privacy and other "information age" issues.

"Consumerism hasn't kept up with the new economy," she says. "I think it's important that we all look to the best ways to explore consumerism in the new economy instead of trying to do these holding actions related to consumer protections born of the industrial age."

She points as an example to the European Union's Directive on Privacy.

Under these laws, she says, anyone doing business with European citizens must disclose what information about the consumer is going to be kept, where it will

be stored, how it will be used and who the end users may be. Consumers must also be given the chance, without any penalty, to say yes or no to whether they want their information used in this way and consumers also must be given the opportunity to correct inaccurate information.

As European consumers begin to accept and expect these new rights, Byrne says, the global economy might mean that American businesses could be put at a competitive disadvantage. "They're not going to be able to trade overseas if we don't start to look at privacy the way the EU countries have looked at it. I think this is where the impetus is going to come for change."

Another strong reason for better data privacy standards, Byrne says, is the need to encourage consumers to feel they can trust conducting their business electronically. "It becomes an issue," she says, "of how do you make electronic commerce flourish when people have a distrust of it?"

Privacy advocates such as Wisconsin's Carole Doeppers point out that new federal laws dealing with topics such as illegal immigration, health insurance portability and welfare reform have added additional data privacy concerns.

The illegal immigration bill, for example, creates a new national database of information about everyone hired into a new job beginning in 1999, and will require states to either emboss or encrypt a person's social security number onto their driver's license. Both the health insurance bill and the welfare reform laws will create large new national databases.

Byrne says it's all part of the momentum building to comprehensively address privacy concerns. Prior to next year, however, her tiny federal agency may yet again be facing Congressional budget cutters.

"It's only through the insistence of the President that we are here today," she says. The U.S. Office of Consumer Affairs each year produces the "Consumer's Resource Handbook," a comprehensive national listing of telephone numbers and addresses where consumers can get help. You can get a free copy by writing to U.S. Office of Consumer Affairs, 750 17th Street, NW, Washington D.C. 20006-4607.

Bob Richards is a Madison-based consumer advocate.

SUMMARY OF COMPLAINTS RECEIVED BY THE OFFICE OF THE PRIVACY ADVOCATE 1994 - 1995

#	Date	Key Word	Issue or Inquiry	Outcome
1	Dec-93	Criminal Records	The return or expunging of identifiable materials (e.g. "mug shot" and fingerprints) if not convicted of a felony.	Tracked and negotiated pertinent legislative bills to resolve complainant concerns (AB 107, SB 60). Bills failed to pass during the 1994 legislative floor period, but may be re-introduced.
2	Jan-94	Criminal Records	Prisoner wanted identifiable information expunged if not convicted of a felony.	Same as complainant #1.
3	Feb-94	Sale of Data	Concerns expressed about: (1) the sale of identifiable data collected and stored by state agencies; (2) the cost of establishing and operating DOAs Division of Information Technology.	Sec. 19.71 Stats. prohibits the sale (for profit) of identifiable data unless specifically permitted by law. Also provided Division of Information Technology contact names for the requested cost figures.
4	Feb-94	SSN Overuse and Misuse	Concern expressed regarding the inability to obtain revolving credit after refusing to disclose ones Social Security Number (SSN).	Private business may request SSN, but non-disclosure may mean refusal of a service (e.g. credit card) or a product.
5	Mar-94	Sale of Data	Caller inquired about the availability of identifiable personal information on Wisconsin homeowners including: name, address, mortgage lender, amount of mortgage, type and date of mortgage.	Sec. 19.71 Stats. prohibits the sale, by state agencies or by financial institutions, of identifiable information on individual mortgage lenders and details about their mortgage which are confidential. However, trade associations may also have such data.
6	Mar-94	Sale of Data	General inquiry about the statutes regulating the sale of identifiable information by state and local agencies.	Sec. 19.71 Stats. prohibits the sale (for profit) of identifiable data unless specifically permitted by law.
7	Mar-94	Wisconsin Open Records Law	Caller was uncertain about the scope of Wisconsin's open records law which seems in conflict with his desire for information privacy.	Subchapter II of Chapter 19 in the Wisconsin statutes contains the state's open records proscriptions including the definition of an open record. Wisconsin government operates under a presumption of openness.
8	Mar-94	Privacy Statutes	Caller inquired about the statutory authority of the Office of the Privacy Advocate and whether there existed in Wisconsin other statutes affecting privacy matters.	Subchapter IV of Chapter 19 in the Wisconsin statutes spells out the authority of the Privacy Council and the Privacy Advocate and also contains several other privacy provisions.
9	Apr-94	Confidentiality of Medical Data	Question as to what confidentiality provisions exist to protect the confidentiality of welfare recipients.	Sec. 49.53 Stats. requires the appropriate county agency to maintain a monthly list of AFDC and general assistance recipients and the benefit level of each. This is a public record although recipients must be notified within 72 hours of record review.

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10	Apr-94	Confidentiality of Medical Data	Director of a health support group inquired about the confidentiality of medical and treatment records.	Chapters 146 and 153 of the Wisconsin statutes, as well as sec. 895.50 Stats., protect patient confidentiality. The Fair Health Information Practices Act of 1994, (HR 1994) has been introduced at the federal level.
11	Apr-94	Confidentiality of Medical Data	Inquiry regarding the confidentiality of data relating to interdisciplinary medicine.	Also referred caller to Rep. Marlin Schneider of the Wisconsin State Legislature.
12	May-94	Whistleblower	Caller alleged harassment for revelations of SSN and Medicaid fraud and feared employer retaliation. Inquired about possible redress and privacy protections.	Same as complainant #10.
13	May-94	Privacy Statutes	Caller expressed concern about the privacy of identifiable data bases maintained by private organizations (including shoppers clubs and video stores) and public entities (i.e. library use history).	Sec. 19.57 (data collection) and sec. 19.69 (computer matching programs) Stats. contain the pertinent privacy provisions. Also, whistleblower protections are spelled out in Sec. 895.65 Stats..
14	May-94	SSN Overuse and Misuse	Caller complained about being required to identify SSN along with tax ID number in her art business.	Sec. 43.30 Stats. protects library records, and federal law prohibits disclosure of video and movie rental in an identifiable manner. There are few, if any, proscriptions regulating the use and sale of identifiable data by and among private organizations.
15	May-94	Confidentiality of Financial Data	Caller complained that a copy of a recent credit report was attached to her employment termination notice.	The 1976 Tax Reform Act permits governmental authorities to require SSN for tax, welfare and motor vehicle registration. Since 1961, the IRS has allowed the SSN to be used as the taxpayer ID number for wage/tax purposes.
16	May-94	Unsolicited Mail	Caller complained that unsolicited mail was being received at a secondary address known only to utility companies. He felt this was evidence that mailing lists were being sold without customer consent.	Caller failed to provide requested documentation; thus no further information is available on this inquiry.
17	May-94	SSN Overuse and Misuse	Caller complained about the misuse of the Social Security Number and inquired when the number could be "required" versus only "requested".	MG&E confirmed that no identifiable information is sold, while Ameritech provided their written policy stating that only directory information is sold or shared. The Social Security Act of 1935, the Privacy Act of 1974, the Tax Reform Act of 1976, the Family Support Act of 1988, and the "Buckley Amendment" of 1974 all spell out when the SSN is "required" and when the number can only be "requested".

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18	Jun-94	Confidentiality of Medical Data	Caller expressed concern that the Medical Release Authorization form was too broad and thus allowed too many people to review confidential, personal and stigmatizing medical information.	Privacy Advocate requested an attorney general opinion on the authorization section of the release form. The AG was asked to clarify whether names or organizations may be identified as having access to a medical report.
19	Jun-94	Workplace Surveillance	Caller expressed concern about surveillance of private sector employees. Questions were also raised about use of polygraphs and wire taps.	Sec. 968.27 Stats. (wire tap prohibitions) contains the only Wisconsin law regulating surveillance in the private sector workplace. Sec. 942.06 & 111.37 Stats. state that polygraphs may be used in a limited manner in employment situations with consent.
20	Jun-94	Wisconsin Open Records Law	Caller inquired whether a faxed signature was acceptable for an open records request received by a state agency.	Department of Justice advised that a faxed signature was appropriate; in fact, no signature is required for an open records request.
21	Jun-94	Unsolicited Mail	Caller inquired how to remove his name from master direct marketers' lists.	Caller was referred to the Direct Marketing Association's Mail Preference Service (P.O. Box 9008, Farmingdale, NY 11735) or their Telephone Preference Service (P.O. Box 9014, Farmingdale, NY 11735).
22	Jun-94	Confidentiality of Financial Data	Caller alleged harassment by a HMO with whom he was involved in litigation. HMO lawyers allegedly revealed current credit and bank balances while attempting to convince caller to settle the dispute out of court.	Officials from the Office of the Commissioner of Banking confirmed that no statutory or regulatory language exists specifically prohibiting access to personal financial information, although they doubted that bank officials would release such data.
23	Jun-94	SSN Overuse and Misuse	Caller asked why the SSN is needed for renewal of a drivers license or on automobile title records.	DOT is permitted by federal law to require a driver's SSN in order to verify identity. In Wisconsin the SSN is not part of the drivers license number, nor is it disclosable under the open records law.
24	Jun-94	Centralized Databases	Caller inquired whether there existed in state government centralized data banks which could summarize all public records retaining identifiable information on him.	No centralized system of automated personally identifiable data bases exists in Wisconsin government, including the Division of Information Technology. Each agency maintains its own personal records, the confidentiality of which are guided by statute.
25	Jun-94	Caller ID	Caller expressed concern over the privacy implications of Caller ID which became effective in Wisconsin in July 1994.	Caller ID legislation permits per-call blocking and per-line blocking only by law enforcement, abuse shelters and victims of domestic abuse. Referred caller to the Public Service Commission hotline, 608-267-9780.

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26	Jun-94	Confidentiality of Medical Data	Caller expressed concern about sharing of psychiatric information on employees seeking Medical Leave.	Sec. 895.50 Stats. and the Federal ADA apply to this situation. Medical information required for medical leave may only be shared with individuals identified on the medical release authorization form.
27	Jun-94	Wisconsin Open Records Law	Caller inquired about statutory authority allowing DER to refuse an open records request to release the names, home addresses and home phone numbers of classified state employees who could be recruited for union membership.	Subchapter II of Chapter 19 in the Wisconsin statutes contains open records proscriptions including a "balance test" to refuse the release of information when the personal interests outweigh the public interest. This case eventually ended in litigation.
28	Jun-94	Confidentiality of Pharmacy Records	Caller inquired about the Privacy Advocate's quoted statistic regarding the number of prescriptions per year that are shared or sold for commercial purposes.	The Hastings Center Report, November-December 1993, page 15 stated, "... nearly half of the 1.6 billion prescriptions filled each year in the US is passed along to data collectors who, in turn, sell information. . . to pharmaceutical companies."
29	Jun-94	Confidentiality of Personnel Records	Caller asked whether personnel records are generally considered to be confidential and if requests for information contained in personnel records would need to be evaluated under the Wisconsin Open Record's "balance test".	Sec. 103.10-.13 and sec. 230.13 Stats. outline laws covering access to and confidentiality of the personnel records of public employees. Also sec. 19.35 Stats. may be applicable.
30	Jun-94	SSN Overuse and Misuse	Caller complained about having to disclose his SSN too often. He questioned what laws require the identification of a person's SSN.	Also see complainants # 15 and 28.
31	Jun-94	Caller ID	Caller who has a medical disability expressed concern as to how Federal Express' Caller ID was able to identify him.	Referred caller to the Public Service Commission hotline 608-267-9780 which responds to Caller ID questions and complaints.
32	Jun-94	Workplace Surveillance	Complainant expressed concern about intrusive equipment being used in the workplace to monitor employees and their performance. Complainant expressed concern over the release of identifiable motor vehicle information to marketers. He was unaware that he could "opt-out" of having his name disclosed when there is a request for data bases of ID or more drivers.	Sec. 230.86 Stats, prohibits disciplinary action based in whole or in part on wiretapping, electronic surveillance or one-way mirrors unless criminal activity is involved or suspected. No other statutes were found to regulate private sector surveillance.
33	Jun-94	Disclosure of DMV Data		Sec. 19.71 Stats. prohibits the sale of names or addresses, while Sec. 341.06 (1m) Stats. permits an individual to request to have his/her name withheld when the disclosure involves 10 or more names/addresses. This form can be obtained at DOT upon request.

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34	Jul-94	Disclosure of Student Information	A mother called expressing concern that a school official released to her estranged husband confidential counseling reports maintained by the school on her daughter. Complainant expressed concern over being required to release personal, stigmatizing and "irrelevant" medical information to lawyers for a plaintiff. Included was counseling following a 1988 sexual assault which the caller felt was not germane to the case.	A Madison School District attorney verified that a biological parent, whether the parent is the custodial parent or otherwise, has the right to review and obtain identifiable records on his/her child.
35	Jul-94	Confidentiality of Medical Data	County official inquired whether Wisconsin's Open Records Law would require him to release the names and home addresses of county public employees.	Chapters 146 and 153 of the Wisconsin statutes protect the confidentiality of patient records unless there is informed written consent for release of identifiable information. Exceptions include cases where "implied consent" or no consent is needed.
36	Jul-94	Wisconsin Open Records Law	City official inquired about the proper use of newly created identifiable data bases. Specifically wanted to know what automated information can remain confidential and what may be matched or released.	Subchapter II of Chapter 19 in the Wisconsin statutes spells out the proscriptions of Wisconsin's open records law, including the "balance test" which may be employed when personal privacy outweighs the public benefit. Also see # 26.
37	Jul-94	Database Matching and Sharing	Municipal utility board member complained that local utility applications were asking for more personal information than was permitted under PSC regulation.	Sec. 19.69 Stats. spells out proscriptions for computer matching programs and Wisconsin Open Records Law guides the release of public records. The Wisconsin Privacy Council's newly developed "Standards of Fair Information Practices" also provide guidance.
38	Jul-94	Disclosure of Personal Information	Complainant expressed concern over the sharing and handling of a medical evaluation required as part of a back-to-work order.	PSC 113 spells out what personal information a utility may "require" to initiate service, utility service may not be disconnected or denied for refusal to disclose additional information.
39	Aug-94	Confidentiality of Medical Data	Caller expressed concern that a stranger had obtained the name and address of his wife by copying down the license number of the family car which was traveling on a state highway.	Pending. Caller's employer was asked in writing to document company policy and procedures insuring the confidentiality and security of stigmatizing medical reports submitted as part of a back-to-work order.
40	Aug-94	Disclosure of DMV Data	Caller expressed concern that confidential records and information were being faxed without proper security protections in place.	Wisconsin's open records law permits the disclosure of identifiable information provided to DOT on motor vehicle titles, registration applications or renewals. DOA fax cover sheets include a warning about misuse or the unintentional receipt of faxes containing confidential information. The Office of the Privacy Advocate is preparing a "Fax Facts" sheet for general distribution to governmental officials.
41	Aug-94	Confidential Faxes		

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42	Aug-94	Privacy Legislation	Caller inquired about existing or proposed privacy legislation in Wisconsin or at the federal level.	1991 Wisconsin Act 269 contains several privacy provisions. Sec. 43.30 Stats. protects the privacy of library use records; sec. 895.50 Stats. grants privacy in general terms; sec. 968.27 Stats. contains regulatory language regarding wire taps.
43	Aug-94	Birth Certificate	Complainant questioned why she, as a new mother, had to reveal her smoking and drinking habits in an identifiable manner in order to obtain a birth certificate for her infant.	The DHSS Division of Health does require disclosure of drinking and smoking habits on the application for certificates of birth (questions #48a and b). Written inquiry to the Section of Vital Statistics has been sent; to date no response has been received.
44	Aug-94	Wire Tapping	Inquiry about state and federal wire tap statutes.	Sec. 968.27 Stats. regulates wire tapping in Wisconsin. At the federal level the FCC permits taps only under court order if criminal activity is suspected or involved (18 U.S.C. 2510).
45	Aug-94	Residence Privacy	Caller inquired whether a tax assessor was permitted to enter her residence for tax assessment purposes.	Referred caller to the Madison Tax Assessment Office for clarification of city and federal regulations.
46	Aug-94	Drug Screen Protocols	Caller inquired about the existence of protocols to govern and protect employees subjected to alcohol and drug testing (urine) in either government agencies or private sector organizations.	Model protocols are being developed by federal agencies and national organizations. In Wisconsin the Dept. of Transportation is taking the lead in developing drug/alcohol screening protocols. Referred caller to chief counsel at DOT.
47	Aug-94	Confidentiality of Financial Data	Tenant called to complain that an application for apartment rental required disclosure not only of her financial institutions, but also her bank account numbers.	After checking with several financial institutions it became clear that banks would not release account information. This appears to be an excessive request by the property management company.
48	Sep-94	SSN Overuse and Misuse	Tenant called to complain that he had to disclose his SSN on an application for apartment rental.	Federal law allows private sector entities to request the SSN and refuse any service or product for failure to disclose.
49	Sep-94	SSN Overuse and Misuse	Caller was upset that he was required to disclose his SSN to the DOT at the time his car was registered.	Also see #17.
50	Sep-94	SSN Overuse and Misuse	Caller expressed concern that she was required to identify her SSN on a grocery store's check cashing card.	Also see #48.

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51	Sep-94	Confidentiality of Medical Records	Attorney wrote on behalf of an anonymous client who felt her privacy was compromised when mental health clinic records were randomly reviewed by the DHSS as part of their internal audit of clinics qualifying for MA.	Sec. 51.30 (4) (b) Stats. applies to the confidentiality of medical information although exceptions are enumerated. This case is pending. The agency involved has been asked to justify its access to privileged identifiable medical records.
52	Sep-94	Medical Release Authorizations	Legislator asked the Privacy Advocate to assist him in drafting legislation to clarify and narrow medical information release authorizations used by insurance companies and others.	Request has been accepted and work is in progress.
53	Sep-94	Confidentiality of Medical Data	Planned Parenthood called to express concern over the requirement that they must share with the DHSS potentially identifiable family planning information for the purpose of "outcomes research" being conducted by the agency.	Case is pending.
54	Sep-94	SSN Overuse and Misuse	Caller expressed concern about the use of all or part of the SSN to help identify publicly posted student grades at a Wisconsin VTAE institution.	Case is pending.
55	Sep-94	Privacy on the Information Superhighway	Caller inquired about the existence of state or federal guidelines to maintain confidentiality of privileged or confidential personal information on the internet.	Case is pending.
56	Sep-94	Disclosure of DMV Records	Complainant was angry that identifiable accident records were housed and disclosed by DOT even though he was not at fault in said accident and the second driver was issued a citation.	Sec. 346.70 Stats. requires accident reports to be filed with the DOT. Both culpable and non-culpable parties are identified in public DMV records although the culpable party is identified as such in these records.
57	Sep-94	Wire Tapping	Caller inquired whether there exists any statute prohibiting her from "wiring herself" to record conversations with a colleague with whom whom she is engaged in a personnel dispute. She asked if she could tape record conversations with this colleague.	Sec. 968.27 Stats. (the wiretap statute) is the only prohibition or regulation on this activity known to the Privacy Advocate. The caller was advised that a private attorney can offer counsel whether such taped conversations would be admissible in court.

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58	Oct-94	SSN Overuse and Misuse	Complainant angry over the requirement to either disclose his SSN when purchasing a cellular phone or leave a \$600 deposit with the vendor.	Also see #4.
59	Oct-94	Wisconsin Open Records Law	Inquiry regarding the confidentiality of police contact files.	Contact at the Department of Justice confirmed that these records were open under Wisconsin's open records law.
60	Oct-94	Confidentiality of Medical Data	Caller wanted clarification of protections pertaining to the confidentiality of medical information involved with requests for medical leave, family leave, return-to-work, and other situations.	Case is pending.
61	Oct-94	Workplace Surveillance	Visitor wanted statutory and policy information about regulations governing workplace surveillance and employee monitoring.	Few, if any, state or federal statutes regulate workplace surveillance/employee monitoring outside of the wire tap laws. There have been some court cases, however, prohibiting the surveillance of an employee's behavior or habits off the work site.
62	Oct-94	SSN Overuse and Misuse	Complainant was angry over the need to reveal her SSN during pre-natal registration at the birthing unit of her local hospital.	This case is pending.
63	Oct-94	Wisconsin Open Records Law	State public official inquired whether records of individuals failing an occupational licensing exam administered out-of-state would need to be released under Wisconsin's open records law.	Sec. 19.36 (3) Stats. states that public records include any record produced or collected under a contract that is entered into by a state authority.
64	Oct-94	Workplace Surveillance	Visitor was conducting research on statutes and rules regulating workplace surveillance and/or employee monitoring.	Also see #61.
65	Oct-94	Drug Screen Protocols	Visitor shared materials describing newly implemented departmental policy for drug and alcohol screening protocols.	New federal law requires state agencies to implement alcohol screening protocols effective January 1, 1995.
66	Oct-94	SSN Overuse and Misuse	Caller expressed serious concern that SSNs were being pulled from public Federal Tax Lein records housed in County Clerks offices in Wisconsin. Her complaint focused on an Oklahoma credit reporting agency planning to sell those SSNs.	Discussed the issue of collecting SSN for UUC and/or Federal Tax Leins with officials at the Office of the Secretary of State. Received some assurance that their policy relating to collection and release of the SSN would be reconsidered.

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67	Oct-94	SSN Overuse and Misuse	<p>Caller representing an out-of-state credit reporting firm called to discuss complaint #66 and Wisconsin's open records law.</p> <p>Employee asked whether it is necessary to disclose on state forms when personal information may be used for secondary purposes. Specifically if one agency enters into a matching program with another agency.</p>	<p>Wisconsin's open records law permits agents from out-of-state businesses to collect personal information from Federal Tax Leins. This information includes SSNs.</p> <p>Sec. 15.04 (1) (m) Stats. requires that each state form soliciting identifiable personal information must conspicuously disclose whether that information will be used for any purposes other than the reason it was originally collected.</p> <p>This includes matched data bases.</p>
68	Oct-94	Computer Matching	<p>Caller questioned why he was required to disclose his SSN when making inquiries regarding entrance into a graduate program at UW-Madison.</p>	<p>Incomplete details regarding this particular inquiry keeps this question in "pending" status.</p>
69	Oct-94	SSN Overuse and Misuse	<p>Caller had several questions about the provisions of the FCRA and other pending legislation in Congress.</p>	<p>Sen. Simon and Rep. Condit have both introduced bills regulating the sale/use of identifiable personal information, especially medical information.</p>
70	Oct-94	Fair Credit Reporting Act & the SSN	<p>Caller objected to disclosing his SSN in order to obtain a mortgage.</p>	<p>Financial institutions may obtain a homeowner's SSN and/or taxpayer ID number for transactions involving taxes or payments.</p>
71	Nov-94	SSN Overuse and Misuse	<p>Caller objected to disclosing his SSN when registering his car.</p>	<p>Federal law permits state Departments of Transportation to require disclosure of SSN for identification verification in vehicle registration. In Wisconsin, the Division of Motor Vehicles collects the SSN but will NOT disclose it.</p>
72	Nov-94	SSN & Disclosure of DMV Data	<p>Wisconsin public employees union initiated a law suit to obtain home addresses of certain classified employees from Department of Employment Relations who had denied an open records request.</p>	<p>In October 1994, the Dane County Circuit Court ruled that DER must disclose the home addresses of state employees for union recruitment activities once both parties agree to waiving certain employees who would be jeopardized by the release of information.</p>
73	Nov-94	Wisconsin Open Records Law	<p>State official called to inquire about upcoming DPI administrative rule proposals regarding the collection of identifiable student data, including SSNs, from high school students attending VTAE institutions.</p>	<p>Case is pending.</p>
74	Nov-94	Disclosure of Student Information		

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75	Nov-94	Disclosure of Personal Information	Caller objected to a department store requiring personal information such as home address, phone number, drivers license number, etc. upon returning merchandise.	Few, if any, laws exist regulating the collection or use of personal information by private sector commercial interests. Caller was advised to question the store's practices and object to the collection of personal information.
76	Dec-94	Wisconsin Open Records Law	Caller inquired as to whether the provider of personal information for a public record could request nondisclosure of the information.	Department of Justice contact was helpful in answering the questions of the caller.
77	Dec-94	Confidentiality of Student Data	Visitor asked if the administration/registrars for UW-Madison could sell names and addresses for profit.	Sec. 19.71 Stats. applies to the sale of databases. UW Alumni Office contact confirmed that UW-Madison no longer sells lists.
78	Dec-94	SSN Overuse and Misuse	Caller asked about the ability of private vendors to obtain SSNs. After the purchase of a cellular phone, the store obtained her SSN from TRW.	Referred caller to congressional delegation, her state legislator, an OBC attorney, Rep Schneider, etc. to urge the involved legislative parties to combat the sale and release of SSNs in the private sector.
79	Dec-94	Privacy Legislation	Caller wanted information regarding privacy provisions embodied in Wisconsin and federal law.	Also see complainant #42.
80	Dec-94	SSN Overuse and Misuse	Caller inquired whether her agency could require the disclosure of the SSN to aid the pursuit of tracking indigency. The policy is being considered as a result of an audit by the LAB.	Wrote letter of inquiry to Department of Justice contact.
81	Dec-94	Sale of Data	Caller was uncertain about proscriptions relating to the sale of identifiable personal information.	Sec. 19.62, 19.71, 19.32, and 19.35(3) Stats. outline the authority over and collection of fees for the sale of identifiable personal information.
82	Dec-94	SSN Overuse and Misuse	Call on behalf of a foreigner visiting US on a tourist visa. Specifically, whether the visitor could obtain a Wisconsin drivers license without a SSN and without having a license in his home country.	After extensive phone discussion, the caller was referred to a source at the DMV.

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83	Dec-94	Disclosure of Personal Information	Complaint regarding the requirement of local school board to submit legal documentation of divorces. Also being solicited was information regarding the frequency of student doctor/dentist appointments. Caller wanted information regarding open records rights as they pertained to seeking documentation on his neighbor's property. Specifically he wanted to affirm his suspicions that the DNR records are erroneous. He sent a formal letter requesting access.	Caller is to send background documentation, with follow-up letters going to the Eau Claire Health Department and possibly the school board asking for justification for this practice.
84	Dec-94	Wisconsin Open Records Law	Caller wanted to join local moose lodge and was asked to disclose his SSN. Also touched upon other areas where the SSN is "required".	Caller was informed that he was proceeding properly and legally. He sent the OPA a copy of his letter to the DNR and was told to inform the OPA if they were not responsive to his open records request.
85	Jan-95	SSN Overuse and Misuse	Caller was concerned because UCare was using her SSN as a patient identifier.	Caller was informed that this was an unjustified request for the SSN. But, due to a lack of regulation in the private sector, the consumer may be refused service for not disclosing the SSN.
86	Jan-95	SSN Overuse and Misuse	Caller wondered whether the identifiable personal information collected on state forms needed a disclosure statement in accordance with Sec. 16.04 Stats..	By calling UCare and expressing her concern, UCare immediately changed her identifier to a neutral number.
87	Jan-95	Disclosure of Personal Information	Caller was upset that the Department of Regulation and Licensing had released her home address to a prisoner who inquired about her licensing record.	The answer is yes and the caller was sent model language to use in the disclosure statement.
88	Jan-95	Disclosure of Personal Information	Caller received the Privacy Council's "Principles" and wanted to know how the council planned to publicize the privacy provision permitting individuals to access and challenge the accuracy of their own identifiable personal information.	Discussed with caller ways that DR&L could alter the wording on the forms and developed some sample language to send to DR&L. The situation had been resolved between DR&L and the caller prior to the call.
89	Jan-95	Disclosure of Personal Information		A small budget and staff makes this a difficult task. Press releases, hand-outs and brochures are the main media for the OPA at this juncture.

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90	Jan-95	SSN Overuse and Misuse	Caller, a state employee, called to discuss the wide required disclosure of the SSN by the DOT and other public and private entities. Also discussed other privacy concerns of a computer era.	Advocate suggested that the caller apply for a position on the Council.
91	Jan-95	SSN Overuse and Misuse	Legislative constituent expressed concern that his 17-year-old daughter had to disclose her SSN to receive a photo ID. Also discussed various other entities that "require" the SSN to use, link and share information.	Sent caller the Milwaukee Sentinel series on privacy and information on the OPA. Legislator agreed to send information about the growth and expansion of the SSN
92	Jan-95	Wisconsin Open Records Law	Caller was concerned about occurrence at a closed hearing where a potentially "ilbelous" document was circulated about the caller. He had obtained a copy of the document through an open record request.	Advocate asked caller to outline his case and concerns in writing so that she may be better able to judge if the case was within her purview.
93	Jan-95	Disclosure of Personal Information	Client representative of IBM called for our "Principles" and to discuss the privacy implications of setting up public kiosks to allow access to personal information.	After a long discussion of the issues the Advocate offered her expertise and services. The representative said she would look into the fair information standards in place at IBM.
94	Jan-95	SSN Overuse and Misuse	Caller asked why the IRS and DOR include the SSN on the mailing label of tax forms.	Advocate forwarded the response from her contact at the Department of Justice
95	Jan-95	SSN Overuse and Misuse	State agency employee called to discuss the disclosure of SSN and Tak ID numbers of vendors on a circulated directory list of eligible vendors certified by the state.	1974 Privacy Act was faxed to the caller. It contains disclosure requirements as they pertain to individuals.
96	Jan-95	SSN Overuse and Misuse	State representative wrote on behalf of a constituent who was concerned about the SSN being on the mailing label of tax forms.	Also see complainant #14.
97	Feb-95	Remote Printers	Complainant was concerned about the confidentiality of remote printers which are being utilized with increasing frequency throughout state agencies. She herself had inadvertently sent a confidential printout to an incorrect printer.	Advocate thanked caller for alerting her about this "new" issue. Said this was a possible topic for a future fact sheet distributed by the OPA.

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98	Feb-95	Surveillance	Caller was concerned that her home was electronically wired by the government and other unknown entities. Said the information was being transmitted from her home via satellites at Mitchell Airport.	Caller was advised to call her police department.
99	Feb-95	Wire Tapping	Caller inquired about pending legislation at the federal level concerning wire tapping.	Discussed the scope of the "Clipper" bill. Caller was referred to Robert Ellis Smith and Marc Rottenberg who work with and follow federal legislation. There is no pending legislation at the state level.
100	Feb-95	Workplace Surveillance	Reporter called to see if the OPA had handled many complaints regarding workplace monitoring.	Advocate shared anecdotes she has picked up on the topic and referred the reporter to other contacts who may have more experience with surveillance issues.
101	Feb-95	Disclosure of Student Information	Reporter called to ask whether federal or state law regulated the release of student information to the selective service.	Contact with the Oshkosh Board of Education disclosed that they would consider the military's request for pupil data.
102	Feb-95	Disclosure of Personal Information	Worker for the Victim Compensation Program expressed concern that the names of patrons were being released by the County Human Services Department to a private, non-profit entity without victim consent.	While outside her purview, the Advocate said the names are part of a public record. She suggested that the involved parties express their concerns to the department.
103	Feb-95	SSN Overuse and Misuse	Caller objected to the widely required disclosure of the SSN.	Advocate suggested she write to her legislator and will forward this concern to her council.
104	Feb-95	Disclosure of Student Information	Official inquired about the statutory protections at the state and federal level regarding the confidentiality of student records. Specifically, can GED test scores be identified on a student's GED certificate?	Contacted source at the Department of Justice.
105	Feb-95	Personal Privacy	Letter complaining about the "sloppy" practice by Ameritech leaving new phone books in the driveway or on the homeowner's front porch. The complainant, who does extensive traveling, was concerned that prowlers would be tipped that the house was unoccupied.	Spoke with the author of the letter. No further action was necessary.

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106	Feb-95	Wisconsin Open Records Law	Caller inquired about state statutes concerning open records, specifically as they relate to privacy versus open information. Student called wanting advice and information for a paper addressing pending legislation and privacy issues.	Chapter 19, Subchapter II of the statutes was sent to the caller. Also, caller was referred to the Legislative Reference Bureau and to a contact in the Department of Justice.
107	Feb-95	Privacy Legislation	Caller expressed concern over an egregious breach of medical confidentiality when a state surplus computer was found to contain hundreds of medical records. He was concerned that he may be one of the 600 identified patients. Caller, representing a client, wanted information about state law concerning the expungement of identifiable criminal data (such as mugshots and fingerprints), when a person has been arrested falsely and never tried. Caller wanted further information about the stigmatizing information required to obtain a birth certificate.	Referred her to several legislators actively engaged in these issues.
108	Feb-95	Confidentiality of Medical Records	Student expressed concern about the privacy implications of GIS and other large databases. Existing technology merges zip codes, census blocks, consumer profile information, land data, and demographic information. Physician complained on behalf of patients for whom he has authorized the approval for disabled license plates. This information is being disclosed by the DOT and was subsequently used by the private vendor in an invasive and fraudulent manner.	Wrote to both Rep. Schneider and the source who discovered the records, asking that they address the caller's concerns.
109	Feb-95	Criminal Records	Former complainant called a council member to forward his concerns.	Referred caller to Rep. Baldwin and Sen. Risser who drafted corrective legislation in the past legislative session.
110	Mar-95	Disclosure of Personal Information		After getting the approval of a past complainant on this issue, the two were put in touch with each other.
111	Mar-95	GIS		Discussed the privacy implications of enhanced technology.
112	Mar-95	Confidentiality of Medical Data		Advocate continues to research this concern.
113	Mar-95	Confidentiality of Medical Data		Advocate and member decided that it may be important to write to medical and state entities that house medical records to ensure that proper policies and procedures are in place.

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114	Mar-95	SSN Overuse and Misuse	Caller from the Bureau of Procurement wondered why a the SSN of a vendor needed to be revealed in contractual information distributed to local levels of government.	Also see complainant #17.
115	Mar-95	Disclosure of Personal Information	Caller expressed fear that the Department of Regulation and Licensing was giving out licensing information upon request, including her home address. One such request was from a former patient of hers, now in a state prison.	Both the Advocate and the caller contacted the DR&L to suggest that applicants for licenses should be given a choice between either home or business addresses.
116	Mar-95	Cost of Obtaining Public Records	Caller inquired why the City of Madison charges \$300 for a database of 145,000 voter registration names, an amount he considered excessive.	Sec. 19.645 and 19.646 Stats. allow governmental agencies to charge for services a "cost to cover the reproduction." Conferred with contacts in the Dept. of Justice, the Elections Board, Infotech and the City Clerks Office to analyze the cost involved.
117	Mar-95	Sale of Data	Discussed issue of AP demanding entire databases of alpha drivers, citations, arrests and accidents. We discussed how these systems were housed and formatted for release. Also discussed recalculation of what DOT will charge for databases.	No further action at this time.
118	Mar-95	Confidentiality of Medical Records	Caller was concerned that an insurance company was requiring his wife to take urine test to prove she was not a smoker. The lab test required tested for an array of chemicals beyond nicotine and also specified that the information could be used for secondary purposes. After extensive contacts with the insurance company, the lab and the Office of the Insurance Commissioner, caller wondered how else he could pursue the issue.	Referred caller to Rep Schneider's office to possibly approach the concern from a legislative standpoint. Told caller that private industry may be refused information, but the consumer, in turn, may be refused service. Asked caller to send written summary of the complaint to be used as part of a general letter from the Advocate to the OIC. Advocate met with both OIC officials and Rep Schneider to forward these concerns.
119	Mar-95	SSN Overuse and Misuse	Caller admitted that the SSN was being "requested" on bait dealers permits and it shouldn't be. She will work to have that request deleted from the application form.	No further action at this time.

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120	Mar-95	Disclosure of Personal Information	Caller expressed concern that notice of denial from the American Express Corporate Card that DOA strongly encourages traveling state officials to obtain, is shared with employer. If the credit application is denied, why should employer be informed? Caller requested statutory reference to Wisconsin's privacy law; her agency has been asked to disclose health insurance qualifying information on an employee from a business in Iowa. Most questions dealt with nonstigmatizing coverage issues.	Advocate will pursue this issue with calls to American Express and DOA officials to discuss privacy implications of this policy.
121	Mar-95	Disclosure of Personal Information	Caller requested statutory reference to Wisconsin law regarding wire taps.	Sec. 146 & 895.50 outline the jurisdiction of the OPA.
122	Mar-95	Wire Tapping	Student working on a research paper came to office to discuss the dissemination of information on the Internet.	Sec. 968 Stats. covers Wisconsin wire tap law.
123	Mar-95	Internet	Legislator's constituent called to express concern regarding the release of her SSN for a credit card.	Gave student copies of various statutes, federal law and articles pertaining to Internet and personal information.
124	Mar-95	SSN Overuse and Misuse	Official from UW expressed concern that anonymous student evaluations would be released publicly without prior student awareness or faculty consent.	Caller was instructed to withhold her SSN, but informed that she may be denied service as a consequence.
125	Mar-95	Disclosure of Personal Information	Constituent was concerned that his SSN disclosed on his Homestead Tax Credit form was exposed to his tenants.	Suggested that caller forward concerns to the Board of Regents, Academic Human Subjects Committees and the Faculty Senate. Also, that legislative redress of government involvement in this issue could have unintended consequences or interventions.
126	Mar-95	SSN Overuse and Misuse	Official inquiry regarding the disclosure of a list identifying names and addresses of lobbyists. It was determined that the Ethics Board compiles and distributes these names in a Directory. The document should be available at cost.	Legislator will forward written material clarifying the concern and will provide the name of the Homestead Tax Credit official for the Advocate to contact.
127	Mar-95	Wisconsin Open Records Law		Referred caller to Assistant AG Alan Lee for questions about the appropriate format. Also referred caller to William Dusso of Dept of Reg and Licensing about their policy regarding similar lists or databases.

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128	Mar-95	Junk Mail	Official inquiry regarding the OPA policy position on "junk mail". The discussion focused on the misuse of public records and the propriety of a "cost to recover" when the release of public records is clearly for private commercial gain. Representative constituent was concerned about the disclosure of personal information such as smoking and drinking habits in order to obtain a birth certificate.	No further action needed at this time.
129	Mar-95	Birth Certificate	Caller expressed distress over the elimination of the OPA and asked what he could do. He felt that issues regarding personal and data privacy in an information age were critical and need to be dealt with.	Same as complainant #43.
130	Mar-95	Too Much Personal Information	Caller complained about a dispute with Milwaukee County Mental Health Complex. He contended that the complex overcharged him for "interviews" associated with Methadone treatment and believes they are accessing his medical records to use against him.	Sent letter and materials that are being distributed to the Joint Finance Committee and a copy of the Milwaukee Sentinel series on privacy.
131	Mar-95	Confidentiality of Medical Data	Caller was upset that her co-worker and supervisor were discussing the caller's comp time. Wanted to know the statutory restrictions regarding such a disclosure.	Advocate explained that the matter was beyond the authority of the OPA and that he should pursue redress on his own. Informed caller of the right to review his own medical records and that he should request copies of all consent forms.
132	Mar-95	Disclosure of Personal Information	Caller complained that employer (a bank) was asking employees to disclose personal information following a number of robberies at the business.	Caller was told that there are no statutory regulations for this sort of exchange.
133	Apr-95	Disclosure of Personal Information	State employee called to inquire about the Principles for Fair Information Practices and other publications of the OPA.	Caller was informed that the OPA jurisdiction was mainly in the governmental/public sector. Also referred caller to the Office of the Banking Commissioner.
134	Apr-95	Fair Information Practices	Inquiry regarding the personal information contained in credit bureau reports.	Caller was sent copies of the Principles, fact sheets and policy papers produced by the OPA.
135	May-95	Disclosure of Personal Information		Person was sent information on Wisconsin law pertaining to credit bureaus.

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136	May-95	Wisconsin Privacy Council	Prison inmate sent letter asking about the Privacy Council and whether it could help him in perceived invasions of his privacy.	Office sent information regarding the history and authority of the Wisconsin Privacy Council.
137	May-95	Disclosure of Personal Information	State official called about secondary use of data disclosed on government forms.	Sec. 15.04 (m) Stats. requires that a conspicuous disclosure be made if identifiable information may be used for purposes other than its original intent.
138	May-95	Confidentiality of Electronic Records	Caller inquired about the privacy and confidentiality of electronic records.	See #13 and #37.
139	May-95	Computer Privacy	Caller inquired how personal information will be protected on the Information Superhighway and through gopher servers.	Discussed protections and policies being instituted by DOA and its Division of Information Technology. Also see #24.
140	May-95	Wisconsin Open Records Law	Student researching privacy wanted any information the OPA had available on the subject.	See #7, 20, 27, 36.
141	May-95	Criminal Records	Writer requested information about confidentiality of correspondence received in a correctional institution.	Referred inquiry to appropriate official in Division of Corrections.
142	May-95	Centralized Databases	Caller inquired about the number of databases containing identifiable information maintained by state government and how to access them.	More than 1000 personal databases are identified in the Registry of Records Series; Sec. 19.63 and 19.67 permit a person to review, copy, and challenge the accuracy of their own data.
143	Apr-95	Disclosure of DMV Data SSN and	Complainant expressed concern about a stranger's access to identifiable motor vehicle data.	See complainant #43; the Boxer Amendment which was attached to the federal crime bill may enhance confidentiality of DMV data beginning in 1997.
144	May-95	Confidentiality of Medical Data	Records custodian expressed concern about the use of the SSN to search medical information.	The Privacy Advocate and the Privacy Council have gone on record in opposition to using the SSN as the uniform patient identifier.
145	May-95	SSN Overuse and Misuse	Caller complained about the frequency with which her SSN was being requested and required.	The Privacy Advocate published a fact sheet which provides a chronology of the growth of the SSN and its obligations for its discharge.

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146	May-95	Confidentiality of Juvenile Offender Records and Privacy of Home Schoolers	Caller expressed concern that legislative initiatives to "reform" the juvenile justice system will erode the confidentiality of juvenile offender records.	AB 130 was introduced by the 1995-96 legislature and is currently being debated.
147	May-95	WI Open Records Law	Inquiry about the scope and authority of the Office of the Privacy Advocate and WI Open Records Law.	Sec. 19.62-19.80 WI Statutes delineate the authority of the Privacy Council and the Privacy Advocate. Sec. 19.21-19.39 enumerate the provisions of WI's Open Records Law.
148	May-95	Confidentiality of Medical Data	Privacy advocate inquired about legislative initiatives in WI to enhance medical privacy.	Select legislators are considering revisions to Chapter 51, Chapter 46, and Sec. 895.50.
149	May-95	Disclosure of Personal Information	Legislator complained that the Milwaukee County Human Services Dept. was gathering intrusive and potentially stigmatizing information on its employees.	Milwaukee County DHS Feb. 1995 memo from the Acting Director of the DHS requests identification of gender and ethnicity of agency employees participating in DHS funded programs, and whether employees are current/former recipients of public assistance.