

## Laundrie, Julie

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**From:** Justus, Sarah  
**Sent:** Thursday, September 30, 1999 11:29 AM  
**To:** Laundrie, Julie  
**Subject:** privacy committee documents

Julie-

Could you please send me copies of all of the state agency presentations regarding information gathering policies and procedures as presented to the privacy committee?

Please send it to my attention, PEO, 5th floor DOA.

Thank you very much.

Sarah

Sarah Justus  
Department of Administration  
Performance Evaluation Office  
261-0612

SB 259

Jon testify in favor

John Moteally - for information  
- focus in on identity theft  
would be better served that way  
WMC recommends deferral  
to Gov's Privacy Task Force  
or closely look at broad  
powers.

JoAnna testifying in  
favor.

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 11-3-99

BILL NO. SB 259  
OR

SUBJECT \_\_\_\_\_

(NAME) Senator Spenk

(Street Address or Route Number) \_\_\_\_\_

(City and Zip Code) \_\_\_\_\_

(Representing) \_\_\_\_\_

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: Nov. 3, 1999

BILL NO. SB 259  
OR

SUBJECT Consumer

Privacy Advocate

(NAME) John Metcalfe

(Street Address or Route Number) \_\_\_\_\_

(City and Zip Code) Madison, WI 53703

(Representing) WI Mtg. 5' Comm

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South  
P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 11/3/99

BILL NO. SB 259  
OR

SUBJECT \_\_\_\_\_

(NAME) Anna Richard

(Street Address or Route Number) 123 W. Washington

(City and Zip Code) Madison, WI 53703

(Representing) Atty Gen - DOJ

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against: no necessity

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/3/99

BILL NO. 259

OR

SUBJECT \_\_\_\_\_

James Lake

(NAME)

738 Western Ave

(Street Address or Route Number)

Madison 53711

(City and Zip Code)

AARP

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South  
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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 3/16/99

BILL NO. SB 259

OR

SUBJECT \_\_\_\_\_

MARILYN SCHREIBER

(NAME)

3890 South Brook Dr

(Street Address or Route Number)

WLE 54494

(City and Zip Code)

7900 RIVER

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1/13/99

BILL NO. SB 259

OR

SUBJECT \_\_\_\_\_

MICHAEL R. VAUGHAN

(NAME)

P.O. Box 2038

(Street Address or Route Number)

MADISON, WI 53701

(City and Zip Code)

WISCONSIN BANKERS ASSOCIATION

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O.Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 11-3-'99

BILL NO. SB259

OR  
SUBJECT Privacy

Advocate

~~Bill~~ William

(NAME) Assoc. Credit-570

(Street Address or Route Number) CBM Rom Paris 5

(City and Zip Code) 30W. Mifflin

(Representing) Madison

Speaking in Favor:

Speaking Against:

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 11-3-'99

BILL NO. SB259

OR  
SUBJECT Privacy

Advocate

Doug Johnson

(NAME) 30W. Mifflin

(Street Address or Route Number)

(City and Zip Code) Madison 53703

(Representing) WIMerchants

Speaking in Favor:

Speaking Against:



## Wisconsin Manufacturers & Commerce

### Memo

TO: Members of the Senate Privacy, Electronic Commerce and Financial Institutions Committee

FROM: John Metcalf, Director, Human Resources Policy

DATE: November 3, 1999

RE: Comments on Senate Bill 259 Creation of a Privacy Advocate in the Wisconsin Department of Justice

### **BACKGROUND**

Senate Bill 259 creates the position of Consumer Privacy Advocate in the Wisconsin Department of Justice, to be designated by the Attorney General from the Attorney General's staff of Assistant Attorney's General, with the following duties and authority and rights:

#### General Duties

1. Represent consumers' interests including the purchase of products on the Internet and the prevention of theft of the consumer's personal identifying information;
2. Annually, the Consumer Privacy Advocate must report to the appropriate standing committees of the Legislature the "status of consumer privacy" in Wisconsin.

#### Specific Authority

1. The Consumer Privacy Advocate may formally **intervene** on his own, or at the direction of a legislative Committee in all civil matters described in section 165.06(1) when such intervention is needed for the protection of consumers' privacy rights.
2. The Consumer Privacy Advocate may direct the Department of Administration to conduct investigations, studies and reports in connection with proceedings described in section 165.06(1).
3. Personnel of any state agency must provide information or serve as witnesses or otherwise cooperate with the Consumer Privacy Advocate in civil proceedings described in 165.06(1).
4. The Consumer Privacy Advocate having formally intervened in a proceeding becomes a party to the proceeding with full power to:
  - a. present evidence,
  - b. subpoena and cross examine witnesses,
  - c. submit proof, and
  - d. file briefs or do "any other acts appropriate for a party to the proceedings".
5. The Consumer Privacy Advocate may appeal from administrative rulings to the courts.
6. The Consumer Privacy Advocate has the authority to **initiate** actions and proceedings before any agency or court related to consumer privacy, including issues concerning constitutionality, to present evidence and testimony and to make arguments, to carry out his duty to protect consumer privacy.

#### Rights

1. The Department of Administration Secretary must give the Consumer Privacy Advocate notice of all proceedings under Subchapter VII of Chapter 16 of the

Wisconsin Statutes which deals with DOA's oversight of Information Technology in State Government.

2. Prosecutors of any criminal actions take under sections 943.201 (Misappropriation of personal identifying information or personal identification documents); 943.392 (Fraudulent data alteration) and 943.41 (Financial transaction card crimes); or 943.70 (Computer Crimes); must give the Consumer Privacy Advocate notice of these criminal proceedings.
3. All minutes, reports, recommendations and any other documents provided by or to the Joint Committee on Information Policy or any other legislative committee dealing with privacy matters must be provided to the Consumer Privacy Advocate.

#### **OVERSIGHT**

A Consumer Privacy Advisory Committee appointed by the Attorney General is created to "advise the consumer privacy advocate consistent with his or her duty to protect the consumers' right to privacy." The Consumer Privacy Advisory Committee is given authority to "permit public participation and public comment on Consumer Privacy Advocate activities."

#### **WMC RECOMMENDATIONS**

1. Defer action on Senate Bill 259 to the deliberations of the Governor's Privacy Task Force.
2. If the Committee chooses not to defer action on Senate Bill 259, WMC strongly urges the Committee to closely scrutinize the broad grant of authority to the proposed Consumer Privacy Advocate.