Lecture 4: IT Policy

PAF 6406

Regulatory framework affecting IT

  - Regulates Federal agencies’ record keeping and disclosure practices.
  - Allows individuals to seek access to Federal agency records about themselves.
  - Requires that personal information on agency files be accurate, complete, relevant, and timely.
  - Requires that agencies obtain information directly from the subject of the record and that information gathered for one purpose may not be used for another purpose [the stated purpose].
  - Provides civil remedies for individuals whose rights may have been violated.
  - Provides that the subject of a record may challenge the accuracy of information.
  - Recognizes that legitimate need to restrict disclosure of some information.
  - Requires that each Federal agency publish a description of each system of records maintained by the agency that contains personal information.
  - Restricts the disclosure of personally identifiable information by Federal agencies.
  - The Computer Matching and Privacy Protection Act of 1988 amended the Privacy Act by adding provisions for the way computer matching involving Federal agencies could be performed and by adding protections for individuals applying for and receiving Federal benefits.
  - Computer Matching Act added oversight of matching programs through the establishment of Data Integrity Boards at each agency engaging in matching to monitor the agency’s matching activity.
Regulatory framework-2

  - Governs what information to collect
- Government Paperwork Elimination Act, 1998
  - GPEA requires Federal agencies to allow individuals or entities the option to submit information or transact with the agencies electronically and to maintain records electronically
  - The Act specifically states that electronic records and related electronic signatures are not to be denied legal effect, validity, or enforceability, and encourages Federal government use of a range of electronic signature alternatives.

Regulatory framework-3

  - Establishes the public's right to obtain information from federal government agencies [does not create a right of access to records held by Congress, the courts, or by state or local government agencies]
  - Agencies may withhold information pursuant to nine exemptions and three exclusions contained in the statute
  - EFOIA expanded FOIA to include electronic formats such as databases, E-mail, personal computers, diskettes and CD-ROMs
  - States have their own public access laws
Regulatory framework-4

- Clinger Cohen Act, 1996
  - Emulates private-sector IT management in federal agencies.
  - Created a Chief Information Officer (CIO) position who reports to the head of the agency.
  - Develop an IT capital planning and investment process.
  - Sets performance goals and standards for IT systems.
  - Creates an enterprise wide architecture.
  - Provision to evaluate the skills of the agency’s IT staff and identify skill gaps.
  - Develops hiring and training plans for the agency’s workforce to improve IT management.

Regulatory framework-5

- E-Government Act, 2002
  - Codifies OMB’s role: E-Administrator and Office of E-Government
  - Endorses and requires agencies to support cross agency initiatives such as E-Rulemaking
  - OMB to provide annual report to Congress on act’s compliance
  - Dialogue and collaboration on the use of information technology to improve the delivery of Government information and services
  - Standards for categorizing and indexing government information
  - Standards for agency Web sites
  - Creates a public directory for agency Web sites
  - Codifies existence of CIO Council
  - Creation of a database and Web site to track Federally funded R&D
  - Agencies enter into share-in-savings contracts for IT procurements
  - State and local governments may use Federal Supply Schedules for IT purchases
  - Provides for Cyber security and Statistical Confidentiality and Data Sharing
Regulatory framework-6

- Children’s online Privacy Protection Act, 1999
  - Applies to the online collection of personal information from children under 13
  - Rules spell out what a Web site operator must include in a privacy policy, when and how to seek verifiable consent from a parent and what responsibilities an operator has to protect children’s privacy and safety online
  - Compliance: Anyone operating a commercial Web site or an online service directed to children under 13 that collects personal information from children or if it is a general audience Web site and operators have actual knowledge that they are collecting personal information from children
  - A privacy notice must be posted on website

Regulatory framework-7

- Americans with Disabilities Act
    - Requires Federal departments and agencies that develop, procure, maintain, or use electronic and information technology to ensure that Federal employees and members of the public with disabilities have access to and use of information and data, comparable to that of employees and members of the public without disabilities--unless it is an undue burden to do so.