Justice proposes bill for records' privacy

(Continued from page 1) funded in any part by the federal government and which extend across state boundaries. Associate Deputy Attorney General Martin Lansinger said the language used in the bill would probably make it applicable to nearly all criminal justice computer systems in the country.

The bill states that the exchange and handling of criminal history information "must be accomplished in a manner which safeguards the interests of the individual to whom the information refers," and limits that exchange to between criminal justice agencies.

However, the bill does not settle the question of which agencies in addition to state and federal law enforcement offices, will have access to crime information. Lansinger, Deputy Assistant Attorney General Mary Lawton, and the bill's primary author, Jerry Clark, told reporters that the "right over access (to the information) is not set over."

According to Clark, the bill's intent is to set broadbrush guidelines for a set of more specific regulations which eventually will be issued by the Justice Department. At the same time, Lawton said congressional hearings are being scheduled for the legislation, at which other non-criminal justice agencies will have opportunities to request access to data contained in NCIC and other systems in the final language of the bill. In addition, Lawton said, there are "some agencies" that want tougher restrictions placed on the dissemination of criminal history information.

The Department's bill also would grant individuals a new right to review the information referring to them contained on any criminal information system. "Any individual," the legislation states, "who complies with applicable regulations shall be entitled to review criminal offender record information regarding himself." Individuals are allowed to see their own criminal histories and make corrections where necessary.

The Department officials did not elaborate on what "applicable regulations" they intend to set before individuals may review their records, and the bill leaves up to the state and federal agencies operating information systems the task of adopting regulations to implement the review procedures.

The bill would be the first major effort by both the Department and Congress to open the information systems for inspection.

In another effort to protect criminal history information from abuse, the Department has proposed that criminal offender records be sealed from further open access after a specific length of time following the offender's release from all forms of custody and court supervision. Once the record is sealed, it may be reopened with a court order, although there are no provisions excluding an agency from obtaining criminal histories by searching. Although the Justice Department's bill is to deal with information contained within the NCIC system, there is a capacity for storage of intelligence information compiled by federal agencies such as the FBI, as well as data submitted by certain state law enforcement agencies. Intelligence information is treated apart from standard criminal history information inasmuch as there are no provisions for insuring its accuracy (neither by review of the individual nor by the agency itself) until it is not sealed after a specific length of time.

Regulations governing the dissemination of intelligence data have not yet been formulated by the Justice Department, although it is known that access to that information will be more tightly controlled than criminal offender record information.

The Department's bill also would allow extension across state boundaries' funded in any part by the federal government and those which extend across state boundaries.

In the meantime, Lawton said, there are "some language of the bill. In addition, Lansinger, Deputy Assistant Attorney General Martin Lansinger said the language used in the bill would probably make it applicable to nearly all criminal justice computer systems in the country.

The bill states that the exchange and handling of criminal history information "must be accomplished in a manner which safeguards the interests of the individual to whom the information refers," and limits that exchange to between criminal justice agencies.

However, the bill does not settle the question of which agencies in addition to state and federal law enforcement offices, will have access to crime information. Lansinger, Deputy Assistant Attorney General Mary Lawton, and the bill's primary author, Jerry Clark, told reporters that the "right over access (to the information) is not set over."

According to Clark, the bill's intent is to set broadbrush guidelines for a set of more specific regulations which eventually will be issued by the Justice Department. At the same time, Lawton said congressional hearings are being scheduled for the legislation, at which other non-criminal justice agencies will have opportunities to request access to data contained in NCIC and other systems in the final language of the bill. In addition, Lawton said, there are "some agencies" that want tougher restrictions placed on the dissemination of criminal history information.

The Department's bill also would grant individuals a new right to review the information referring to them contained on any criminal information system. "Any individual," the legislation states, "who complies with applicable regulations shall be entitled to review criminal offender record information regarding himself." Individuals are allowed to see their own criminal histories and make corrections where necessary.

The Department officials did not elaborate on what "applicable regulations" they intend to set before individuals may review their records, and the bill leaves up to the state and federal agencies operating information systems the task of adopting regulations to implement the review procedures.

The bill would be the first major effort by both the Department and Congress to open the information systems for inspection.

In another effort to protect criminal history information from abuse, the Department has proposed that criminal offender records be sealed from further open access after a specific length of time following the offender's release from all forms of custody and court supervision. Once the record is sealed, it may be reopened with a court order, although there are no provisions excluding an agency from obtaining criminal histories by searching. Although the Justice Department's bill is to deal with information contained within the NCIC system, there is a capacity for storage of intelligence information compiled by federal agencies such as the FBI, as well as data submitted by certain state law enforcement agencies. Intelligence information is treated apart from standard criminal history information inasmuch as there are no provisions for insuring its accuracy (neither by review of the individual nor by the agency itself) until it is not sealed after a specific length of time.

Regulations governing the dissemination of intelligence data have not yet been formulated by the Justice Department, although it is known that access to that information will be more tightly controlled than criminal offender record information.

The Department's bill also would allow extension across state boundaries' funded in any part by the federal government and those which extend across state boundaries.