1973: The Code of Fair Information Practices

The Code of Fair Information Practices was the central contribution of the HEW (Health, Education, Welfare) Advisory Committee on Automated Data Systems. The Advisory Committee was established in 1972, and the report released in July. The citation for the report is as follows:

U.S. Dep't. of Health, Education and Welfare, Secretary's Advisory Committee on Automated Personal Data Systems, Records, computers, and the Rights of Citizens (1973).

> The Code of Fair Information Practices is based on five principles:

> 1. There must be no personal data record-keeping systems whose very existence is secret.
> 2. There must be a way for a person to find out what information about the person is in a record and how it is used.
> 3. There must be a way for a person to prevent information about the person that was obtained for one purpose from being used or made available for other purposes without the person's consent.
> 4. There must be a way for a person to correct or amend a record of identifiable information about the person.
> 5. Any organization creating, maintaining, using, or disseminating records of identifiable personal data must assure the reliability of the data for their intended use and must take precautions to prevent misuses of the data.

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1980: OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data

Today privacy advocates have moved beyond the 1973 Code of Fair Information Practices and have adopted the OECD's 1980 Guideliens on the Protection of Privacy and Transborder Flows of Personal Data. You can find the entire document on the OECD website. The most important principles are:

Collection Limitation Principle
There should be limits to the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.

Data Quality Principle
Personal data should be relevant to the purposes for which they are to be used, and, to the extent necessary for those purposes, should be accurate, complete and kept up-to-date.

Purpose Specification Principle
The purposes for which personal data are collected should be specified not later than at the time of data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.

Use Limitation Principle
Personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with Paragraph 9 except:

    a. with the consent of the data subject; or
    b. by the authority of law.

Security Safeguards Principle
Personal data should be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification or disclosure of data.

Openness Principle
There should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available of establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and usual residence of the data controller.

Individual Participation Principle
An individual should have the right:

    a. To obtain from a data controller, or otherwise, confirmation of whether or not the data controller has data relating to him;
    b. To have communicated to him, data relating to him
        o *within a reasonable time;*
        o *at a charge, if any, that is not excessive;*
        o *in a reasonable manner; and*
        o *in a form that is readily intelligible to him;*
    c. To be given reasons if a request made under subparagraphs*(a)* and *(b)* is denied, and to be able to challenge such denial; and
    d. To challenge data relating to him and, if the challenge is successful to have the data erased, rectified, completed or amended.

Accountability Principle
A data controller should be accountable for complying with measures which give effect to the principles stated above.