



Balancing Accountability Against Privacy

Balancing the interest of public oversight of government with the protection of individuals' personal information must be done carefully. Some government information about individuals is clearly private and should be protected, but agencies also collect information about that should remain open because release of that information serves a vital public purpose.

Keeping information about how state officials or employees do their job or spend tax dollars open to the public is fundamental to citizen oversight of government. Public information about government regulatory activity ensures that regulations designed to address problems are actually working as promised.

In general, the Public Information Act is designed to hold people in government accountable to citizens for their actions, and this critical public purpose must be weighed against the privacy interests of individuals and those regulate.

Government Agencies Maintain Information about Individuals

State and local government holds some amount of information about many people. The Department of Public Safety once sold drivers' license information (driver's license number, name and birth date, general description) to anyone who asked for it. That information is now stored in an online database and available for a small fee. However, as drivers' licenses come up for renewal, DPS now must give drivers the right to opt out of release of that information in the future.

Most sensitive information about individuals collected by a government agency will not be released. For example, personal financial information

or medical records are protected under the Public Information Act, and the records cannot be released. Agencies collect some information about individuals that should remain open because release of that information serves a vital public purpose—like information about the qualifications and problems of licensed professionals. Personal financial and medical records require a higher standard of protection.

Most Government Information has a Public Purpose that May Outweigh Privacy Interests

But, the public has an interest in information about licensed professionals, government contractors, and the quality and qualifications of government employees.

Government agencies hold information about professional licensees. Some information about licensed professionals is nearly always public. For the most part, a consumer can find out if a professional actually has a license, and the date of that license.

Sometimes consumers can find out if there have been complaints filed against that professional. To protect themselves, consumer should be able to know if there are complaints against a licensee, whether the state licensing board has taken disciplinary action, and the nature of the reported problems.

Companies that hope to win government contracts often provide information about the qualifications of the people in the company who will be doing the work. They also provide basic financial information about the company. Public scrutiny of this kind of information in government contracts assures the process is transparent and that the bid process is accessible to all qualified persons.

When a consumer complains to a government agency about a wide variety of problems, that letter of complaint may be public—although personal financial information and medical records are removed. The ability of the public to review these complaints ensures that citizens will know whether agencies are responding timely and appropriately, whether existing laws effectively prevent abuses reported by consumers, and whether there is a pattern of unfair or deceptive practices. Such independent analysis has resulted in agency enforcement actions and new public policy in a wide array of areas.

The public has an interest in how its money is spent, the products and services it gets for its tax dollars, and the people who provide those products and services. The public also has an interest in the effectiveness of its laws, and the agencies that enforce those laws.

Proposals designed to protect a particular privacy interest should be weighed against the value of the information to the public as a whole.

In Short

The public has a strong interest in how its money is spent, the products and services it gets for its tax dollars, and the people who provide those products and services. The public also has an interest in the effectiveness of its laws, and those who enforce the laws.