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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECRETARY'S ADVISORY COMMITTEE

ON AUTOMATED PERSONAL DATA SYSTEMS

Bethesda, Maryland
Tuesday, 18 April 1972

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ON AUTOMATED PERSONAL DATA SYSTEMS

Stonehouse, Building 16
National Institutes of Health
Bethesda, Maryland

Tuesday, 18 April 1972

Met, at 8:30 a.m., Mr. Martin, presiding.

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P R O C E E D I N G S

1
2 MR. MARTIN: The Secretary's schedule this morning
3 is not quite as pressured as I had understood it might be, with
4 the result that he will be with us for something on the order
5 of 45 or 50 minutes.

6 Accordingly, I think it might be useful, while we
7 have him here, to try to develop some degree of interchange
8 with him.

9 A number of questions came up yesterday which I
10 sensed, in talking to some of you, you would be interested in
11 getting his reaction or views in order to provide a little
12 focus for this, since we are blessed with the presence this
13 morning of Arthur Hess, the Deputy Commissioner of the Social
14 Security Administration.

15 Art has said that he would be willing to give a
16 brief description of one of the problems which we devoted some
17 time to yesterday, the problem of the social security number as
18 an identifier which, as I explained yesterday, is one -- not
19 by any means the only, but one -- of the issues with respect to
20 which this committee has got to help us form a policy posture.

21 And you have had the opportunity to read the report
22 of the Social Security Number Task Force, and I tried a little
23 bit to give the feeling of the context in which this issue arose
24 yesterday, but I think it would be helpful if you were able to
25 hear directly from Arthur Hess.

1 So Art, would you, from your perspective and with
2 your long years of experience and all this, share the sense of
3 the climate in which this issue arose and what some of its
4 complications are as you see them?

5 MR. MESS: This is a bit unexpected for me. I had
6 not expected to make any presentation to you, and I certainly
7 don't want to take up more than a few minutes of your precious
8 time with the Secretary.

9 But I think that if you have had a chance to look at
10 the report of the special task force we have, you will have a
11 very good historical perspective of how the problem that we
12 face today developed for social security, and of course we want
13 you to consider the problem in the social security context.
14 But it is, as you know and discovered last evening, so wide in
15 its ramifications that Social Security really feels as if it
16 has been reluctantly projected into the center of a great many
17 issues that a few years ago we would have considered if not
18 peripheral almost beyond any concern of ours.

19 Historically you may recall that the issue of
20 social security coverage, which was compulsory in commerce and
21 industry, was itself a highly controversial issue for many
22 reasons, not the least of which was the so-called dog tag issue.
23 This was the first occasion in which the Federal Government on
24 a compulsory basis required individuals to give personalized
25 data for purposes of the development of mass records of a

1 governmental program. And the question of privacy was early
2 faced in terms of the individual's personal record.

3 Very stringent confidentiality provisions were written
4 into the Social Security Act and remain there today, Section
5 1106, which provides a severe penalty for the disclosure of any
6 information in social security records except those disclosures
7 which are provided for by statute, regulation or very narrowly
8 circumscribed policy exceptions which the Commissioner of Social
9 Security may make.

10 Over the years, as you know, the convenience of
11 having this kind of a Federal number available, and the trend
12 of the program in its coverage toward universality, has caused
13 many institutions, public and private, to use the number for
14 record-keeping purposes.

15 One of our public relations problems, of course, is
16 to have the individual recognize that when he gives the number
17 to some other agency, he gives only the number. He does not
18 give that other agency or organization access to any of the
19 personal information in our records.

20 Down the road away -- and it's not very far down the
21 road -- if this number is to be a reliable, universalized
22 information, we do have the problem of whether and under what
23 circumstances we shall service others who need to know if this
24 is the proper number correctly associated with this individual.

 We have, as I mentioned, strict standards that

1 govern the release of information from our records.

2 We have to be concerned, though, that the use of the
3 number which gives access for many purposes to other kinds of
4 records may facilitate not only the improper or indiscriminate
5 exchange of all kinds of information among holders of records
6 and users of records who do not have the same statutory and
7 regulatory standards applying to their data banks as we have,
8 but we have to be constantly concerned also that many of the
9 repercussions of public concern about confidentiality that may
10 arise from misuse of a number under other circumstances may
11 tend to reflect on the program and may tend to result in external
12 legislative policy or other influences projected onto the pro-
13 gram, problems, uses and administrative burdens which were
14 never contemplated and which are not directly related to the
15 administration of the trust fund program that we have.

16 I would say our main concern at this point is
17 whether or not we can establish the kind of a climate that
18 will result in statutory and other arrangements and agreements
19 that will in effect franchise or safeguard the circumstances
20 under which the number is used and in particular see this in
21 relation to the special responsibilities and burdens that it
22 may place upon whoever it is that has to adjudicate the appli-
23 cation of the standards and the criteria, the question of
24 whether for the long run that should be the Social Security
25 Administration or whether, even if the social security number

1 were to become a universal identifier, this adjudication of
2 the standards and criteria should rest someplace else I think
3 is a very important question, both from a public point of view
4 as well as a particular concern to the administrators of the
5 program where many of these issues will turn out to be extran-
6 eous to the primary concerns of the program.

7 MR. GALLATI: I think one of the grave dangers in-
8 volved in this whole concept of using the social security num-
9 ber is that you are basing identification upon a name and a
10 number. And as we know, this is a very, very treacherous area.
11 There is only one way to truly identify anybody, and that is
12 through fingerprints. And until you tie in your social security
13 number and your name with fingerprints, you are never going to
14 be able to do anything but say, "This name and this number are
15 associated." But the fact that I claim to have that name or
16 that number, I may or may not be the same person. You will
17 never be able to determine, at the Social Security Administra-
18 tion or anyplace else, the validity of this claim.

19 And it seems to me, as I mentioned here yesterday,
20 the only way you can get to this point where we can use this
21 number across the board is to tie it in with fingerprinting
22 in some way, which means as a matter of fact you are going to
23 have a universal number, and universal fingerprinting ulti-
24 mately.

25 That is the only answer in my opinion.

1 MR. GENTILE: I don't necessarily agree with that.
2 I think we must test each of the recommendations this committee
3 comes up with for public acceptance as well as technological
4 acceptance and a number of other acceptances. And I don't
5 really think our culture is quite ready to have fingerprints on
6 every person in the country.

7 I think we can get a sufficient degree of assurance
8 and credibility in the social security number and parts of the
9 name, as has been recommended by ANSI.

10 I think the positive control could be established in
11 the longer run by assigning this number at birth.

12 I have a question to Mr. Hess or to any of the group.
13 That is, assuming that HR-1 finally is enacted into law and
14 the family assistance plan proceeds, is there any consideration
15 in the Department to use any number other than the social
16 security number, or is this a premature question?

17 MR. HESS: No, I don't think it's premature. I think
18 all of the Congressional hearings of HR-1 is predicated on the
19 fact that the social security number will be the common iden-
20 tifier for all beneficiaries and recipients of payments under
21 various public programs.

22 And we are, as a matter of fact, going ahead right
23 now with the social rehabilitation service and the state
24 agencies in many of the states planning for the enumeration of
25 welfare recipients.

1 We are going through right now a final enumeration
2 of what we call our secondary beneficiaries. You may know that
3 many of the widows and children who receive payments under
4 Social Security now don't get them under a personal account
5 number. They get them under the account number of the wage
6 earner who earned the credits. And we are moving in the direc-
7 tion of having everyone have a unique personal social security
8 number.

9 Now, the point Mr. Gallati made is that we have a
10 lot of tightening up to do, but it technically can be done so
11 that we can say that this number was issued to an individual who
12 has these and these characteristics: this name, this date of
13 birth, this mother's maiden name, this place of birth. And
14 it is not likely that two numbers can be issued to an in-
15 dividual who has that same set of characteristics.

16 The question, though, is that we can never guarantee
17 that the bearer of that card is the person to whom the number
18 was issued. And in our claims process and in the welfare
19 claims process, the bearer of that card will have to present
20 enough identifying information, birth certificate or otherwise.
21 So there is a good chance in the claims process the number
22 continues to be associated with the individual to whom it was
23 issued.

24 To have an airtight system, for example, there is a
25 lot of concern now in the Immigration and Naturalization Service,

1 to attempt to say every time that number is used in a transac-
2 tion, you want to be sure the right person is using the card
3 that was issued to them. That does present very significant
4 additional technological and legal problems, I think.

5 MR. SIEMILLER: Is that a southern border problem to
6 a great extent, the multiple issue of cards to Mexicans that
7 are coming into the United States, green card carriers?

8 MR. HESS: We are trying to work out with the Senate
9 Finance Committee, State Department and INS now a method that
10 will tighten up but cannot make absolutely fool-proof the issue
11 of social security cards to immigrants.

12 MR. SIEMILLER: Or for nationals, your green card
13 carriers.

14 MR. HESS: Right, but you can't always be sure the
15 man who is carrying the green card is the man to whom that
16 green card was issued.

17 MR. SIEMILLER: That is very, very true as you find
18 out as you go along the border.

19 MR. WEIZENBAUM: I don't want the Secretary or in-
20 deed ourselves to be misled. I recall some of the conversations
21 we had in our long day yesterday. In particular, you ought not
22 to believe that this group universally believes that it is to
23 be taken for granted that we will recommend that the social
24 security number in fact become a universal identifier. I'm
25 afraid there's a danger to assume that the existing situation

1 will be extrapolated further, and so on. I don't know what
2 recommendations we will make, but it is certainly an open
3 question and I think it should remain open for some time as to
4 whether we believe that the strength should be extrapolated or
5 not.

6 I would just like to remark and say as short a time
7 as 35 years ago, which is well within memory of many of us here
8 except, of course, the ladies, that it would have been unthink-
9 able to pose the proposition that there would be a permanent
10 draft in the United States. Now this has become essentially
11 accepted by at least large segments of the population.

12 And similarly, your remark about the dog tag issue,
13 which I remember at the time social security was introduced,
14 and now we have slowly drifted -- and it is a drift -- into
15 accepting the social security number as becoming more and more
16 nearly a universal identifier. Perhaps that should be reversed.

17 I don't know what the position of this commission will
18 be, but in any case it should be an open question. That's one
19 thing.

20 The other thing is that we see, of course, that the
21 drive toward a universal identifier of some kind is dictated to
22 a large extent by technological -- I put it in quotes --
23 "technological" progress. It is the technology, the machines,
24 that seem to seduce us into that kind of a posture.

25 I just want to make sure that the Secretary

1 understands that not even the major part of our task is to look
2 at the question of universal identifier, but the whole question
3 of data banks, record-keeping on individuals, transferability
4 of records, and all the other things that the Secretary men-
5 tioned in his talk to us just a few minutes ago.

6 MR. HESS: If I could just make one more remark in
7 response to this observation, I think we are being swept by the
8 tide of events. And one of the purposes of this committee, I'm
9 sure, is to give us a forum and a focal point around which we
10 can have a moment to pause and call a halt to, not the events
11 themselves, but the policy considerations or lack of policy
12 considerations that sometimes is associated with these events,
13 and see what the ultimate implications might be.

14 And I think you are right; that is a legitimate
15 question. I did not mean to suggest that we were at the point
16 now where, as a matter of policy or even inevitably the social
17 security number is to be the universal identifier, or even
18 whether there is to be a universal identifier.

19 I think the Federal policy at this point is that the
20 social security number -- and this is what I should have made
21 clear when I responded to you, John -- is to be used as the
22 common identifier for payment control purposes, for all those
23 programs which are essentially Federal benefit payment programs.
24 And most of the rest, of course, then is a corollary issue.

25 MR. WEIZENBAUM: I'm glad you used the phrase "tide

1 of events." As long ago as the time of Plato, Plato in The
2 Republic used the phrase "tide of events." And the essential
3 difference between the republic he talked about and envisioned
4 and other kinds of government, he said in The Republic it is
5 presumably possible for the people to influence the tide of
6 events as opposed to being entirely determined by them. And I
7 think really, way down deep, way down at the bottom, that's the
8 issue we are facing here.

9 MR. SIEMILLER: You don't think he foresaw the con-
10 sequences?

11 MR. WEIZENBAUM: Oh, he did foresee them, yes.

12 MR. MILLER: Without suggesting I necessarily advo-
13 cate this as the trend or the position that I or this group
14 might take, I think Mr. Hess has opened a new dimension to our
15 discussion yesterday. I think yesterday we were somewhat
16 guilty about talking of the social security number, either
17 purely as a social security number, or as a universal identifier.
18 And I tried to suggest there is a lot of space between those
19 polarity.

20 Mr. Hess, you seem to be describing a possible trend
21 or turn of events whereby the social security number would be
22 an identifier for governmental programs. I think we have
23 already seen that in terms of the tax identification number and
24 in terms of the military number. And it may well be that we
25 will reach a point in the utilization of the number in which

1 it is euphemistic to call it the social security number. It
2 might be the government program, government benefit, the govern-
3 ment number, what have you.

4 Now, I can envision a situation in which the utili-
5 zation of the number for administrative and record-keeping pur-
6 poses within the government in effect so co-opts the number
7 that it is really taken away from the governance of the Social
8 Security Administration.

9 I personally have a great deal of faith in the pro-
10 fessionalism of the Social Security Administration, and a number
11 of other Federal agencies. And I think one risk that we poten-
12 tially have in front of us is the fact that the number and all
13 of its uses may be administered by someone completely outside
14 your group.

15 I was wondering whether the Social Security Adminis-
16 tration has given any thought to either the turning over of the
17 number or retaining control over the administration of the
18 numbers, assuming HR-1 is enacted, assuming certain linkages
19 take place between HEW systems and other governmental systems.

20 MR. HESS: I would say any thought that was given to
21 it is quite abstract and academic. As a practical matter, we
22 are not that far down the road as yet. The number is embedded
23 in our whole system of administration. We are the custodians
24 of it. And while I certainly rule out consideration of who
25 should be the custodian for the long run of a government number,

1 that is a matter of great public policy that is still down the
2 road and that a group like this can certainly make a contribu-
3 tion to.

4 MR. WARE: Let me suggest that the number isn't the
5 issue at all.

6 MR. HESS: That is right. That is important.

7 MR. WARE: The social security number was conceived,
8 invented and implemented at the time when record-keeping was
9 the manual punch card. We are in the era of cheap data pro-
10 cessing and it's becoming cheaper every year. We all have a
11 universal identifier already, name and date of birth, and almost
12 every document we fill out picks up those two pieces of infor-
13 mation.

14 So that's not the issue. It seems to me the issue is
15 how much data are we as a society willing to allow to be
16 accumulated about ourselves in one place. Or put another way,
17 what barriers as a society do we wish to erect to make sure
18 that in any one place no more than some tolerable amount of data
19 exists?

20 MR. HESS: It is not only in any one place. You
21 could have it in dozens of places. The real issue is whether
22 there are any standards and criteria that adhere to the collec-
23 tion, dissemination and interchange of information among the
24 data bank, and where you can tie these criteria to something,
25 like a franchising of a number or whatever may be the circumstance

1 that you can be sure governs throughout the system.

2 Now, we can have a set of standards -- I think we do
3 have a set of standards, fairly rigid and fairly uniform
4 throughout the governmental benefit paying agencies, as far as
5 the confidentiality of their data and the interchange of data
6 is concerned.

7 MR. MILLER: That's exactly what I mean. I mean
8 administration of the number. I don't mean who issues it and
9 who changes it. I mean who sets up the rules of the game in
10 terms of who can put what in under the number, who can get
11 what out under the number.

12 MR. HESS: That is really a statutory problem.

13 MR. BAGLEY: Right along with that point, I think it
14 would be good for the group to have some guidance. It is not
15 the number per se that is the problem before us, that leads
16 to this area of inquiry. Obviously, it's sort of a scary number
17 that should concern us. Are we here as a committee looking at
18 the social security system in HEW because we have been talking
19 about a social security number? Or better, I hope, are we
20 here to formulate as broad a coverage of policy across the gamut
21 of government, if you will? Sure, we'll spend a day talking
22 about social security numbers, but are not our deliberations,
23 not to be presumptuous as if we could by fiat put them into
24 existence, but are not our deliberations directed at the whole
25 gamut of government rather than internally to HEW? That's my

1 question.

2 I think the answer is yes.

3 SECRETARY RICHARDSON: May I, since you have kindly
4 allowed yourselves to be called the Secretary's Advisory Com-
5 mittee on Automated Personal Data Systems, respond to this
6 namely by saying the answer is in fact yes. The social security
7 number is an important facet of the problem, and it is a matter
8 of record that we came to the formation of this committee via
9 the recognition of the problems associated with the use and
10 abuse of the social security number.

11 But we realize that in the process of thinking about
12 how to seek advice with respect to the proper and future use
13 and safeguarding of the use of the social security number, that
14 we were led inevitably to consider these other related problems.

15 I think it would be really unduly to curtail the
16 value of the advice of this committee if it did not approach
17 the question of the potential abuses as well as potential
18 safeguards in the compilation and accessibility of automated
19 personal data in the broadest context without reference speci-
20 fically to the functions and needs of the Federal Government
21 or the HEW.

22 Now, while I'm at it, I might just add a few more
23 words.

24 The problem really arises -- I think Mr. Ware is
25 absolutely right -- not in the context of a universal identifier

1 as such but rather with respect to the pressures that are
2 gathering in the direction of accumulating more and more infor-
3 mation about people while at the same time recognizing more and
4 more clearly the potential value of having access to such in-
5 formation and making it fairly easily transferable among people
6 who are in one way or another charged with dealing in some way
7 with the individual about whom information has been accumulated.

8 I touched on it in a very abstract way a moment ago
9 outside, but let me make it a little more concrete.

10 We at this time in HEW are seeking to develop inte-
11 grated service systems. That is to ally services that are re-
12 sponsive in one way or another to human problems in such a re-
13 lationship to each other that they are capable of dealing with
14 the needs and problems of the whole individual. But they are
15 trying, in other words, to overcome fragmentation.

16 We recognize that if you were starting from scratch
17 you would build service systems that provided points of contact
18 with the individual in the neighborhood through people who were
19 trained in techniques of information and referral, who would
20 be tied in in turn with more central points for service, and
21 which would themselves be backed up, regionally, perhaps, at
22 points where there would be more specialized kinds of service.
23 Mental health service, for example, and the treatment of drug
24 abuse, alcoholism, and so on.

25 Now, when you want to try to help somebody who has

1 an emotional hang-up of some kind that gets in the way of his or
2 her effectiveness, you want to know what you can about their
3 past and their problems and who has tried to help before and
4 what relative success this effort had. And you would like, in
5 order to be helpful, to get at therefore the result of previous
6 personal interviews. You would like to know if this person re-
7 ceived some supplementary job training, what the result of the
8 employment experience was.

9 And so looking at the situation of the individual
10 from the perspective of the "helper", the opportunity to get at
11 all of this information is obviously of potential value.

12 Now, all of this information can include for an
13 individual a probation record as a delinquent. It could in-
14 clude, and presumably would include, a hospital record. It
15 would include the results of psychological testing as well as
16 the interviews that I mentioned earlier, and so on.

17 Yet, it is apparent that if you do accumulate that
18 much information, the person or the people who have access to
19 it have a kind of a relationship to the rest of us that makes
20 us uncomfortable, makes us worry about the abuse of the power
21 that information conveys.

22 We are, I think, genuinely swept forward on a tide
23 in the sense that it is hard to foresee any points at which we
24 can reasonably say that the information should not be collected.
25 The very capacity to bring to bear the skills that are inherent,

1 let us say, in vocational rehabilitation. The very function
2 carried out by psychologists, psychiatrists, probation officers,
3 requires information.

4 The questions really are: Shall these separate
5 pockets of information be tied together, or shall we prevent
6 that if we can? Or if they are tied together for some purposes,
7 can we prevent their being accessible for other purposes?

8 Now, there is a side of the process of automated
9 personal data compilation that may offer an opportunity for
10 building in safeguards that are not available in manual files.
11 It is at least the characteristic of tape that you can't meet
12 it by looking at it. It is possible, therefore, to technically
13 build blocks into the process of access or to require keys
14 that may be actually capable of much more effective protection
15 than the kinds of protection that are possible for personal
16 files in manual form.

17 At any rate, the kind of inquiry that we would like
18 to see you pursue would follow this out further into questions
19 like: Are we talking about the possible need for actual blocks
20 on the process of linkage among files? That is, should we
21 anticipate the need for preventing the files from being tied
22 together? Or should we think in terms of reliance upon means
23 of blocking access? And if the latter, then who should have
24 access? What purposes sufficiently justify it? And so on.

MR. DOBBS: Mr. Secretary, if I might sort of play

1 devil's advocate for a moment, there was part of what you said
2 that disturbed me in the sense of our continual easy acceptance
3 of the notion that in fact rational people, given more and com-
4 plete and better "information," will in fact behave and make
5 more rational decisions.

6 I guess the experience that I have had with automated
7 systems over the last several years in no way, for me, validates
8 that presumption. And in fact, I would argue -- and I think I
9 could find some support for the thesis -- that as we have
10 attempted and tried to offer more and more capability, the
11 "abuses" that may have resulted from the application of auto-
12 mated technology have come much more from our lack of under-
13 standing about how people really use information than from any
14 deliberate attempt in some way to manipulate or use it in a
15 harmful way.

16 So I guess I have some concern about the presumption
17 per se that the collection of information may in fact put us
18 in a position to offer better services, to in fact reach more
19 people, deliver the services better in the sense that I think
20 you describe them.

21 I have a feeling that in fact in many situations we
22 are already at the point of information overload. That may be
23 a question of poor technological input and poor design, but
24 I thought I would express that concern.

25 SECRETARY RICHARDSON: Let me say I wouldn't disagree

1 with anything you've said, but I would simply point out the
2 kind of problem that we are asking you to consider, however, is
3 a problem generated by tendencies that I think are very visible
4 and which will tend to move in the directions of their present
5 momentum unless very deliberately checked as the result of
6 recommendations coming from this committee and those who, follow-
7 ing it, agree with those recommendations.

8 What I have tried to make clear is if you are con-
9 cerned with "helping," the recognition that it would be useful
10 to have information about an individual that has been generated
11 by other points of contact with the individual through the whole
12 structure of social agencies is a very natural feeling on the
13 part of the helping professional.

14 And further, the awareness that you are going through
15 a burdensome process perhaps on the individual himself or her-
16 self in seeking to elicit each time such a contact occurs. A
17 lot of information that the individual has previously furnished,
18 perhaps many times, contributes also to a feeling that there
19 ought to be some way of getting this without having to develop
20 another personal history.

21 And so it is the combination of this kind of thing,
22 coupled further with the awareness that the computer can handle
23 it, that leads to the awareness that we are moving in a direc-
24 tion that could well, unless we see reasons to the contrary,
25 develop this kind of centralized data system; and which then

1 once developed allowed all kinds of people to plug into it
2 whom we might not want to have plug into it.

3 And what I said was in effect we need, in addition
4 to your consideration of the problem of the social security
5 number, the question of how its use should be expanded, if at
6 all, modified, safeguarded, the question of the problems of
7 identification and whether there should be or should not be
8 a universal identifier. And by that process you get to the
9 questions of whether or not, as a matter of policy, deliberate
10 restraint should be adopted with respect to the compilation of
11 data in centralized form or not.

12 I remember meeting Mr. Gallati and some of his
13 fellow experts in the field of organized crime a couple of years
14 ago where the realization that it was desirable to centralize
15 information about organized crime was pointed up by the fact
16 that there were, in the case of one notorious individual in
17 New York State, something like 42 different files about this
18 same individual, all of which contained more or less similar
19 information.

20 And the problem there is we ought to put this to-
21 gether, and it ought to be more readily accessible, and it ought
22 to be accessible in ways that help to point out correlations
23 between the activities of this individual in the infiltration
24 of this or that, or take over that kind of business, and so on.

25 So as a matter of convenience of administration,

1 there are somewhat similar considerations underlying the com-
2 pilation of information for other purposes. It will tend to
3 happen unless there are reasons to the contrary. And if it
4 does happen because there aren't reasons to the contrary, there
5 may still be reasons why access should be controlled, and so on.

6 I don't mean to sound as if I had any answers. I
7 don't have any clear views.

8 MR. BAGLEY: There's an interesting hesitancy here --
9 I didn't mean to interrupt you -- on the part of a lot of the
10 members not to accept the fact that there are all these data
11 banks, if you will, that the facts of life are as they are, that
12 we have a social security number, that HR-1 will use the Social
13 Security Administration not just as a payment tool but as an
14 enforcement tool. It is obvious that it ought to be used.

15 And somewhere along the line -- hopefully by the
16 end of the day -- let's recognize what the facts of life are --
17 and I am really thinking of your comments, too, sir -- and then
18 start in talking about the protective mechanisms. I think that
19 is where we have to head. We are not going to sit around here
20 and change the world.

21 MR. DOBBS: I think you are right, Bill. Part of
22 the thing that continuously worries me is that one of the pro-
23 tective measures is a matter of attitude about information and
24 what it means. That's fundamental. And we must deal with the
25 problem, that it is in fact easy to collect and aggregate it.

1 And that's how we've gotten into the box we are in. But we
2 should not necessarily continue to assume that that convenience
3 in fact conveys something with it other than just convenience,
4 and that in fact we may be paying a severe price for it in many
5 other ways.

6 You know, I did not want to not face the reality. I
7 agree with you it's there.

8 MR. ALLEN: To generalize Guy's suggestion, there
9 may be other points at which we may want to have presumptions
10 about whether or not to extend. And the direction that you
11 were suggesting of having the presumption against the linkage,
12 against the generation, against the collection, unless there is
13 clearly articulated good reasons why to do it, may be a direc-
14 tion.

15 MR. DAVEY: I would like to add just a note of
16 cautious optimism. I have been involved with large files in the
17 private sector, and I believe that by doing things in advance,
18 setting up the rules in advance, it is indeed possible to come
19 up with systems which are worthwhile and give the type of infor-
20 mation and provide the safeguards necessary.

21 Where I have had my experience is in large files,
22 and we are talking about massive files. Perhaps it is more
23 difficult, but I don't believe so. I think that by setting up
24 proper guidelines it is possible to do things and to get the
25 kinds of things out of the systems that you want to get out of

1 systems.

2 Now, coming to another point with regard to the
3 social security number, I believe that again we have got the
4 official use of the number and the unofficial use of the number,
5 and I think there should be a very great distinction as to the
6 use of these numbers in either the official or the unofficial
7 sense.

8 Now, as one in industry who has used the social
9 security number in an unofficial capacity and of essentially
10 piggy-backed on that, it has been very helpful. But the helpful
11 is not from the fact it is tied with the Social Security Admin-
12 istration or anything else. It is helpful from the standpoint
13 that it is known by the people, that it's another identifier
14 which is commonly available to them.

15 I think that I want to again express my cautious
16 optimism that I think some things can come out of these things
17 and systems can be built and devised that will meet the objec-
18 tives people have in mind. I've seen it happen.

19 MR. GALLATI: I would like to pick up on that just
20 a moment, if I may.

21 It seems to me the basic problem we are wrestling
22 with is the individual per se and his liberties and freedoms
23 and his frustrations. And I think what necessarily will be a
24 problem in this and all other types of information systems of
25 a large capacity is the fact that the individual feels helpless.

1 He gives information -- and I am not talking about a person
2 who has committed a crime and therefore has forfeited some of
3 his right to retain information. But the person, for example,
4 is asking for welfare, and he has committed no crime, he's en-
5 titled to protection, and yet he gives certain information to
6 us which we require in order for him to obtain this benefit.
7 But he finds now that that information is not going to be
8 limited to this purpose for which he gave it but may be used
9 across the board for many, many things. And he has lost control
10 of this information.

11 I think it is this feeling of helplessness and
12 powerlessness on the part of individuals that we have to recog-
13 nize as the basic problem in the discussion of universal iden-
14 tifiers or any massive information system which has linkages
15 which go beyond the original intent.

16 Now, if we can provide -- and I think we can, as
17 Jerry points out -- in computerized systems, some way in which
18 the individual can retain control of the information about
19 himself, which is his data, which is a property right in fact,
20 and certainly a personal right and a privacy right -- if we can
21 control this data in such a fashion that no matter how much
22 government wants to help the person, and therefore we should
23 bring all this today together so we can do a better job to help
24 him, if this individual says, "I don't want you to have that
25 data; I want you to have only the data I gave you and no more

1 for this purpose, and whether there's lots of data floating
2 around all over the Federal government, State government or
3 local government, I will only release so much data to you," or
4 "I will release all of this data" -- but at least it is within
5 the control of the individual. I think this is the problem, the
6 fundamental problem, that is provided for by universality of
7 record-keeping through linkages of universal numbers, and so on.

8 MR. BAGLEY: Maybe the individual ought to know who
9 is looking, just the simple entry.

10 MR. GALLATI: Precisely. Who is looking, why he is
11 looking, and what information I want to give him.

12 MR. BAGLEY: If you are looking at my records, I
13 want to know, particularly if I get anywhere near New York.

14 MR. WARE: Bob, that's a rather extreme view. Here's
15 a less extreme one.

16 The public data banks have positive value to society.
17 And you're running one, for example, that has positive value to
18 society. What society gives up in exchange for that reward is a
19 certain element of its privacy or certain element of its freedom
20 or certain willingness to have data about itself circulate.
21 That's the exchange. And the real issue is where do you control
22 that trade-off.

23 MR. SIEMILLER: This seems to be what Senator Ervin
24 is talking about all the time in his hearings he's holding, the
25 request for data that he personally can see no earthly use for,

1 and some he thinks is plain asinine, particularly some of what
2 the Social Security Administration has asked for in the past.

3 MR. HESS: I will see you afterwards.

4 (Laughter.)

5 MR. SIEMILLER: I didn't say it wasn't useful. I
6 said the Senator couldn't see any use for it.

7 And I think this gets into what goes into a data bank,
8 what kind of information, is of a real concern to the citizenry
9 of the nation. What kind of data are you going to collect?
10 What purpose is it going to be used for?

11 And the answer most always is if it's something that
12 is some silly question of how many bathrooms you've got in your
13 house and who uses which one, or something like that, they say
14 it's helpful for research and one thing and another. But people
15 just don't believe that as yet, and I don't think you're going
16 to force it down their throats and have them readily accepting
17 the giving of this information without a heck of a lot of pro-
18 test.

19 SECRETARY RICHARDSON: There are some kinds of in-
20 formation which may be useful, for example, for economic survey
21 purposes, Census Bureau compilation, to have without necessarily
22 tying it to any individual.

23 I think this is often true, for example, of informa-
24 tion surveys made by the Social Security Administration in order
25 to develop data about who are the people who are receiving

1 social security benefits. But these are often collected on a
2 blind basis in the sense that you can't go back from the data
3 to the individual who furnished the information.

4 MR. SIEMILLER: It certainly should be.

5 MR. MILLER: Mr. Secretary, I think the problem there
6 may be, at least in part, public relations. I've studied very
7 carefully the Social Security Administration questionnaire that
8 has aroused the Senator's ire, and viewed in a giddy light a
9 number of those questions seem frivolous. "Are you happy" is
10 one of them. "Where do you expect to be ten years from now?"
11 And one says, "Do you telephone your mother more or less than
12 once a month?" And these are people over 65.

13 (Laughter.)

14 But I must say everyone of those questions can be
15 justified in terms of rational planning and resource allocation
16 for our senior citizens. Every one of them conceivably has a
17 useful purpose.

18 Now, the public relations problem may be that when
19 you are dealing with people in a sensitive group or a group
20 that feels itself, rightly or wrongly, disadvantaged or at the
21 mercy of the government, I think it behooves the agency ad-
22 ministering questionnaires of that type to go to the greatest
23 lengths to assure the people who are asked to answer those
24 questionnaires that there is a level of confidentiality asso-
25 ciated with them, and more particularly that there is no threat

1 no coercion, no possibility of lost benefits associated by re-
2 calcitrants. And I think, having studied a large number of
3 the letters that flowed into Senator Ervin's office, this is the
4 kind of apprehension that the population or some subset of the
5 population is feeling. And as in the census field, it is irra-
6 tional, partly irrational, perhaps ill-founded, but nonetheless
7 it has got to be dealt with, and it can be overcome through
8 the appropriate level of sensitivity on the part of those ad-
9 ministering the program.

10 Now, unfortunately, government doesn't always tell
11 the people the facts of life in a way that they understand, and
12 I'm sure most people would go along with.

13 MR. SIEMILLER: There is a generation gap in asking
14 these questions. The younger people might not have resented them
15 as much as people 65 and older who came up in an era where there
16 was much more freedom of association and "do as you darned well
17 please" than you have today.

18 MR. MILLER: One of the things I would like to turn
19 my attention to in the next few years is privacy in the com-
20 munity.

21 (Laughter.)

22 MR. DAVEY: Mr. Secretary, let me ask a question that
23 I think might be very helpful to the group. That is, I think we
24 have been here now for nearly a day-and-a-half, counting all of
25 last night which was spent on things, and if we don't start

1 limiting the things that we look at very soon, we are never
2 going to finish up.

3 I think that it would be well worth our while to
4 kind of take our 360 degree vision and kind of narrow it down
5 to the things you'd like to see as an output of this group,
6 what would you see, and what the timing is. Perhaps you could
7 restructure this in what would be most helpful from you. Do
8 you want a 10-page summary? Do you want a 1-page summary? Do
9 you want a 300-page summary? We can go forever if we kind of
10 get carried away on things.

11 And one of the things that concerns me is that
12 without some type of real structure on this thing we will just
13 meet and have pleasant times together but end up without any
14 real output.

15 SECRETARY RICHARDSON: Well, I think the point is
16 well taken, but I will resist the impulse to be fully responsive.

17 (Laughter.)

18 I can't and shouldn't, it seems to me at this juncture,
19 go beyond the charter of the committee which you all have. We
20 would like you to spend some additional time beyond even the
21 day-and-a-half you have already spent discussing and exploring
22 the ramifications of these issues. And having done that, then
23 decide among yourselves what seems like a rational plan of work
24 aiming toward a deadline of some time in December.

25 As to the report, all I can say is what Lincoln said

1 of the length of a man's trousers. They ought to be long enough
2 to reach the ground or the top of the shoes. And the report
3 should be so designed as to communicate what you have to say
4 with whatever recommendations you may have, including any
5 dissents from these that may be felt by individuals.

6 I would just say on that score that I don't think
7 you should feel that it is necessary to achieve a consensus on
8 everything. I think the report is likely to be more useful if
9 it points up disagreements as well as identifies the areas of
10 consensus.

11 I think that the significance of this committee lies
12 in the fact that it exists at all, and that it is undertaking
13 the exploration of this series of interrelated questions, and
14 that it includes for the purpose -- and I think this is probably
15 a good place for me to conclude, regretfully I may add, my
16 participation in this meeting. I think it is clear that this
17 group does include people whose views will be both formed and
18 thoughtful. I think you reflect a range of exposure to the
19 subject matter, as well as a range of concern as citizens,
20 that will go as far toward assuring the usefulness of your de-
21 liberations as it is possible to achieve.

22 I think that perhaps as the result of these two
23 days, Dave and his staff may be in a position to suggest to you
24 a structure for further work. Maybe before you leave you will
25 want to discuss that further.

1 In any event, I think whatever that structure may be,
2 whatever your agenda looks like, should be the result of your
3 own deliberations.

4 I am grateful to you, and I can gather from the
5 level of interest and the quality of discussion already that
6 this is going to be a very good committee. I wish I could
7 stay with you. It is a fascinating subject as well as an impor-
8 tant one.

9 Thank you very much.

10 MR. WEIZENBAUM: May I ask one small question? Is
11 the ultimate report that we generate to be considered a private
12 document to you, or will it ultimately become available to the
13 public, or what is that situation?

14 SECRETARY RICHARDSON: I would assume it would become
15 available to the public.

16 MR. BAGLEY: That's the law. It would be wise.

17 SECRETARY RICHARDSON: I would want to be in the
18 position to furnish it to Senator Ervin, for example, and others
19 who are interested. I think a lot of the value of your contri-
20 bution really will lie in the fact you will have produced a
21 document that can become the subject of broad public discussion
22 or even debate.

23 MR. WEIZENBAUM: Thank you.

24 SECRETARY RICHARDSON: Thank's again to all of you.

25 (Applause.)

1 MR. MARTIN: I trust that most of you met last night
2 Tom McFee who is sitting on my right who is Deputy Assistant
3 Secretary for Management Planning and --

4 MR. McFEE: Technology.

5 MR. MARTIN: -- Technology.

6 Tom has for some time had responsibility in the
7 Office of the Secretary, at that level of the Department, for
8 the collection of information by HEW. Tom can't be with us
9 very much longer this morning. He said that he would be willing
10 -- and I am delighted he will -- to give a brief explanation or
11 account of the present climate for control of the collection
12 process which is, as you will hear, not a complete control over
13 all collection of all information which is in any way related
14 to HEW.

15 But let Tom describe what it is.

16 MR. McFEE: I really enjoyed meeting you last night,
17 and the discussion of last night and again this morning, and I
18 am sure that in the meetings ahead I would be more than willing
19 to come back and meet with you.

20 I hope that just a few comments this morning will
21 stimulate your interest into digging deeper into the management
22 control of policies that the Department already has in being,
23 and some of the things that we are already working on. I hope
24 that at a later time we might be able to schedule a more lengthy
25 discussion with you.

I would like some of your ideas and inputs on some

1 of our internal policies that we have, as well as any advice I
2 could give you as to some of our experience in this area as
3 a department and as government-wide, for that matter.

4 I was very interested in the comments about the
5 social security survey questionnaire that you brought up, Roy,
6 and in particular the one that Senator Ervin is very much in-
7 terested in, because that is a very good example of where we
8 do have some fairly good controls in the Department already in
9 existence, and is an area that there is legislation which has
10 been on the books since 1942 that controls such activities.

11 I don't know whether you have brought this up yet in
12 your particular discussions, but the Federal Reports Clearance
13 Act of 1942 was the first piece of legislation that I know of
14 that attempted to address some of the problems of collection
15 and control of information within the Department. And you
16 should dig in, I think, very deeply into it, what it has been
17 able to do in the 30 years or so that it has been on the books,
18 and what some of the particular problems with it are.

19 I have in the Department the responsibility for the
20 implementation and the running of that aspect of the legislation
21 as well as the Department's responsibility for internal data
22 systems as far as policies are concerned. And the aspect of
23 it that I think interests you is through the Federal Reports
24 Clearance Act. Every request for information for more than ten
25 individuals has to be individually approved by the Office of

1 Management and Budget, and there is a very elaborate machinery
2 within the government which reviews case by case everyone of
3 these surveys. And the particular one that you brought up that
4 was run by the Social Security Administration did go through
5 this clearance procedure.

6 Now, the original intent of the Federal Reports
7 Clearance Act was to cut down and to reduce the burden on indus-
8 trial suppliers of information to the Federal Government. And it
9 was that intent that brought it into being and got it passed.
10 The various groups in industry felt they were being burdened
11 by multiple requests from the Federal Government for information
12 about their financial activities.

13 The intent of the law, although it was that, has
14 very much given us a control mechanism to review the surveys,
15 not only for duplication and for cutting down the burden on re-
16 spondents, but also allows us to provide those kinds of guide-
17 lines internally that we want to look at the kinds of informa-
18 tion that we are collecting, and to provide some internal con-
19 trols within the Department and other Federal agencies to pro-
20 hibit or restrict or control the collection of information.

21 We have used it very effectively this way. Although
22 we have Department-wide guidelines that are fairly general, each
23 one of our agencies and programs has very specific guidelines as
24 to the kinds of information. And they have to justify on a case-
25 by-case basis the reason for the collection of the information

1 and the true need for it.

2 And the particular one you mentioned, it did come
3 under very, very rough scrutiny at the Department level as to
4 whether indeed, from the standpoint of good research, good
5 design, good evaluation design, were these questions relevant,
6 were they necessary.

7 And I think Arthur's comment is very relevant. We
8 don't do a very good job in our PR work to explain the reasons
9 for many of these kinds of questions. And we, from a manage-
10 ment standpoint, have a very difficult time sometimes -- and for
11 those social scientists in our midst I'll direct this to them
12 -- of convincing the researchers that there must be some trade-
13 off in the kind of feasibility as to what we can do as a perfect
14 design, a perfect control mechanism, or something.

15 So there is always a meeting of the minds when we
16 have to decide upon these things as to whether it is indeed
17 necessary, and the kinds of information that we run into and
18 the problems of sensitivity of collection of information is
19 very great when you look at the Department and its wide range
20 of activities and especially in the research arena, in the mental
21 health arena, in the family planning arena, et cetera. You
22 can see some of the problems we get into in invasions of privacy,
23 confidentiality, all the way across the board, including re-
24 ligious affiliation, political affiliation. And these types of
25 things come under very, very close scrutiny in the Department.

1 Now, I will close on this comment:

2 Although I think we do a fairly good job in control-
3 ling the input into the systems -- and again we are talking
4 about not only those things that the Federal Government collects
5 under this act, but this act also requires a clearance of the
6 contractor and the grantees that are operating in our behalf,
7 although it doesn't cover the individual organizations that
8 have broad responsibilities acting as our agent. Those that
9 are specifically directed by us that would go out on a survey
10 and say, "I am doing this on behalf of the Federal Government,"
11 and consequently would use the Federal Government as a vehicle
12 for the excuse of collection, it does cover those types of
13 activities.

14 Although we have pretty good controls on that, the
15 place where we are really in trouble -- and I am working very
16 hard on it -- is once that information gets within the mechanism
17 that collects it, we don't do a very good job on the internal
18 controls within our data systems for the continued protection
19 of this. Many times we give pledges of confidentiality, and
20 in some places in the Department -- although we are fast trying
21 to track these down -- these pledges are not backed up by a mech-
22 anism to see, for the next five years, the manipulation and
23 control of this data is controlled. Although in some areas,
24 such as social security, such as our vital statistics at the
25 National Center of Health Statistics, we have excellent internal

1 mechanisms. But although the control aspect is pretty good, I
2 can't tell you that we have done as well with our internal data
3 mechanisms.

4 So that is kind of the background. I would be glad
5 to come back and go into more detail as to how we work on it in
6 your deliberations in the next few months.

7 MR. MARTIN: Tom, let me ask you one question which
8 arose out of a number of comments that were made yesterday.

9 Several people commented yesterday that one has the
10 impression of the Federal Government generally, and perhaps
11 with no exception at least, if not particularly, in the case of
12 HEW, that enormous amounts of information are sought, are ob-
13 tained in connection with the operation of programs, often re-
14 dundantly but most significantly often with no sense of what
15 happens to it, what use is made of it.

16 Is the Federal Reports Clearing Act process intended
17 to provide a process for getting at that, assuming you agree
18 with the observation, which you may not?

19 MR. McFEE: I think the observation is generally
20 wrapped up in what Arthur said about the public relations job.
21 Generally, the machinery I think does a fairly good job to de-
22 termine that information that is collected is indeed needed in
23 some way, either in the actual operation of the program or in
24 particular evaluations and particular research aspects of the
25 success of the program, et cetera.

1 Now, many times information is collected for that
2 latter purpose that isn't specifically involved in the benefit
3 payments. The particular Senator Ervin request about, "Are
4 you happy," was not a survey that was involved in the specific
5 application program, but it was very vital to find out about
6 what the future benefit loads would be and how many people were
7 going to retire early. In fact, the whole purpose of the
8 survey is to get some feel on how many people were going to be
9 retiring early based upon experience of retirees that were
10 already in the system.

11 So one of the problems is that we do distinguish be-
12 tween the information that is needed for the manipulation of
13 the actual program, the benefit payments, et cetera, and that
14 is needed for research and evaluation on the program. And we
15 do not limit them to just the administrative data collection.
16 Sometimes we do not distinguish between these in the public re-
17 lations sense so that people realize that this other kind of in-
18 formation is not necessary for the actual administration of the
19 program. Plus, we are very careful in trying to tell people
20 that provision of this other kind of information is on a
21 voluntary basis and their benefit payment does not bear whether
22 they have to answer this or not.

23 In fact, the actual collection of some of the in-
24 formation in the social security program itself -- Art, the
25 one I'm thinking of is the racial designation on the SS-5.

1 That is a voluntary actual type of information. And legally,
2 the Social Security Administration could not deny the issuance
3 of a card or the issuance of benefit payments if one refused to
4 provide that kind of information.

5 Now, we don't always do a good job of the PR aspect
6 of it to make sure that we have gone out of our way to inform
7 people that this is not necessarily the case, it is voluntary.

8 MR. WEIZENBAUM: I think it has to be said that it's
9 not an entirely public relations question in the sense indicated
10 by the initials "PR." I think what has happened quite generally
11 for a large number of reasons is that people in large measure no
12 longer trust the government in a very important sense, and es-
13 pecially people who feel themselves to be utterly dependent on
14 the government, for example pensioners and people of that kind.

15 A simple statement to the effect that you are free
16 not to give this information or no action will be taken against
17 you, and so on, that in itself sounds threatening. And in view
18 of the large number of promises that the government has already
19 broken, or is perceived to have broken to the people -- for
20 example, again coming back to the very initialization of social
21 security, that is the dog tag issue, which says on your social
22 security card, "This number is not to be used for identification,"
23 and in fact it is, and it is increasingly so used, and so on.

24 I think it's misleading to label it a PR issue. It
25 is embedded in a much, much larger issue that it seems to me the

1 Social Security Administration and HEW generally could help the
2 rest of the government, as well as be helped by the rest of the
3 government, by reversing this trend as well -- not by PR tech-
4 niques. It's not a question of technique. It's something deeper.

5 MR. SIEMILLER: Also when you send out a question-
6 naire and use a phrase, "Are you happy," you ought to give a
7 definition for "happy."

8 (Laughter.)

9 Really, are you happy about what? To some people
10 happiness is a Scotch and water, to other's it's a pretty girl,
11 and to others is the rent paid, have you got food in the house.
12 It could be any number of things.

13 MR. BAGLEY: Can I have all four?

14 (Laughter.)

15 Not necessarily in that order.

16 MR. DeWEESE: Tom, I was going to ask if you know of
17 any specific cases where under the 1942 Clearance Act that OMB
18 has actually stopped a questionnaire which in their opinion went
19 too far?

20 MR. McFEE: Hundreds. We have about a thousand a
21 year that are cleared in the system, and I would say that at
22 least -- I haven't got the actual figures with me, but I would
23 say that probably 30 percent of them are in some way modified
24 or changed as part of the process.

25 I can give you an example within the last year of at

1 least a dozen that have been totally stopped, and so completely
2 turned around that they no longer look like the original pro-
3 posals.

4 MR. MILLER: On what grounds? For what reasons?

5 MR. McFEE: A wide variety of reasons. Burdens on
6 recipients that have been very vocal, and therefore we do not
7 want to continue that kind of thing on the basis of just no
8 justification of the particular question or survey on the
9 basis of what is needed.

10 There is not a hard set of criteria, and each one is
11 handled on an individual basis. But I would say the majority
12 of those that have been stopped have been because of complaints
13 from the grantees that we deal with that either this information
14 is too expensive for them to collect and provide to us, or is
15 already being given through another particular set of circum-
16 stances, or is just not relevant to anything that they can de-
17 termine.

18 And they are very vocal. In fact, surveys have been
19 stopped after they have been approved when they have hit the
20 field, and OMB has been deluged with complaints and we have
21 actually stopped them. In this area we have stopped contract
22 surveys in the middle of the survey because of particular
23 pressures from the outside. Those are ones that have already
24 come through the process.

25 And there is very much from the standpoint of

1 confidentiality and problems of sensitive kinds of information.
2 And I use the example of the family planning area because I
3 probably spend about ten percent of my time that I spend in this
4 area worrying about problems in this area, because of the close
5 connection between religious aspects and the family planning
6 thing.

7 We have one survey that asks, "When was the last time
8 you took communion?" to get to the problem of whether you really
9 are a practicing Catholic or not. And these kinds of questions
10 are handled very, very carefully.

11 These have to be justified on a very, very sound
12 basis, that this is vital for the research design, and that you
13 just can't carry on the program of research you are concerned
14 with without this kind of information. Plus, the relationship
15 of these has to be very carefully explained so that if indeed we
16 do approve it after this fight, so to speak, we have available
17 kinds of information in layman's terms -- and this is very impor-
18 tant. To a social scientist researcher this is no problem; I
19 can explain to him the relevance to these things. But take some
20 poor person who is getting hit with the survey. We have to have
21 the explanation in a form so he can understand it.

22 And the happy question is just one of those. We had
23 to have an answer available to attempt to justify the need for
24 that particular thing. That one wasn't one in that survey that
25 gave us that kind of problem.

1 MR. BURGESS: Are you very satisfied, somewhat satis-
2 fied, or not satisfied that things are working?

3 MR. McFEE: We ought to have the survey here.

4 MR. HESS: There are a lot of value judgments and
5 differences of professional opinion as to the validity of some
6 of the things that professional researchers feel is necessary.
7 And as Tom has been indicating, quite aside from the profes-
8 sional justification, the whole reports clearance process is de-
9 signed to consider "Is this trip necessary?" from the point of
10 view of the administrative considerations, the cost, benefit
11 relationships, and the image of the program.

12 And I must say as a program administrator that I
13 didn't know about the happy question until it surfaced. Had it
14 come to my attention in a research context I might not have been
15 very concerned about it.

16 But now that I know what I know, if somebody had told
17 me ahead of time that it would surface and generate this kind of
18 situation, I would have said to the researchers, "Is it that
19 important? It has got this potential for just a lot of misunder-
20 standing and a lot of administrative grief. Is it that impor-
21 tant?"

22 And it may very well be that the Office of Aging and
23 some of the academic people would have said in terms of the re-
24 search design, "This is a valid question."

25 And we might still have said, "It is too subjective;

1 it is too fraught with this or that."

2 And if we had not said it, OMB might say it, Tom
3 McFee might say it.

4 But I can testify from long experience with this pro-
5 cess that there is a very searching, "Is this trip necessary?"

6 MR. MILLER: I for one am somewhat sympathetic to the
7 effort that goes in. I have been convinced of that over the
8 last couple of years, that this is a legitimate effort to screen,
9 but the whole process still can be criticized as being a
10 "looking through a one-way mirror," because the only people in
11 on the process of screening are researchers, data users and OMB
12 officials thinking about cost effectiveness and duplication.

13 MR. IMPARA: Excuse me. Let me react to that because
14 that is not the case, at least universally. In the Office of
15 Education, for example, the only HEW --

16 MR. MILLER: Well, I don't want to quibble as to
17 whether it's 100 percent, 98 percent or 90 percent. It just
18 happens to be the fact because this is one of the glaring prob-
19 lems.

20 MR. HESS: There should be a lot of consumer input.
21 And OMB does have advisory committees with industry and consumer
22 input, but I think your observation is very good. Anybody that
23 engages in data gathering of this kind might well consider
24 setting up a good sounding board or a good public advisory group
25 that would give you the input of the people on the other end,

1 the receiving end.

2 MR. MILLER: That is exactly what the Census Bureau
3 ran into in 1970 with that question about the bathrooms -- per-
4 fectly reasonable question, badly phrased, because nobody inside
5 Census viewed the question from the perspective of the man who
6 is being asked to respond to it. And more of that, it seems to
7 me, is something that should be thought about.

8 MR. DeWEESE: Sir, it just seems to me if you want
9 to try to get at the public confidence problem, that the best
10 way to do that is to put the locus regulation outside of the
11 Federal Government somewhat. I think that is a major direction
12 I think Congress is going to have to consider when they talk
13 about passing controls in this area, that the same people who
14 collect information basically, as Professor Miller just said,
15 shouldn't be the people who are passing judgment on whether the
16 surveys infringe on personal privacy.

17 MR. BURGESS: A comment and an observation both.

18 First, on the point about the kind of reviews that
19 are made of survey instruments, as a social scientist I want to
20 go on record as favoring that although there are many who are
21 opposed to it for all kinds of reasons.

22 I think not only is the problem of privacy and the
23 appropriateness of questions and all these kinds of things on
24 the one side, but on the other side we are increasingly finding
25 a saturation kind of problem in a survey area.

1 In large urban areas we've got data that show that
2 in many places over 50 percent of the people have been subjects
3 of interviews two or more times in their lives. And to the
4 extent that we value survey instruments as a way to gain self-
5 knowledge about society, then there is a public interest at stake
6 in reducing the number of contacts these people have with survey
7 researchers, whether from the private sector or public sector.

8 I think this kind of effort is extremely important.

9 The question I have is going back to your role in
10 the internal data systems. There is a presumption in much that
11 is written and much that is said that there would be tremendous
12 benefits gained by the use within the Social Security Adminis-
13 tration of a common identifier that would apply across all
14 programs. And I am wondering if that has been the subject of
15 careful analysis in any way or whether the efficiency or in-
16 efficiency of whatever system exists today has been the subject
17 of careful analysis, or is this an assumption that simply seems
18 logical and therefore is often made.

19 MR. MCFEE: I don't quite understand the question,
20 whether we have internally within the Department from a technical
21 standpoint made any analysis of the benefits within the Depart-
22 ment to a universal identifier within the Department.

23 MR. BURGESS: Yes, in terms of data management,
24 accounting, program accounting, evaluation.

25 MR. MCFEE: Let me say this. From the internal

1 aspects of the Department, the common identifier is less of a
2 problem than you might think, because of the fact that the
3 majority of our Department operations do not get involved in
4 the collection of data about individuals.

5 We do collect a great amount of information about
6 institutions, organizations, State and local government arrange-
7 ments. And the use of a common identifier has come to the point
8 in the Department where it is far more important to go to what
9 we call the vender number, and we do have a common identifier
10 of venders. These are people that we deal with -- organizations,
11 et cetera.

12 And we do not use the social security number as the
13 identifier across the Department in our dealings with institu-
14 tions. We do use it as the identifier for individuals when we
15 deal with individuals. So we have a common what we call vender
16 code for the Department.

17 Now, we have not spent that much time concerned with
18 the internal workings of a personal identifier, because the large
19 part of our operations are of a statistical nature where we do
20 not get down to the individual.

21 MR. BURGESS: What about the service delivery side?
22 Have studies been done on that?

23 MR. McFEE: Most of those are done in state and
24 local governments where the actual information about the par-
25 ticular recipient of a program never reaches Washington but is

1 done at the State and local government.

2 MR. MARTIN: Let me take a cut at answering your
3 question by an assertion I make in part to trigger a response
4 from Art Hess who may from his experience have a basis for
5 either saying that my assertion is wrong or agreeing with it.

6 I would assert that the decision reflected in the
7 Executive Order of 1943, or whatever it was, to use an identi-
8 fier for all Federal filing purposes throughout the Executive
9 Branch, the social security number, was made on the assumption
10 that this was a sensible thing to do in default or without any
11 prior analysis. And I would assert further that the decision
12 which is in process of being made, to which Art Hess referred
13 earlier, that the social security number will be used in all
14 Federal cash benefit programs as a means of checking the integ-
15 rity of the administration of those various systems, is being
16 made on the assumption that it is the sensible thing to do on
17 the basis of no analysis and largely for political reasons.

18 Comment? Reaction?

19 (Laughter.)

20 MR. HESS: I think your first assertion with respect
21 to the 1943 decision I would be not inclined to challenge at
22 all. The second one I might want to take some time to qualify.
23 But for these purposes, I think I'll let it ride.

24 MR. MARTIN: Let's have a coffee break and come back.

25 (Whereupon, a short recess was taken.)

1 MR. MARTIN: Could we come to order, please.

2 I take it that what we might now address is the
3 structuring of the task which this committee is going to under-
4 take. And as we do that, or after we have done that, I hope we
5 can also identify as specifically as possible what the committee
6 sense is of the additional resources which the committee feels
7 would be useful to bring to bear on this undertaking.

8 This could, and perhaps should, include input from
9 other government agencies than HEW. We start with the under-
10 standing that we have a fair amount of capability within HEW to
11 get a lot of things done. But there may be other government
12 agencies whose input we want to get, and there may be individuals
13 or organizations in the private sector that we wish to include,
14 and a number of you who have, as I surmised you might in some
15 comments made yesterday, have access to students who are in-
16 terested in and capable of doing work that would help the
17 analytic process for the committee, certainly no difficulty
18 about enlisting their participation.

19 MR. WEIZENBAUM: I suppose you mean not necessarily
20 in Washington, or even preferably not in Washington, like for
21 the summer, for example.

22 MR. MARTIN: Exactly.

23 MR. WEIZENBAUM: In Cambridge.

24 MR. MARTIN: Wherever they are or wherever it would
25 be convenient.

1 MR. BURGESS: Not all in Cambridge.

2 MR. BAGLEY: Not all people in Cambridge are students.

3 MR. MARTIN: Tay DeWeese has asked the question would
4 this be on a paid basis, and the answer to that is the committee
5 has a budget, that is we have a budget for the activity of the
6 committee, and that budget can be used in part for paying for
7 services rendered in the committee's undertaking.

8 We also can, in the case of other government agen-
9 cies, perhaps where what the committee is going to be under-
10 taking is of interest to and within the scope of authority to
11 support of other government agencies. I have in mind, for ex-
12 ample, the National Science Foundation, perhaps work out arrange-
13 ments for them to provide support for the undertaking in the
14 service of their programs.

15 Would someone like to start the process -- we started
16 it a bit last night, and I guess we ought to pick up really
17 from where Nancy Kleeman left us.

18 MR. WEIZENBAUM: Excuse me for intervening with a
19 piddling question, but there are, of course, students who are
20 interested in this sort of thing. If I were to go back, say
21 tomorrow, and talk to some of them, there isn't much time be-
22 tween now and the end of the semester -- there's only a month
23 or so -- and surely one of the questions they would ask is
24 what kind of pay, for example. That is certainly a question
25 that would come. Can you respond to that at all?

1 MR. MARTIN: I assume that the arrangements that we
2 would make with respect to students would be made in the fashion
3 that these kinds of arrangements normally are between the
4 government and a university-based undertaking, and that what
5 the students would be paid would be related to or governed by
6 the policies of the institution which are already constrained
7 by a host of terms for doing business with the government.

8 MR. WEIZENBAUM: I suppose that the thing to do is,
9 if a specific instance develops, simply get on the phone and
10 talk to you about it and take care of it case by case.

11 MR. MARTIN: Yes. We could, for example, appoint a
12 student or a person with relative competence as a consultant
13 to the Department, to this committee, to do a particular task.
14 Or we could contract with an institution, with a member of the
15 committee or a qualified person as a "principal investigator"
16 of the undertaking, and the undertaking would include students
17 whose rate of compensation would be governed by the policies of
18 the institution.

19 MR. WEIZENBAUM: Enough said. Thank you.

20 MR. MARTIN: I think the mechanics of it would really
21 better wait definition of what we want to do.

22 MR. DAVEY: Before we get to the structuring, I
23 think both Gertrude and John worked quite a bit last night and
24 have something on the back of that blackboard they could present.

25 Could we discuss very briefly when we should get

1 together next? Would this be an appropriate time, because I
2 have to leave.

3 MR. BAGLEY: We do, too, and it would be an appropriate
4 time, at least for us. Are we talking about two weeks or two
5 months?

6 MR. IMPARA: Can we determine when we are going to
7 meet next without knowing how we are going to be organized?

8 MR. DAVEY: I think so. I think all we need to do is
9 set a date.

10 MR. BAGLEY: Let's not debate. Let's just have
11 somebody tell us.

12 MR. DOBBS: Is Frederick not collecting information
13 which is related to that?

14 MR. MARTIN: That was related to meetings outside of
15 Washington, so-called regional meetings, and my sense is we are
16 going to want another meeting of the committee before we have a
17 regional meeting of any sort. So I guess what we are talking
18 about is when will the committee next meet.

19 MR. DAVEY: Yes. What about May 6 or May 7?

20 MR. MARTIN: That's fine by me. I think a May
21 meeting, early to mid-May meeting, ought to be fruitful. It
22 seems to me it depends a little on what we are going to accom-
23 plish between now and the end of the year. I have a little
24 trouble with setting the next meeting before we decide what we
25 are going to do because if we were to decide to do something

1 we know nothing will have been achieved on by the time of a
2 date that might arbitrarily be set --

3 MR. DAVEY: There is an advantage of having a date
4 because you somehow or other manage to get the things done that
5 need to be done.

6 MR. WARE: That's only two weeks.

7 MR. DAVEY: May 7th. Three weeks, four weeks. I
8 don't care what time. Let's set a date.

9 MISS KLEEMAN: We do have a calendar. This little
10 calendar is May and it runs vertical.

11 MR. DAVEY: Is the 15th of May a Monday?

12 MISS KLEEMAN: This is where we are right now. So
13 the 17th of May would be here.

14 MISS HARDAWAY: How many weeks involved?

15 MR. DAVEY: It is convenient to have it on a Monday
16 or a Tuesday or a Thursday or Friday so you don't spend all
17 your --

18 MISS KLEEMAN: There is the option of meeting on
19 some weekend.

20 MR. DAVEY: That's fine, too.

21 MR. ARNOFF: Where are the domestic lawyers around
22 here?

23 MR. BAGLEY: There goes another marriage.

24 (Laughter.)

25 MR. DOBBS: I propose the week of the 22nd.

1 MR. DeWEESE: I will second that.

2 MISS KLEEMAN: Speaking on behalf of Don Muchmore
3 who is leaving the country on the 23rd of May, which is a
4 Tuesday, if we could do it a couple of days earlier he would
5 like to be able to be with us.

6 MR. GALLATI: How about the week of the 15th?

7 MR. DOBBS: How about the 18th and 19th?

8 MR. MILLER: American Law Institute meets the 15th
9 through the 18th so that is perfect for me.

10 MISS KLEEMAN: The 18th and 19th is a Thursday and
11 a Friday.

12 MR. DAVEY: That's great. Fine.

13 MR. ANGLERO: Can we establish some kind of rule as
14 to the days of the week. Tuesday and Monday, they are not good
15 for me. I don't know about all of you. For me it's weekends
16 or Thursdays or Fridays that are good.

17 MR. WEIZENBAUM: Weekends are not good for me. It's
18 really the only time I can get any work done. It's a fact.

19 MR. ARNOFF: Is Thursday and Friday all right?

20 MR. WEIZENBAUM: Yes.

21 MISS KLEEMAN: How many prefer weekends?

22 MR. ARNOFF: We are a working legislature in Ohio as
23 distinguished from California.

24 (Laughter.)

25 MR. BAGLEY: You have to work harder, my friend.

1 (Laughter.)

2 MR. ARNOFF: We have a right of privacy law, though.

3 MISS KLEEMAN: How many people prefer Mondays and
4 Tuesdays?

5 MR. MARTIN: Nancy, let's concentrate on the next
6 meeting, particular days. What I hear is the 15th through 17th
7 is out. I think we are down to the best four days, from 18 to
8 21. What is the best two succession of the four-day period of
9 May 18 through 22?

10 MR. WEIZENBAUM: Let's start with 18 and 19 and see
11 what happens. Who can come on the 18th and 19th?

12 (Show of hands.)

13 MR. MARTIN: 19 and 20?

14 MR. WEIZENBAUM: I prefer 18 and 19 but I can come.
15 Do it the other way around. Who can't come?

16 MR. MARTIN: Who cannot come any one of those four
17 days? Or who cannot come 18 and 19?

18 (Show of hands.)

19 May 19 and 20, who cannot come?

20 (Show of hands.)

21 20 and 21?

22 (Show of hands.)

23 And 21 and 22? That is Sunday and Monday.

24 (Show of hands.)

25 18 and 19 looks like the best, then, the least

1 dropouts.

2 It will be in the Washington area. It might be here.

3 One inhibition we have about holding a meeting in the
4 most convenient place logistically, namely the HEW North
5 Building, in a conference room, is the assumption that we lose
6 a lot of you to other activities in Washington. We brought you
7 out here, and a certain number of you managed to escape us from
8 here.

9 (Laughter.)

10 Candidly, if we are going to get work done and you are
11 going to be on this committee and you are going to come to
12 meetings, this is not just a way of getting to Washington. And
13 I think anybody whose performance -- and I am really quite
14 serious about this, having served and been lectured this way,
15 I don't have any inhibition about lecturing you -- we come to
16 meetings and we ought to come and stay with the meetings and get
17 work done. And there are all sorts of other days to do things
18 in Washington. Otherwise, it makes it very difficult to have
19 any kind of general participation and continuity of attention
20 to what we're doing.

21 I would be delighted to hear we could hold the meet-
22 ing in Washington in the Department conference room if I could
23 be sure that this isn't going to result in your disappearing off
24 into the interstices of HEW or the city of Washington to carry
25 out other business than that of the committee.

1 I wish you would be as candid with me as I am trying
2 to be with you.

3 We can get you away where we minimize the temptation,
4 if you need that kind of reinforcement.

5 MR. MILLER: I cannot honestly say I am beyond temp-
6 tation.

7 (Laughter.)

8 MR. MARTIN: We will diminish the temptation by
9 meeting somewhere other than HEW. HEW North Building is not a
10 nice building itself.

11 MR. WEIZENBAUM: Notice how the tone of management
12 has changed now that we've been sworn in.

13 (Laughter.)

14 MR. MARTIN: Okay. We have taken care of that now.

15 MISS GAYNOR. I think before we go into structure
16 things I would like to contribute to the group some of the prob-
17 lems that we have in our health system, or should I say non-
18 system -- the interrelationships and the necessity for estab-
19 lishing some type of collection and some kind of retrieval
20 for the delivery of health care to patients, which is our primary
21 reason for being in existence. For instance, you heard from
22 education and you heard from welfare, and health touches all of
23 these points. And I think, as the Secretary said this morning,
24 that we in health are thinking of a whole person, and we have to
25 have the ability to interrelate and to retrieve this kind of

1 information.

2 We also need the ability to retrieve information
3 for the doctor in order to treat a patient.

4 Now, I think you've been reading, it has been in the
5 newspaper for days and months and years, about the ineffective-
6 ness of our health care delivery systems. Data systems really
7 have not addressed themselves, I think, completely to the whole
8 concept and let's go onto the whole idea of medical records.

9 For physiological testing, they have done a fairly
10 good job. This is fairly easy where you can attach the machines
11 and get all the kinds of physiological responses that you need.
12 But in the area of medical records and with the advent of
13 Medicare and Medicaid, it has become a horrendous job for
14 hospitals to really gather the kinds of information that the
15 government wants in relationship to getting reimbursement
16 through Medicare and Medicaid.

17 So we need the ability, really, to have central data
18 systems. And I can just give you one little example, for
19 instance, where let's say we have a mother who is on Aid to
20 Dependent Children, and we get a report she has been in the hos-
21 pital and we want to follow her up. And by the time we get
22 this report back, let's say it's a week or so, and this mother
23 may have moved. But we have access to be able to get into a
24 welfare system and say, "Where is this patient located now so
25 we can go out and bring this patient back in under care?"

1 These are many of the problems that are involved in
2 trying to deliver care in a community.

3 For instance, I work in a hospital, in a so-called
4 low-economic area. We, too, are trying to get people into the
5 health system, and by utilizing a number, a social security
6 number, we do it for the purpose of being able to elicit the
7 kind of information we need and to do the kind of follow-up we
8 need.

9 There are so many, many programs, and I think I
10 brought this point up yesterday, too. I wanted to know just
11 what HEW is doing about programs. But we are faced with the
12 same kind of situation in the hospital field.

13 Now, one thing that bothers me, though, with the
14 whole advent of data systems and retrieval of information, now
15 we have more people handling medical records than ever before.

16 The other thing is that we view our medical records
17 as a legal document. So therefore, we have to have the patient's
18 consent in order to release any kinds of information relative
19 to that patient himself. So we have this kind of built-in legal
20 thing that's involved.

21 Also people are becoming more sophisticated about the
22 care of medicine and, along with the whole legal aspect in
23 malpractice and things like that, leads also to our being able
24 to have some kind of control in relationship to people who are
25 handling records, and that the information we are seeking is on

1 that record.

2 For instance, I have just opened a neighborhood
3 family care center, and one of the things in talking with some
4 programmers and with our physicians, with the type of information
5 they want and the type of information we would need in a sense,
6 too, to try to have a meeting of the minds, is one of the almost
7 impossible things because there's a need for physicians to col-
8 lect every tiny bit of information which sometimes is not even
9 relevant to the care of that patient.

10 So these are some of the things. And we found we
11 had to go back and design new records in order to fit into the
12 system itself, and once we design them to try them out before
13 we even made them a part of our system. We have this ability
14 to do this because we are a small hospital and we are able to do
15 a lot of little experimental things along the line.

16 Now, we have many programs since I've been there
17 that we've started, and what we are trying to do is interface
18 all of these programs together so that we know that this patient
19 under care has received the whole comprehensive range of pro-
20 grams that are important into the delivery of a health care
21 system.

22 So I feel that the use of the social security number
23 in the health field is an extremely important one because, for
24 instance, if we are being reimbursed for Medicare and for
25 Medicaid, it is also a means of accountability in many instances

1 as to how the dollars are spent and how we are utilizing the
2 programs for which we have been funded through various govern-
3 ment agencies.

4 And this is not only in municipal hospitals. I
5 think, too, what happens in voluntary hospitals today, almost
6 about 50 percent of their funding comes through the Federal
7 Government. And I think it's another way of looking at this
8 whole concept of voluntary versus municipal hospitals. And for
9 instance, with reimbursement rates, if a voluntary hospital
10 doesn't want to treat a patient because he doesn't have any
11 money or doesn't have a Medicaid number, the whole thrust is
12 again back into the municipal hospital.

13 So we in many instances bear the brunt. Whenever they
14 decide to cut Medicaid, whenever they decide to cut Medicare,
15 it puts an additional burden onto the so-called municipal hos-
16 pitals. Of course, I'm not supposed to say we're municipal
17 hospitals. We are now a public health and hospitals corpora-
18 tion, which is a public benefit corporation.

19 But these are the things, too, that the accessibility
20 of information, we need them for cost management, for program-
21 wise. All of these things are very important in trying to
22 manage, really, a hospital on a kind of cost awareness basis,
23 and yet being able to transfer our funds between programs so
24 that we would have good health care in our community.

25 So I can understand the restraints and things like

1 that, but just don't restrain me because I need to really get
2 the services out there into that community. And I need the ac-
3 cessibility of information that is pertinent to treat that
4 patient as a whole patient.

5 MR. WARE: How much of the information you need is
6 outside of your own hospital, information acquisition boundary?

7 MISS GAYNOR: Well, for instance, social services,
8 which is welfare, and education.

9 MR. WARE: Let me ask it differently then. How much
10 of the information you need would go outside of the boundary of
11 the City of New York?

12 MISS GAYNOR: Not very much. But remember, though,
13 many of these things are interfaced into State, local and
14 Federal because in many instances our funding is State, Federal,
15 local.

16 Now, it may not go out on an individual basis. It
17 may go out, as the man said, on a vender number or program
18 number.

19 MR. WARE: The way you answered that prompts me to
20 ask you again: How much information do you have to supply out-
21 side the City of New York?

22 MISS GAYNOR: Only statistical.

23 MR. BURGESS: Could I ask something?

24 MR. MARTIN: Yes.

25 MR. BURGESS: I think this kind of testimony from

1 people who are working these problems day to day we need to
2 get more of, not just the people on the committee, but docu-
3 ments that would give us all a better view of the concrete prob-
4 lems.

5 Could you turn your comments around for a minute and
6 try to give us a sense for what some of the very serious con-
7 sequences are for the delivery of health service because this
8 kind of information base does not exist?

9 I think we all understand and appreciate the value
10 on the management side with respect to program evaluation,
11 cost benefit analysis, those kinds of things. But what are the
12 deprivational aspects from the point of view of the user of the
13 service?

14 MISS GAYNOR: Just say, for instance, that we had a
15 central data bank for information in relationship to health
16 care or people who have been treated in the system, and a
17 patient comes into the hospital. Now he has to go through
18 another kind of routine, and suppose it's an emergency kind of
19 thing. He says, "I was treated at such and such a hospital."
20 So to be able to pick up the phone and retrieve some of this in-
21 formation, it may even be a life-saving mechanism for this
22 patient. By the same token, if, for instance, we know that this
23 patient is moving, let's say, to another area, that these things
24 would be part of a central bank where we could refer this patient
25 to another hospital and they could retrieve this kind of

1 information, and to really prevent people going through the
2 same old routine again.

3 The only problem there is in educating the profes-
4 sional staff that other people, their peers, to know as much
5 as they know. It's a kind of educational component that has
6 to be in a sense built in.

7 For instance, X-rays, and we know the danger of
8 radiation, and we know that if these tests were done, let's say,
9 three months ago, we would be able to get the reports and
10 things of this test and the patient would not be subjected to
11 this again.

12 If, for instance, we have a drug addict, and we've
13 had a lot of problems in trying to have doctors and people who
14 are working with records make some kind of input into drug
15 addiction, but we need this also for treatment purposes to know
16 what this patient has had. We have had many deaths of people
17 who move between programs. And because we haven't been able
18 to elicit this type of information, medication was given, and
19 you have this kind of reaction.

20 So it really is in many instances a life-saving kind
21 of device to have this information available.

22 MR. DAVEY: One comment I would like to make about
23 data processing and hospitals, it's about as difficult as any
24 place that I know.

25 MISS GAYNOR: That's true.

1 MR. DAVEY: It's kind of mind-boggling when you
2 consider the environment in which they have to keep records
3 and satisfy the various groups that have to be satisfied from
4 what I've seen. That and law enforcement. Those are the two
5 that are kind of pinnacles above the rest of the activities
6 that I'm aware of in data processing.

7 MR. MARTIN: Who would like to start developing the
8 analysis of the task, how the committee will pursue it.

9 MR. DAVEY: I think John and Gertrude have done so
10 much work on it, I think it's a question of which one of them
11 is going to present.

12 MISS COX: I will present and John is going to
13 supplement. He just told me something not to forget to say,
14 and I have already forgotten it.

15 As a consulting statistician, my job is planning
16 surveys and experiments, and this is why some people have com-
17 mented about me taking notes. The only way I know how to
18 thoroughly understand a problem is to take notes and then put
19 it into some organized form. So I've thrown away most of those
20 papers that you saw me writing on, and a group of us have com-
21 bined our thoughts and put it into sort of an outline here.

22 This is a framework and a suggestion. Many policies
23 have been established, and our assignment is partly to become
24 familiar with those that are established and to make a recom-
25 mendation.

1 I think John is going to be prepared to put down
2 additional comments, but I suggest that we go through this
3 from what we had to suggest as a total and save your comments
4 until the last.

5 The automatic personal data system is what was on
6 our sheets, the top of the sheets we were given. And we are to
7 consider what are the issues and problems, and as Secretary
8 Richardson said, they are complex and difficult.

9 Now, this is looking at the total program, the area
10 program, and is collecting and storing or aggregation of data.
11 This is data and public records. It might be films or pictures
12 and so on, not just data. And the guidelines that we need for
13 collection and the sensitivity of the data. And some comments
14 this morning on the sensitivity of data -- it is well to do some
15 pilot work to see whether people will give you that information
16 before it goes onto a questionnaire, what data and public records
17 should be collected.

18 And it's the professional people in HEW -- and I'm
19 tying this down to HEW -- guidelines about the type of informa-
20 tion that you really need. And then justification of that
21 need. Not only what do you want to collect, or what do you
22 want to investigate, but the justification of the need for that
23 data. And that is the need of an agency, a user or a citizen.
24 Those are just supplementary points here.

25 Now, I think we had more or less decided that we

1 will deal with the welfare agency, and we are not going to deal
2 with the components to law enforcement or intelligence agencies.
3 That would make a different picture if you are getting informa-
4 tion for intelligence agencies or for law enforcement.

5 Then the data exchange and utilization. And we could
6 add the service that goes along with utilization there and the
7 data purging.

8 I am very sure you can add onto this or take away
9 some of them because there is a slight overlap here. But in all
10 research planning, the first thing is to know what questions
11 are we asking, what issues are we dealing with, and why do we
12 need them. Then the sociological aspects. The proposed purpose
13 and the use of the data, who is going to use that data.

14 MR. DOBBS: Gertrude, a question. What specifically
15 do you mean by area programs?

16 MISS COX: Whether it's health or education, and stay
17 within HEW. And I am talking about the specialists in those
18 areas who are the first ones who are going to say what data we
19 want to have. The data in the public or private domain should
20 be checked. The criteria of need and right to know. That is
21 who is eligible to have access to this data. The confidentiality.
22 The public need for this information, or the need for it in
23 planning. And many people are willing to give information if it
24 is going to come back and benefit them. And so we need to think
in terms of the public need for the information, and the private

1 protection and due process. And I would like for us to keep
2 that in.

3 I think that covers my ability to get back in there
4 and correct mistakes. And not only protecting me -- well, that
5 is protection, but it's a process of getting that protection.

6 Now, you note we have put the need for common, unique
7 identifiers. I have several subtopics under that that we didn't
8 have room to put on there.

9 Let's think about the desirable and adverse aspects
10 of having a common. What is the alternative to a common, unique
11 identifier? And what does it cost in dollars and in program
12 accomplishment?

13 Now, it may be important enough from program accom-
14 plishment that we put cost secondary. It may be very vital in
15 program accomplishment or services. Someone said the need for
16 common, personal unique identifiers.

17 Now, you see we have not put in the social security
18 number, but that comes in here as one of the ways, one of the
19 common identifiers, and is it one that is desirable? Does it have
20 the right characteristics? No identifier, I suspect, is going
21 to be ideal. What is the role of the identifier? How uni-
22 versal do we want it? And then regulations on its use.

23 So I have several breakdowns as you will have in all
24 of these as committees or groups begin to work upon them.

25 Now, I put computer -- or we did -- I think I did the

1 ordering of these after we got through late last night -- the
2 computer technology. Don't ever become a slave to a computer.
3 Don't ever let a computer person tell you you can't do it, be-
4 cause a computer can do the things we want it to do.

5 MR. WARE: If you have an indefinite bankroll.

6 MISS COX: Again I want to emphasize that the computer
7 does not improve the data. The data is just as good as the in-
8 formation you collect and not one bit better. So I'm putting
9 all the blame back up here.

10 MR. WARE: I think you don't want to make an issue of
11 that point because I believe you shouldn't believe that as a
12 statistician.

13 MISS COX: I do. I have made this statement in
14 various countries, too, and have been challenged, but I say
15 that we do not improve the data. We improve the evaluation of
16 the data. But you, the research person --

17 MR. WARE: Do you believe I improve the data if I
18 correct mistakes in it?

19 It's a minor point so let's not hang up on it.

20 MISS COX: Yes, let's not get into that.

21 The third thing I say we must give instructions to
22 the computer. I mean you are going to have to give instructions
23 to the computer.

24 Then under this is the processing, and this is the
25 operational aspect.

1 The safeguards -- and I have an enormous amount of
2 respect for computer technology. The computers can have built
3 in there the verification of data and correction of absurd
4 values, extreme values, that you couldn't possibly have. Data
5 protection and confidentiality can be built into the system.
6 A great deal can be built into the system. And the custodial
7 accountability is going to be responsible.

8 Now, I'll say you are going to have a chance to add
9 or subtract. But a lot of these will go into, we were thinking
10 committees. Many of these things will be argued out and the
11 recommendations come back.

12 And legal and regulatory aspects of it, or the con-
13 trols, as was mentioned this morning. These regulatory
14 measures -- I put measures there, regulatory measures -- which
15 might be taken to protect the individual for the invasion of
16 privacy and provide a way to get back into the data.

17 Now, the administrative regulations, code of ethics,
18 and penalties. Those are under administrative regulations.

19 Executive orders, constitutional, court decision,
20 statutory.

21 Then the public relations, dissemination and considera-
22 tion of the maximum benefits, the benefits for the cost of dis-
23 semination, the dissemination of data for research and develop-
24 ment, and in all government agencies in HEW you are being con-
25 stantly asked to evaluate programs, evaluate purposes. And

1 minimizing potential harmful effects, harmful consequences.

2 And the training of systems personnel and public
3 education.

4 Now, there are a few general overall comments. The
5 present status of these situations and our recommendations:

6 As we were thinking of it, subject, certainly, to
7 changes and discussion, that these be divided up in some way to
8 get an interdisciplinary group working on computer technology,
9 people who know programs as well as people who know computing,
10 the computing technology specialists up here guiding here on
11 how to collect it, and to help the computer, and some things
12 are harder to do on the computer than others so there may be a
13 cost factor. So that there is the interlocking. Straight
14 out-and-out legal people may not understand the justifications
15 for the needs and some of these others, so that there probably
16 should be a mixture of capabilities working with these problems.

17 I say there are several, all the material that is on
18 the other side is embedded in here, I think you'll find. At
19 least we tried to check reading the memorandums that came out
20 and comments that were made the last day or two, and material
21 that John and various ones wrote down. I think we went back and
22 checked here.

23 Now, as the committees come back and report on these,
24 and the recommendations come in, then there should be an inter-
25 play, additional interplay between these. Do we accept the

1 technologies? Will the public accept these regulations? Or
2 will the public accept getting this kind of information? Or
3 will the public be satisfied with these protections, and that
4 we are keeping the data confidential?

5 And the legal and regulatory aspects of it and the
6 cost, and then the political implications. Our political people
7 have left us. I assume that as you revise and redo this,
8 which I think is apt to happen, usually does happen to any out-
9 line presented, that probably the members of the committee
10 should have a go at them, the ones that are not here, since we
11 didn't get them presented before people began to leave.

12 Now, John, where have I missed some points?

13 MR. GENTILE: I think you have done a fine job.

14 I would just like to make two minutes worth of com-
15 ments.

16 Number one, there are many systems people in the
17 room and you all know if we are studying the tides and earth we
18 have to worry about the moon, too. And we are going to have
19 that same situation here. All of these are interrelated. The
20 purpose of this categorization is not to assume that they are
21 not interrelated, but to try to channel our thinking so that
22 when we go off on a tangent, if that's where we want to go, we
23 at least know we are going off on a tangent. And we might want
24 to do that from time to time.

25 I would also like to state that we have a tremendous

1 amount of detail to add, but we just hope to categorize these
2 things, and I think they are very broad and quite a bit abstract
3 at this point, but as we get into it in small groups perhaps we
4 will fill in the flesh on the skeleton.

5 Another comment I would like to make is that we dis-
6 cussed in various ad hoc little meetings over coffee, wherever
7 two or more people would meet, the output of the whole committee
8 effort.

9 My personal opinion is that it is a recommended
10 policy that the Secretary could use concerning the broad title
11 up there, and it would be the product of much analysis of all
12 of these items and it would be something concrete, something
13 that would hopefully serve a useful input to the Secretary in
14 his deliberations, and that we are primarily concerned with all
15 of the health and welfare systems throughout the nation, not
16 those only internal to the department but wherever they appear
17 in cities, local communities, universities, state governments,
18 and they affect large numbers of people.

19 Finally, I think our next step would be to see if we
20 have some recognition that this is one valid approach, or if
21 it is not, perhaps we can come up with a recommendation for
22 another valid approach. It certainly is not the only one. And
23 if we can come to agreement of this kind or some other kind of
24 organization for our task, it might then be appropriate to fill
25 in greater detail and to perhaps allocate necessary resources

1 both within this committee and throughout government and univer-
2 sities and wherever we can get help. And then establish some
3 schedules and some deadlines that we might hope to meet.

4 That is all I have.

5 MR. WARE: I have an uncomfortable impression. I
6 hope you will tell me it's wrong. I got the impression that you
7 two, or maybe some group, have an idea what the right answer is,
8 and this is the scheme to get there.

9 MR. GENTILE: That is wrong.

10 MISS COX: Absolutely wrong.

11 MR. GENTILE: You hoped I would tell you you're
12 wrong and I did.

13 MR. ANGLERO: But I think it looks like a way to do
14 things. It is more like a process. I don't think it's substan-
15 tive, basically. It is a way to do things that are not really
16 what I would say is the basicness of having or not.

17 MR. GENTILE: I think if there is any conclusion
18 that this might lead to, hopefully it is the conclusion that
19 the committee must come up with some useful deliverable product,
20 and I think we were trying to be careful -- I don't know how
21 successful we were -- in avoiding picking subjects that might
22 channel us in a certain way.

23 For example, you don't even see mentioned the social
24 security account number. We have taken the broader issue, the
25 more fundamental issue. Do we need a common, unique identifier

1 at all? If that answer is yes, then what should it be? If it
2 is no, fine.

3 MR. DOBBS: What's the source of your discomfort?

4 MR. WARE: I just sort of got that impression in
5 listening. Part of it is it's a mixed bag. Collection and
6 storage sounds like historical background. Need for common,
7 unique identifier is obviously a critical issue. It ought to
8 be yanked out and flagged as such. Custodial accountability is
9 probably an issue. Do you need it and who is going to do it?

10 MR. BURGESS: It seems to me that we do need to
11 structure what we are doing some way, and every one of us here
12 could come up with a different set of categories that would be
13 equally appealing to some, maybe more appealing to others. I
14 don't have any trouble with this at all. And I think as we
15 look at that, we can all place ourselves some place in there
16 and we can all kind of look through the other participants and
17 we've gotten to know each other a little bit and kind of see
18 where other people would fit in terms of the skills they would
19 bring to bear on this.

20 The one thing I would say is that it seems to me that
21 we have to think about an eight-month effort that we are involved
22 in here, and as a way to start I think this is good. I think
23 one of the first tasks we have in a way is to kind of draw
24 some maps that tell us where we are. I just found out at the
25 coffee break, for example, that somebody on David's staff is

1 working on the Ervin testimony that has been given there. That
2 could clearly fit under the legal and regulatory kinds of cate-
3 gories or some of that testimony might be summarized in some
4 way under the societal category. But in any case, we could
5 begin to get a map about where we exist. And Arthur Miller and
6 the people who were here this morning told us about things,
7 acts, and executive orders that exist that many of us weren't
8 aware of.

9 So it seems to me if we could begin to find out
10 where we are with respect to existing policies and practices by
11 these categories, unless somebody can come up with some better
12 ones -- and I am not sure time would be usefully spent doing
13 that -- that would be a good first start.

14 Then it seems to me that that process is going to
15 flag some of those issues as more important than others, and we
16 can begin to increasingly spend time and bring resources to
17 bear upon those issues that kind of pop out as central.

18 So it seems to me as a first cut, as a way to give us
19 all a sense for where we are, not just a committee, but where
20 existing practices and policies are, this would be a good way
21 to get a handle on it.

22 MR. WARE: Can anybody give me an example of what
23 policy recommendation might come out of that?

24 MR. GENTILE: Yes, I could give a few. A policy
25 recommendation might be that the Secretary of HEW discourages

1 the use of any kind of a common, unique identifier, whether it
2 be the social security account number or any other.

3 MR. WARE: As I tried to point out earlier, you've
4 got it already, your name and date of birth and your mother's
5 maiden name.

6 MR. DOBBS: It doesn't stop that kind of policy
7 statement.

8 MR. WARE: You didn't really mean that quite that
9 way.

10 MR. GENTILE: I am leaving aside my personal opinions
11 as to what the policy should be, but I am saying that is a
12 possible alternative.

13 MR. DOBBS: It might be impractical but possible.

14 MR. GENTILE: We are trying to take the broadest
15 vantage point. Or another one might be that the social security
16 account number is a good one and should be used as a unique
17 identifier. There might be certain criteria that would become
18 the policy of the Department to recognize certain types of data
19 as being within the public domain. Or there might be a policy
20 statement that says no data on a particular individual -- I
21 can't imagine that happening -- associated with a particular
22 person is public if he is a client of HEW.

23 There might be a policy establishing penalties for
24 people who have custodial responsibility for data. There might
25 be a policy that would state that any data collected by the

1 Department which falls in Category A or B must be purged after
2 three years. We have no authority to store this data more than
3 the three-year period if it falls in certain categories.

4 There might be certain policies on safeguards that
5 might be physical requirements for state information processing
6 people to have certain physical constraints and limitations on
7 their data center, certain requirements for shredding paper
8 reports, requirements for software security, requirements for
9 codes of ethics, recommendations that it might be the policy of
10 the Secretary to recommend that certain legislation be enacted
11 to assure due process of the law.

12 These are just some.

13 MR. BURGESS: It seems to me that to jump to the
14 question of recommendations really puts us in the position, as
15 so often happens in the area of social policy, we are always
16 reinventing the wheel. There have been major reports done by
17 HEW, by the National Academy of Science, by other agencies of
18 the government that deal with various problems that are repre-
19 sented by those main areas or by topics under those areas. And
20 it seems to me that a very important function of a commission or
21 a committee like this is to collapse existing knowledge around
22 the problem, existing knowledge from the scientific point of
23 view and existing knowledge with respect to practices.

24 If we fail to do that, I think that we can rest assured
25 that anything we say will only by some random process have

1 any impact on what's done. It seems to me that if there's any-
2 ting to be learned over the years that have passed since 1819
3 when the first Presidential commission was appointed, it is that
4 to the extent that committees and commissions produce fodder for
5 the bureaucratic mills, to that extent they tend to be effective.
6 To the extent they don't, to the extent that they emphasize
7 only recommendations, to the extent they don't try to collapse
8 knowledge with respect to practices and knowledge with respect
9 to scientific knowledge that we know about the problem, to that
10 extent there is nothing there for people to work with in follow-
11 ing up recommendations that are made.

12 MR. WARE: Can you give an example of what you meant
13 by collapse information around some point?

14 MR. BURGESS: Around some problem area. I think of
15 the President's Commission on Violence.

16 MR. WARE: No, in this context.

17 MR. BURGESS: I think there has been a tremendous
18 amount of basic research, let's say, in the social sciences with
19 respect to the way people use information in organization. To
20 give one example, there are situational factors, for example,
21 like in crisis situations or emergency situations. It's a
22 fairly well established principle that people in emergency
23 situations in organizations don't rely on institutionalized
24 sources of information. They rely on personal sources of in-
25 formation. Therefore, in emergencies, one of the things you find

1 happening is people get together with other knowledgeable people
2 and you can have the best damn data files in the world and they
3 are not going to be used.

4 There are a whole string of propositions like that,
5 it seems to me, that might be usefully brought to bear on this
6 kind of problem.

7 A second kind of area in the social behavioral sci-
8 ences has to do with the authority that is accredited to privi-
9 leged information. Once again, there's a lot of research that
10 has been done in a lot of different areas from a lot of
11 different theoretical orientations which can be collapsed on
12 this whole problem of how people, users of information, would
13 treat that information given some attribute by which the infor-
14 mation is characterized, whether it's open, freely available
15 to all or whether it's classified in some way.

16 Those are some esoteric kinds of things, but they can
17 be de-esotericized, if there's such a word, by bringing them on
18 the problem, and trying to show how they apply to the everyday
19 way in which people use these things.

20 MR. IMPARA: To give a more concrete point, there
21 is a committee that is the standing subcommittee on the Council
22 of Chief State School Officers called the Committee on Educa-
23 tional Data Systems, which two years ago produced a handbook
24 which deals with many of the issues on Area 1.

25 MISS COX: This is why we said part of the job is to

1 give the present status, and that includes everything you can
2 find out that's already done and decisions and recommendations
3 that have been made that will help.

4 But I think what we have tried to do here is take
5 the charter, the assignment that was given to us, and I think
6 most of these items come pretty well right out of the charter
7 that was given to us and material that was provided.

8 MR. DeWEESE: It seems to me that those exact
9 questions we have up there have to be answered for every single
10 separate information system that operates today. I think that
11 is where we will end up in the end, saying that you have to ask
12 those questions in regard to each system.

13 MR. WARE: If that's what this means, then I withdraw,
14 because that's essentially saying, "Let's construct the data
15 base with which we can then do some deliberate consideration
16 of what should be done."

17 MR. DeWEESE: I want to go on and say something else.

18 MR. DOBBS: That is the intent, Willis, you're
19 right.

20 MR. BURGESS: That's a good point.

21 MR. WARE: Then let's give the contract to Price
22 Waterhouse or somebody. We'll never do all that.

23 MR. DeWEESE: No, I don't mean that. We have to
24 develop some kind of a mechanism that will be done on a continu-
25 ous basis with all programs either operated or funded by this

1 agency, and I think that should be our goal as far as legisla-
2 tive direction.

3 And I want to say one more thing before I stop. I
4 think if we looked at the programs that are currently funded
5 by this agency or operated by it, if we found the top five or
6 six or ten that in our opinion had the greatest impact, the
7 greatest potential for abuse, and answered those questions with
8 regard to those five, what the current legal status is, what
9 the current rules are, what the current use justification is for
10 those five or six systems. For example, a system like the
11 migrant workers data bank Professor Miller mentioned yesterday.
12 If we focused on five systems like that, I think we would soon
13 realize where the gaps are in the current law and where the gaps
14 are in the current thinking of this legislation. I think we
15 would have something concrete to point to, and it would be
16 something valuable, because at least the Secretary could put the
17 damper on those five systems that we have exposed, or ten
18 systems.

19 MR. BURGESS: But Willis, I think your point deserves
20 another kind of response, and that is that it seems to me that
21 a group like this may well make its most valuable contribution
22 by convincing in the office of the Secretary that this kind of
23 study in fact needs to be done, needs to be contracted out for
24 an intensive short-term period, where this committee might then
25 be asked to evaluate or to come back together again, say in a

1 year or six months from December, or something like that, to
2 look at the results.

3 MR. WARE: Another way of saying that -- let me ask
4 the HEW people the answer -- another way of saying that is
5 let's do a study that convinces him he has a problem.

6 MR. BURGESS: I think that could be a legitimate
7 mission.

8 MR. WARE: Does he need convincing?

9 MR. GENTILE: I think he wants a solution to his
10 problem however he can get it.

11 MR. BURGESS: If he doesn't need convincing, he may
12 need support from a group like this to justify this kind of in-
13 vestment.

14 MR. DeWEESE: It seems to me if we lookat five
15 programs which we could definitely say have an adverse effect
16 on individual privacy and saw by analyzing these that there
17 are certain common solutions that can be applied to each and
18 there are certain places where you need a more flexible
19 approach, it seems to me we would be accomplishing both things.

20 I don't think he wants to hear in the end there are
21 a lot of data banks funded by HEW and no regulations. He knows
22 that now. As was pointed out, he wants the regulations. And I
23 think by focusing on a certain definite number that posed the
24 greatest threat to privacy, and looking for where the common
25 scheme of regulations will work, and looking for where there is

1 a need for divergency.

2 For example, if there is anything wrong with saying
3 every data system was funded that involves information on a
4 name-search basis, there has to be a right of access. Now,
5 that's the kind of rule you can apply generally to all data banks,
6 with certain exceptions. At least all HEW type data banks,
7 unless you get into national security problems with the Justice
8 Department which we don't have to deal with.

9 But the point is I think if we looked at five or six
10 data banks as funded, we would see there is a need to give the
11 individual the right of access. However, you get into other
12 areas where you talk about the information exchange between
13 different bodies, then you need a more flexible approach.

14 MR. WARE: That is not even up there.

15 MR. DeWEESE: I think it is. Linkages are up there,
16 aren't there?

17 MR. WARE: Where is it? I was looking for it.

18 MR. BURGESS: It doesn't make any difference, though.
19 What we're talking about is the areas. Some things may be wiped
20 out after the first pass.

21 MISS COX: The word "linkage" is on there, isn't it,
22 John?

23 MR. GENTILE: No, the word "linkage" somehow got
24 changed to data exchange and utilization.

25 MISS COX: I guess it's absorbed in there. It's

1 data exchange and interlinkage. I copied it wrong. It's here
2 "data exchange and interlinkage" right here. That was in there.
3 Let's just copy this off.

4 MR. WARE: Let me paraphrase what I think you're
5 saying. You are saying that except for opinion and some ideas
6 that are floating around, none of us know really what the hell
7 to do. So given that state of affairs, let's look, let's be
8 the physicist and do the experiment. Let's get some status quo
9 on a collection of systems, see how they're doing things, where
10 the holes are, the technical experts can guess where the linkage
11 points might be, and try to get some insights then on how to hit.

12 MR. DeWEESE: When I started to do my research in
13 the criminal justice area I just looked at five or six data
14 banks. New York has the toughest as far as personal privacy
15 and security, according to my research and my opinion, and
16 there are others that have no security. And I analyzed the
17 problems of each one, of four or five that I thought were
18 generally represented, and that's how I based the conclusions I
19 came to as far as legislative recommendations for criminal
20 justice systems on that kind of an analysis. I think the same
21 thing can be done on health, education and welfare.

22 MR. WARE: I would like to voice a caution, or to
23 use Joe's phrase of yesterday, a trap. Keep in mind for any
24 one data system, given the environment in which it has to
25 operate, the data sources in which it functions, the users that

1 it serves. I'm sure you can draft a set of safeguards to button
2 it up. But that's not the point here. The point is to find
3 out what those general guidelines are that work for any data
4 system that comes along.

5 MR. DeWEESE: That's true, too, but I think we are
6 going to have to find some kind of a mechanism. But there are
7 a lot of holes, if you just rely on the kind of legislation that
8 can apply to every system. That's where you get into a lot of
9 problems. Because there as many potential systems as there
10 are potential imaginations of the way you can use information.
11 And there is no way Congress is going to pass an individual
12 statute for each individual information system.

13 MR. WARE: The existence proof exists. Congress
14 passed the legislation and the Executive Order was written to
15 take care of defense information. There's a general set of
16 rules and it tells you exactly what to do with it.

17 MR. DeWEESE: I haven't looked at that but I venture
18 to say there are gaps in there.

19 MR. WARE: I think maybe Ellsberg found one.

20 MR. DeWEESE: One thing I want to say in conclusion
21 is I think that if every data bank -- and there are a lot of
22 data banks that don't affect privacy in the least because they
23 are not on a name-search basis; they are statistical and so forth.
24 That's not our concern. But I think if every data bank that
25 had a possible potential for privacy abuse had a committee like

1 this, and there was Federal licensing, and every data bank had
2 to have a favorable report from an independent committee like
3 this, I think you would get the flexibility you're looking for.

4 MR. WARE: Let me tell you an anecdote on statistical
5 data banks. It's a game computer types play. I'm sure Joe has.
6 And the data bank you usually play it with is the salary survey
7 the professional society conducts. The game is to identify
8 somebody. It turns out to be fairly easy to do, even though it
9 is a statistical analysis.

10 MR. DOBBS: That's true, Willis, but I think what
11 Tay is saying --

12 MR. WARE: So the mere fact it is a statistical data
13 bank must not exclude it.

14 MISS COX: What is a statistical data bank?

15 MR. DOBBS: I think you are at a different point.
16 I think what he is talking about, which may be important, is
17 there may be some process, be it not absolute, but there in
18 fact may be some process which is similar to what a certified
19 public accountant does, used only as an analogy, in which it is
20 possible for a group of people using some rules or some guide-
21 lines like the ones we hope to suggest, to say that in their
22 opinion the way in which the accounting practices in the example
23 I am using have been conducted --

24 MR. WARE: I believe you.

25 MR. DOBBS: -- that it reflects some fair picture of

1 the business. It doesn't say that the business is healthy or
2 that it's perfect or anything else, but in fact the practi-
3 tioners keeping the books in that business have done the best
4 they can. And that may be something that's achievable.

5 MR. WARE: To use another analogy, you're looking
6 for the Inspector General analog in the military.

7 MR. DOBBS: Perhaps I hate to admit it.

8 (Laughter.)

9 MR. WARE: The guy who keeps you honest.

10 MR. BURGESS: The other thing is the Association for
11 Computer Machinery has a kind of a code of ethics which if
12 that or some analog of that were considered along with some
13 other existing codes of ethics, like the American Institute for
14 Opinion Research has put out over the years, that these might
15 become the basis for a set of guidelines that would in a legal
16 way constrain computer programmers, systems analysts and people
17 doing interview work, and these kinds of things. It seems to
18 me that the problem is that there is a hell of a lot of ex-
19 perience with these things, and to move to the consideration and
20 argument of recommendations at this stage ignores a tremendous
21 pool of knowledge -- or we should say pools of knowledge because
22 they aren't integrated in any way -- pools of knowledge and
23 experience that we ought to draw on, that we ought to put to-
24 gether and consider.

25 MR. WARE: I agree.

1 MISS COX: Seriously, I would like to know what is
2 meant by a statistical data bank. As far as I am concerned,
3 there is no justification for a statistical data bank.

4 MR. WARE: Reduced data, histograms.

5 MISS COX: Every bit of data that goes into a data
6 bank must be justified by the need for it and the need is for
7 some health or education or welfare program. You don't collect
8 data for statistics.

9 MR. WARE: The only point I wanted to make was
10 to get this fellow off the kick that the name-search data bank
11 was the only risky one.

12 MR. DeWEESE: I didn't mean that.

13 MR. WARE: I know you didn't, but I wanted to clarify
14 that point.

15 MR. DOBBS: Can we get back to the notion of this
16 structure which for me is very helpful. I would add some things
17 and perhaps detract some things, but maybe the question to ask
18 is whether this is sufficient right now for us to get to some
19 of the next steps which may be either identifying some addi-
20 tional resources or identifying some organizations of people
21 that have some strong feelings about what ought to be added to
22 or withdrawn, or whether that structure is --

23 MR. WARE: Guy, were you part of the creation pro-
24 cess?

25 MR. DOBBS: Partially.

1 MR. WARE: Can you take it the next step? Where
2 would you go next?

3 MR. DOBBS: The next thing I would attempt to do is
4 identify some specific resources that I know about that have
5 in fact done some work already that addresses some of those
6 areas. Identify those to the committee and to the staff.

7 MR. WARE: And create a set of working papers or
8 essays or something that we can communicate among ourselves?

9 MR. BURGESS: Or abstracts.

10 MR. DOBBS: Yes, sort of beginning to collect data
11 and information. That would be the thing that I would try to
12 do as sort of a personal next step.

13 MR. BURGESS: I wasn't involved in this, but it seems
14 to me, Willis, if we went that route, that is we try to collect
15 the best existing knowledge available, given the time constraints
16 that we have, that this whole outline could change as a func-
17 tion of that.

18 MR. WARE: Yes.

19 MR. BURGESS: It's quite clear that the categories
20 underneath each of those headings are going to change, but the
21 whole damned outline could change, it seems to me, if we went
22 through that. But the important thing is we get started. And
23 it seems to me the functional argument these people are making
24 is a sound one. That is, let's find out where we are before
25 we start.

1 MR. WARE: Let me ask you the same question I asked
2 Guy. Then what is the next step?

3 MR. BURGESS: I'm interested in a couple of those
4 areas. Take the societal one. I would try to pull together
5 the reports that I know about and do some searching for other
6 reports. For example, the HEW report of two years ago on
7 social indicators I think would be a very important input there
8 that everybody on this committee ought to be aware of. And try
9 to write a one-page summary of that and the problems that were
10 involved there. You know, just for purposes of argument, if
11 you lived with those subcategories, try to bring together in a
12 summarized kind of way the research that has been done on con-
13 fidentiality and the use of confidential information.

14 MR. IMPARA: It sounds like what you are getting at
15 is the kind of model we are going to use for operations, and it
16 sounds like we are talking about something called a discrepancy
17 model which says you state what your goals are, what your
18 objectives are; you identify what you know about it, what the
19 status is with respect to these objectives, and you identify the
20 gaps that need working on in a short-range sense.

21 MR. WARE: I'm searching for a mechanism to get some
22 homework assigned.

23 MR. IMPARA: Basically, then, what is being suggested
24 is we've got at least a very loosely stated set of objectives.

25 We need to find out what the status is outside of this committee

1 on these various objective areas, and given that we can find the
2 status and we can identify perhaps at the next meeting what the
3 chairman has appointed to make specific assignments on areas
4 which do need further work.

5 In other words, we were talking last night, Nancy
6 and I, about something called the Russell Sage Foundation Report,
7 which is a fairly extensive thing in the area of education and
8 may have broader application. Until we have looked at some
9 things like the Russell Sage Report and the ACM materials on
10 guidelines, then I don't really know that we can make specific
11 assignments. We have got the HEW staff who can pull together a
12 lot of these things.

13 MR. WARE: If we don't make some assignments, then I
14 don't see why we picked the next meeting date.

15 MR. IMPARA: May I address that, too. We can make
16 specific assignments to HEW to bring together certain material
17 which can be transmitted to us either in summary form or in
18 aggregate form so that we can come here with some specific ideas
19 about where we can fit some of our ideas of where the gaps are
20 at the next meeting, so that a chairman when he is appointed can
21 make specific assignments to us.

22 MISS KLEEMAN: I might point out we did develop a pre-
23 liminary list of approximately 45 or 50 different efforts that
24 have either been concluded, for example the Russell Sage ele-
25 mentary and secondary pupil records project, or some that are

1 still going on, and Russell Sage is doing higher education
2 guidelines, and tried to abstract some of those, and I think
3 what we need from some of you is -- for example, from you,
4 Willis, an abstract of some of the security work that you know
5 has been completed so that we know that's an area that there
6 has been substantial work done, and to somehow come back with
7 all of that.

8 I think the first order of business for us as a
9 staff is to gather those things and decide what you all want to
10 see in complete form and what you want to see abstracted.

11 MR. WEIZENBAUM: I enjoy reading reports occasionally.
12 However, they usually don't show the burrs and the scars and so
13 on. I would very much like to see by the next meeting, if
14 that's possible, as large and complete a list of existing
15 automatic personal data systems in HEW, and I would like to have
16 some questions answered about them by next time, for example,
17 to what extent they do communicate with one another and what
18 the basis of the communication is. Is it, for example, name or
19 is it social security number, or what other identifiers, and so
20 on? I would like to see that.

21 In addition, I am profoundly convinced that when one
22 looks at a more or less glowing report about the operation of a
23 particular data system, let's say in Oklahoma or perhaps in
24 Florida, if one points just a little bit, one usually discovers
25 a few scars and burrs, and so on and so forth.

1 For example, yesterday we heard from Mr. Impara on
2 the basis of just the most modest questioning. We heard re-
3 sponses of the form, well it may or may not. For example, will
4 such information be made available. Well, it may or may not
5 be, which means it may be. And usually that means sometimes not.
6 And so on.

7 Now, when one pokes these things, these things begin
8 to show up.

9 I would personally like to have a small subcommittee
10 here of this group visit what appears to be a well-run, beauti-
11 fully safe, very benign automated personal data system running
12 in HEW for, say, a couple of days with the authority to really
13 push and poke and find out and ask embarrassing questions.

14 MR. MARTIN: The Social Security Administration is
15 prepared to have that occur in Baltimore.

16 MR. WEIZENBAUM: I think perhaps two such, one that
17 is on the surface benign, well-running, no problems, and one
18 that is perhaps much more controversial as, for example, the
19 migrant children data bank.

20 MISS KLEEMAN: I think both of those would be possible.
21 We have talked about having the whole committee go and visit SSA.
22 Perhaps we should have a subcommittee go first and come back
23 with a report.

24 MR. WEIZENBAUM: I'm talking about really poking,
25 asking embarrassing questions, on several bases. One, for

1 example, technological expertise, perhaps legal expertise,
2 system design expertise, social conscience expertise, and so on.

3 MISS KLEEMAN: Both a subcommittee should do that
4 and perhaps the whole committee.

5 Before Jerry Davey has to leave, I wonder if he has
6 anything he wants to put in.

7 MR. DAVEY: I think a lot of effort has gone into
8 this summary of tasks that can be looked at. My only hesita-
9 tion on this thing is that it would be easy to get inundated
10 with data. I think we need to be very careful in what it is we
11 can realistically as a committee do. I think it is easy to get
12 absorbed very quickly. You can start whittling the toothpick
13 before you get too far into a forest or even knowing which
14 forest you want to move into.

15 I think the breakdown of the areas here is as good a
16 place to start as any. I certainly would be happy to work in any
17 of these areas that could be useful.

18 I do feel we have a much wider range of applicability
19 than Tay feels. I believe we can apply across the board a
20 number of principles that could be used as a code of ethics or
21 guidelines for a number of data systems, if not the greatest
22 part of them.

23 One of the things that has impressed me as I have
24 moved through various systems is that there is a great deal of
25 commonality, certain threads that run through. And I look at

1 this, and you know we have area programs, and although we may be
2 looking specifically at the Health, Education and Welfare pro-
3 grams, I have just run through my mind as far as credit, as far
4 as hospitals, as far as law enforcement, and the same questions
5 keep occurring again and again.

6 I think from this we will be able to come up with
7 some kind of a thing. But I am very much concerned about
8 us being inundated with data and trying to come up with things
9 which will be difficult to do. I can see three feet of paper
10 coming across my desk by the next meeting, trying to give some
11 kind of rationale to this thing. I don't feel that I'm being
12 used very effectively on that kind of a thing. It's very diffi-
13 cult. Most programs when they are written up sound very nice.

14 MR. WARE: Of course. They are after money.

15 MR. DAVEY: That's right, and it's only when you
16 really get into them and start poking around and actually being
17 on site and looking at them and questioning things, and this
18 takes time to really get an understanding of what it is that
19 is going on.

20 I just am nervous about what it is that we can do.
21 I certainly think that it would be helpful to maybe divide the
22 group in any way, at least we start narrowing down the things
23 that we are looking at, so by the next time we come back maybe
24 we have some more thoughts on this thing. Maybe the area
25 programs or societal or computer technology, legal and

1 regulatory, public relations -- that puts about five people on
2 each committee, if you break it down in that fashion. This is
3 just a process of looking at those particular areas. And then
4 anticipating, okay, fine, maybe we will be able to spend ten or
5 twenty hours between now and the next time we meet, and realis-
6 tically I don't think I can spend much more time than that be-
7 tween now and the next meeting. I feel that my time is most
8 effective when I'm here because I can devote everything that
9 I'm doing right at the present time. But when I'm involved with
10 a new business, the thing that is at hand is the thing which is
11 the most important. And this is going to take a back-burner
12 position, and it automatically will.

13 So I think that we need to ask very, very serious
14 questions as to what each one of us can do in this respect.
15 I think that perhaps we have enough information, perhaps with
16 what has been given to us, maybe a few more key documents or
17 something like this. But I think the main thing is to think
18 and ask questions to ourselves: What is it we would like to
19 know or think about? Perhaps the experience level isn't that
20 high, but I think with these thought experiments, or whatever,
21 you can come quite a ways. I don't think it's necessary to get
22 inundated in data. This is my caution.

23 MR. DeWEESE: It just seems to me we shouldn't be
24 concentrating on actually -- how to phrase this -- working in
25 those areas so much as we should take a data bank and tear it

1 apart, according to those criteria, if you understand what I'm
2 trying to get at. I don't think we should go off and have some-
3 one work in the societal area or computer area. I think we
4 ought to concentrate on a few data banks and use them as criteria,
5 take one of those data banks apart and see where the privacy
6 problems are.

7 MR. WEIZENBAUM: It's not just the privacy problem.
8 For example, I would consider this effort, assuming it lasts,
9 say, three years -- I'm deliberately exaggerating -- to be an
10 enormous success if it succeeded in just one thing, namely to
11 utterly convince the Department of Health, Education and Welfare,
12 whoever its head happens to be, of the fantastic fragility of
13 the systems on which the whole thing is built.

14 For example, let's take Mrs. Lanphere's system. What
15 happens if IBM ceases to support OS-360?

16 MR. WARE: It's 370.

17 MR. WEIZENBAUM: Oh, 370. What happens if IBM ceases
18 to support the operating system on which your computer is
19 running? The answer is it's a catastrophe. It is an absolute
20 catastrophe.

21 MISS LANPHERE: We do it manually, I expect.

22 MR. WEIZENBAUM: You will not be able to do it
23 manually. you will be locked into the system. You will not be
24 able to do it manually.

25 What happens now if a system like yours -- I don't

1 care in what domain it is or what jurisdiction -- but suppose
2 a system like yours is linked to 14 other systems, some supported
3 by different various manufacturers, CDC, UNIVAC, and so on and
4 so forth, and two of those cease to be supported in hardware or
5 software by the manufacturer. These are all interdependent.

6 As I say, I would consider it an enormous success if
7 that's the only caution that we could introduce into HEW. I
8 think we can do more than that.

9 MR. BURGESS: I would be surprised if that weren't
10 already known.

11 MR. WEIZENBAUM: I wouldn't be surprised because we
12 hear here the thrust of what the facts are today and how they
13 ought to be extrapolated into the future, the whole inevita-
14 bility, and that sort of thing. If we could just introduce
15 enormous caution into that, not only for reasons of privacy,
16 security and all that sort of thing, but the very reason of
17 operating the government at all. This is not just a computer
18 problem. It is not just an information problem. We see this
19 throughout our whole society today, especially a highly techno-
20 logical society, as in the United States, that has become so
21 enormously interdependent that a small perturbation in one aspect
22 of it, say an airlines strike, for example, propagates through-
23 out the whole system in very nearly catastrophic ways.

24 Now we are building electronic information processing
25 systems quite apart from questions of privacy and all that,

1 which systematize this fragility, such that if someone pulls a
2 plug somewhere who knows what would happen. Should we really
3 build further on this pyramid?

4 MR. ANGLERO: As Rolls-Royce did.

5 MR. BURGESS: I think your observation is a good one
6 but one of the categories, for example, that I think ought to be
7 in there would be a category that has to do with an issue which
8 I think is a central issue, and that is that people tend not to
9 look at the opportunities for decentralizing and for developing
10 more independent kinds of systems because of the technology that
11 is available today. Some how the kind of social views of the
12 thirties get transformed to the technology of the seventies, and
13 we keep talking about centralized systems.

14 The point is that would, it seems to me, be an issue
15 down the road a piece rather than an immediate kind of issue.
16 It seems to me there is just an awful lot of knowledge around
17 this room that could be more broadly shared by some categories,
18 those or some others. The first item on the agenda ought to be
19 that kind of sharing in a more systematic way. Maybe not three
20 feet of paper but maybe 30 or 40 pages that would somehow tell
21 us where we are in some of these areas.

22 MR. WEIZENBAUM: I agree. I think we should look
23 at, as I said, two or three subsystems and really poke and in
24 effect make the demonstration. One reason is this urge to have
25 centralization because technology makes it possible. Because

1 the administrator, the poorer manager who can no longer command
2 the technology himself because he has been busy managing for
3 the past fifteen years and so on, believes the propaganda
4 emanating from the computer community, for example. He has
5 essentially no choice but to believe it, and from a technological
6 community generally.

7 MR. DAVEY: I have to leave right now, but I am cer-
8 tainly in favor of proceeding on this basis. I think it's a
9 structure, and I think we ought to use the structure. Count me
10 in on anything you would like me to do. Let me know.

11 MR. BURGESS: Could you do the last three?

12 (Laughter.)

13 MISS KLEEMAN: Let me just interject one thing.

14 Carole Parsons has offered after lunch, if we want
15 to take a few minutes, to describe how the National Academy of
16 Science organizes and undertakes this kind of, as she puts it,
17 state of the art assessment that we are discussing. I think
18 they have got a lot of experience in organizing things like this.

19 MR. BURGESS: They did an assessment on the computer
20 type thing in '66.

21 MR. ANGLERO: I would like to know something about
22 the way the different systems are coming into effect really.
23 For example, our program is somewhat different from the one you
24 have in the rest of the states. We don't have so many different
25 local governments and county governments because of our own

1 structure that we are centralized at the state level, common-
2 wealth level. So it's a lot different than the problem that
3 you have in the mainland.

4 But even though I am faced with the problem that we
5 do have to go with the same systems that are assigned by Health,
6 Education and Welfare and other departments, we have to go to
7 that even though we don't have in many instances the same kind
8 of resources capability, and we are facing those problems now.
9 But that is a different issue.

10 But I was telling yesterday, some time like this when
11 we were having lunch, some of the problems we are facing in
12 terms of the use of information. We have to follow through the
13 information to central banks, let's call it that way, central
14 level. Well, we just process this information to the central
15 level. In many instances it's valid information. In some
16 instances the information is at the central level and we don't
17 know for what that information. We don't get the other things
18 that come with it. What use do we make at the state level for
19 evaluation and for planning and for services?

20 Well, I would like to see this and wait to see if we
21 can share the same problem that faces in other places, other
22 states in the United States.

23 MR. MILLER: I would just like to throw a personal
24 reaction out.

25 MR. MARTIN: To what, Arthur?

1 MR. MILLER: To this.

2 MR. MARTIN: Will it be as relevant and fresh and
3 interesting after the hot lunch which is ready?

4 MR. MILLER: I doubt it. I'm practically asleep now.

5 MR. MARTIN: Say it, and then we're off.

6 MISS COX: He's brief, usually.

7 MR. MILLER: I think we should view this solely as
8 a starting place. This is not the way I would have structured
9 it, although I did participate in the early phase of the thing
10 that emerged. But I think it would be a mistake to view our
11 next eight months together as broken down into these five cate-
12 gories. I think this is a good way to fractionate the group
13 for a state of the arts survey.

14 I then think every member in the group should go out
15 and see systems operated by HEW. Frankly, Joe, I think five is
16 better than two. I think there's a spectrum of systems worth
17 exposing ourselves to.

18 I think we should then rejoin each other and say
19 what are the common threads we have unearthed in the state of
20 the art in on-site inspections? Try and get some sequence of
21 the common threads and work on the common threads with regard
22 to formulating guidelines and policies and recommendations and
23 interest balancing equations with regard to each of the common
24 threads. But I don't think we should get locked into subgroups
25 on these five subjects.

1 MR. MARTIN: Can we pick up right at that point after
2 lunch.

3 (Whereupon, a luncheon recess was taken at 1:05
4 p.m.)
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AFTERNOON SESSION

(2:10 p.m.)

1
2
3 THE CHAIRMAN: I thought of an interesting bit of
4 homework that about five people can do that I think I would
5 find interesting, if Bob and Florence and Jane and Pat and Jim
6 would just kind of write down on one page where they thought
7 the leaky points were in the systems each operates, where my
8 people inadvertently or maliciously get stuff out of it.

9 That would provide an interesting insight, at least
10 a once-over-lightly on five systems.

11 MR. DOBBS: I also think in line with Willis sort
12 of handing out some specific assignments.

13 (Laughter.)

14 It really wasn't, although I think he will be able
15 to contribute.

16 I think that Joe brought up the notion of the probing
17 and the embarrassing sort of questions, and it seems to me it
18 would be worthwhile for him to begin to generate that list in-
19 dependent of the exercise that Willis has just suggested.

20 MR. WARE: I'm not with you.

21 MR. DOBBS: Joe brought up the notion that the kind of
22 reports that we are likely to read on most of the data systems
23 are going to be glowing.

24 MR. WARE: Oh. You mean how do you audit the computer
25 system to see if it's leaky?

1 MR. DOBBS: Yes.

2 MR. WARE: I have the beginnings of that.

3 MR. DOBBS: Maybe you and Joe would like to work on
4 that.

5 MR. WARE: Okay. We can do that. That's a mail
6 exercise.

7 MR. WEIZENBAUM: The whole profession is beginning
8 on that problem.

9 MR. DOBBS: I understand, but we can't wait for them.

10 MR. WARE: I know where you can get it in print.

11 AMR publishes for \$29.50 a book called "Computer Security"
12 and something or other. And somewhere in there is a multipage
13 check list of what to look for.

14 MR. DOBBS: That part we can buy. The other kind of
15 question Joe was beginning to focus on, like what happens if in
16 fact the man stops delivering 370's, which is a deeper kind of
17 question. That's the level of the kind of thing.

18 MR. WARE: That's clear. A salesman comes in and
19 sells you a 380.

20 (Laughter.)

21 MR. WEIZENBAUM: Nancy, I can't find that resume of
22 mine that I'm supposed to do something with. Will you get me
23 another copy, please?

24 MR. GALLATI: Our system, I think, is the only one
25 which is represented here which has actually been audited by a

1 controller, who is the opposite political party of the adminis-
2 tration.

3 MR. WARE: I wasn't anxious for you to do it on line
4 here.

5 MR. GALLATI: I have both the audit and the response.
6 I would make this available. It would be an indication of what
7 you can get into, particularly if you have a controller who is
8 of a different political party than the Administration.

9 MISS HARDAWAY: We have that also.

10 MR. MARTIN: Can you keep the background noise down
11 to zero, please.

12 MR. DOBBS: In line with identifying some sources,
13 references have been made to the Weston report which has been
14 underway in the National Academy of Sciences. And I believe
15 that that is due to be released either this week or next week,
16 and that it would be appropriate if a letter went to the
17 chairman of the board from you requesting that report, that it
18 probably would provide a good deal of background material.

19 I would suspect if you asked at the same time that
20 some of the members of that panel, maybe one or two, showed up
21 for our next meeting --

22 MR. MILLER: You have one here.

23 MR. DOBBS: I know. I want another one.

24 (Laughter.)

25 MR. MILLER: I'll get you Ralph Nader.

1 MR. DOBBS: Fine. The point is whoever that other
2 set of briefers are, they probably should be from off the panel
3 off of this committee.

4 MR. MILLER: Yes.

5 MR. DOBBS: That was the point.

6 MR. MILLER: By the way, I don't think anybody on the
7 panel is of any value to you.

8 I am being very honest. We were all on an advisory
9 group which was a charade, and I think a reading of the report
10 is sufficient.

11 MR. DOBBS: I will defer to your judgment. Then
12 let's ask and get that.

13 MR. MILLER: That's my personal judgment.

14 MR. MARTIN: Before we broke we were becoming, it
15 sounded to me, more and more of a mind that this analysis of
16 breakdown of task would be useful, and it seemed to include a
17 sort of state of the art study in a lot of areas. It was said
18 that Carole Parsons would share with us the Academy of Science
19 experience to the approach or approaches to state of the art
20 studies, which Carole is willing to do if you would like to
21 hear that now.

22 MISS PARSONS: I will try to take not more than ten
23 minutes, and I am not going to give you a description of how
24 the Academy operates in general because there is a tremendous
25 variety of the 900 committees that we have in existence at the

1 present time; there is a tremendous variation in their modes
2 of operation.

3 But I thought I would describe to you a committee
4 activity in which I am intimately acquainted because I was the
5 staff for the committee most of the time which, in reflecting
6 on much of what I have heard yesterday and today, strike me as
7 having had at its outset very similar characteristics to this
8 group.

9 This was the Advisory Committee on Problems on
10 Census Enumeration. It was a 15-member committee.

11 (Writing on blackboard.)

12 I am going to write this here, committee of 15
13 members. It was established for 18 months. It had a budget
14 of \$90,000. It had to produce two reports, one of them in six
15 months, which was an internal report which was addressed
16 specifically to the 1970 census which at that time was already
17 planned, the field offices were being staffed, and everything
18 was more or less a fait accompli.

19 What the committee was asked to do in that six-month
20 period was recommend to the Census Bureau any additional pro-
21 cedures that might be added to the standard enumeration pro-
22 cedures in what the Bureau had identified as problem areas or
23 likely problem areas.

24 Secondly, to suggest ways in which the standard
25 enumeration procedures could be used experimentally to learn

1 something about what's going on in the process of census taking,
2 because the Bureau was convinced that you don't learn a great
3 deal by doing research on surveys that are not taken at the
4 time of the census. There is something special about the
5 census situation. And therefore, in order to learn, you would
6 get your best knowledge from doing things actually in the context
7 of the census.

8 Now, one other thing that I would add to this is that
9 the committee, through the duration of its life, was never con-
10 vinced it was dealing with a real problem. The problem was
11 this. It's very simple.

12 In the 1950, 1960 and 1970 census, it has been esti-
13 mated that nationally approximately 3 percent of the population
14 was not counted. This estimate is developed from a comparison
15 with birth and death records, previous censuses projected for-
16 ward. That is the national estimate.

17 The demographic analysis gives a further breakdown
18 by age, sex and race. It indicated that nationally, again,
19 approximately 20 percent of all of the black males between the
20 ages of 20 and 35 were not counted in either the census of '50,
21 '60 or '70. Well, the census of '70 is coming out and there
22 have been now some preliminary estimates which indicated the same
23 thing happened in 1970.

24 MR. WEIZENBAUM: Would you say that again? I'm not
25 sure I heard you right.

1 MISS PARSONS: The national count is about 97 percent.
2 Of the residual 3 percent, which is about 5.2 million people,
3 this 5.2 million people includes 20 percent of all of the po-
4 tentially countable black males between the ages of 20 and 35.

5 MR. MILLER: To put it another way, the black popu-
6 lation is underrepresented in the House of Representatives by
7 six to eight Congressmen.

8 MISS PARSONS: The problem was this is a national
9 estimate, and the Census Bureau had no way of knowing what the
10 geographic distribution of the undercount was.

11 Now, in the course of pretesting the census, it had
12 done a couple of short little studies which gave it an indica-
13 tion of where the trouble was. It ran something called casual
14 setting interviews in Trenton, New Jersey. Having run a pre-
15 test of the census -- it picked up people by going to bars and
16 street corners and parks and interviewing people, getting their
17 names and addresses, trying to trace them and so forth -- there
18 was a population of people who had one or two characteristics.
19 Either they were transients and had no fixed address, or they
20 were people who were living within households that had been
21 contacted by the census but whose existence was denied by the
22 person who completed the census questions.

23 This is all really not directly relevant to how the
24 committee operated, but it gives you a sense of what the nature
25 of the problem was.

1 The committee was asked by the three sponsoring
2 agencies -- OEO, Census and Manpower Administration of the
3 Department of Labor, each of which had a different interest in
4 improving the census counts for blacks -- to do three things.

5 One was to recommend ways of assessing the social costs
6 of this undercount phenomena, and the benefits that could be
7 derived from improving the count X percent.

8 Secondly, to recommend procedures for improving the
9 standard census method of taking the census.

10 And third, to design a long-term research program
11 for the Census Bureau and the two other agencies in which they
12 could participate jointly that would broaden their reach into
13 the various scientific communities that could make a contribu-
14 tion to the understanding of the problem, but which until that
15 time had not been included in any of the previous efforts that
16 had been made to resolve the undercount phenomenon.

17 Now, why I say the committee wondered all throughout
18 whether or not it was dealing with a real problem was there was
19 no way of deciding what the social costs and benefits were or
20 estimating them, because first of all no one had any notion of
21 what uses were made of the census, what the sensitivity, for
22 instance, of the formulae that are used in the allocation of
23 government monies from the Federal Government to various levels
24 of government were, and what degree of error in the population
25 counts that were used would be necessary to effect the allocation

1 of money, to take one example. There are others. For instance,
2 a definition of a universe of need, to find out whether or not
3 the people who were counted had some peculiar social character-
4 istics that separated them off from the rest of the population,
5 or whether they were like everyone else.

6 Anyway, those were the considerations. But just
7 the simple one of trying to attach a dollar figure to an improve-
8 ment in the count we found was impossible to do because nobody
9 knew what uses were actually made of the census, and what con-
10 text and what purposes and what time in relation to the taking
11 of the census. Because it was thought that probably, in the
12 case where a statute requires that money be allocated on the
13 basis of the 1960 census, say, in 1969, the margin of error in
14 the count as a result of the manipulation of the data for pro-
15 jective purposes was probably far greater by '69 than any errors
16 in the basic count.

17 So we lived with this for 18 months, not knowing
18 whether we were really dealing with something that was important
19 or not.

20 All right. Let's start again. We started out with
21 the 15-member committee which met for the first time on the
22 11th and 12th of June, 1969. It was a two-day meeting just like
23 this, and at the end of the second day the committee had come
24 out with a plan that looked something like that.

(Laughter.)

1 MISS HARDAWAY: In other words, we are very ordinary.

2 MR. DOBBS: Not with the same headings, I hope, Carole.

3 MISS PARSONS: No.

4 We knew that was June and we knew we had to produce
5 a report, which was relative to the '70 census that was going
6 to be taken the following April, by the 31st of October. What
7 did we do?

8 We had two objectives. One was because of the
9 nature of the advisory activity, and particularly because of
10 the Academy's very special concern about these things, we wanted
11 to be sure that the staff role was supportive primarily, and
12 that no one would be able to turn around and say this is a report
13 that was written by the staff. We wanted to make sure that it
14 was full participation by the committee members and they had
15 control of the document.

16 Secondly, because this was a problem area that had
17 a problem that had been dealt with by statisticians and demog-
18 raphers, survey methodologists, for about twenty years, and
19 whose approaches had more or less monopolized the research
20 treatment of this problem, we wanted to identify as broadly as
21 possible all the areas in the social sciences in this particular
22 case that may have something to contribute to an understanding
23 of what was going on.

24 So we had a problem of outreach and identification
25 of people whose work had not previously been thought relevant to

1 So out of the first day's meeting, we had four sub-
2 committees. We had a subcommittee that came up right away on
3 alternatives to the census. In other words, what other ways
4 could you go about counting the population without going out
5 and knocking on doors every ten years.

6 Secondly, we had one on the secondary analysis of
7 the data from previous censuses to see if it could be milked
8 further to give some further information on the social charac-
9 teristics of the people.

10 We established one on something called improperly
11 the social psychology of anonymity.

12 And the third one was on urban ethnography, anthro-
13 pological studies of people living in urban ghettos, primarily.

14 There was a reason for this. Here the committee
15 wanted to start initially, even though it knew that it had some-
16 thing to do in six months it knew also it had another year
17 after that, thought it would have a year, to develop long-term
18 considerations, so it wanted to get started early. So we had
19 the committee on the alternatives to the census.

20 This committee was provided by the Census Bureau and
21 then by the Academy of Science with all the material that those
22 two groups of people could put together on proposals that had
23 been made at one time or another of alternatives or supplementary
24 ways of counting the population. That was composed of three
25 members of the committee, plus three more who were brought in

1 from the outside to participate just on the subcommittee, having
2 been identified by the three members of the committee who knew
3 that these people could be particularly helpful.

4 In this case, the one of secondary analysis, what
5 they wanted to do was take the Chicago census tract data for
6 1960 and work it over to see if they could develop some rela-
7 tionship between estimates of undercounting and tabulated non-
8 responses in the census. That is incomplete census forms.
9 The same areas in which it was thought people were undercounted
10 were the same areas in which there was a very high non-response
11 rate.

12 This was undertaken by, unlike in this case, three
13 members of the committee who were at two universities in the
14 same geographic area. They developed a research design for
15 this particular piece of original research, and then they got a
16 graduate student who actually carried it out as part of his
17 preparation for his MA thesis. We paid for that in the way
18 that was discussed this morning.

19 Social psychology of anonymity was something else.
20 One of the objectives here was to relate a body of research
21 literature that had not been thought relevant to the census-
22 taking problem as it had been described to us at that point.

23 This problem as conceived of initially was a problem
24 of deviant behavior. And one member of the committee in this
25 case, who was a specialist in deviant behavior, was authorized

1 to put together a subcommittee that ultimately included 12
2 people who were specialists in various aspects of deviant be-
3 havior, and they met during the summer, and they undertook a
4 literature review and they made -- well, I won't talk about
5 their recommendations.

6 The Committee on Urban Ethnography was of yet a
7 different character. In this particular case, the Census
8 Bureau had already contributed to the support of an anthropolo-
9 gist who was studying the behavior of people in urban areas,
10 and they wanted to know two things, whether they should do more
11 of it and whether the data that the anthropologist gathered
12 could be used to develop estimates of under-enumeration in
13 small areas.

14 This had to be done immediately, by October, because
15 there was an important advantage to having the anthropological
16 work going on at the same time that the census was being taken.

17 There was one other, and that was the public infor-
18 mation campaign, public relations, where one of the members of
19 the committee was the Dean of the School of Communications at
20 the University of Texas, and he put together a group of people
21 drawn largely from the advertising and research world, non-
22 academic, who went over the census public information campaign
23 with the advertising agency in New York that was preparing it
24 on a voluntary basis.

25 The Census Bureau had advertising since 1970 that was

1 valued at \$10 million. The Bureau didn't pay for any of it. It
2 was all voluntary, but at the same time they had very little
3 control over the content of the advertising campaign, and it
4 was the responsibility of this committee to make an assessment
5 of its appropriateness.

6 That was done in early September. And the things
7 coming out of all these committees were fed into a late September
8 meeting of the committee out of which came writing assignments
9 which were sent to the staff who drafted a report, sent back to
10 the committee for revisions, and delivered on October 31.

11 Now, the important thing -- and then I will quit --
12 we finished more or less on time. Then we were going to have it
13 commercially published. It has produced a book, as a matter of
14 fact, and the bottom fell out of the market, and so on, and
15 the book is being published by the Academy and will be out the
16 15th of May. So there was a delay in the actual publication for
17 those reasons, but it had nothing to do with the work of the
18 committee.

19 Out of this one, the alternatives to the census, and
20 some of the questions that came up in the course of discussing
21 the public relations campaign, the committee got interested in
22 something which it had not previously been interested in.
23 Namely, the various ways of communicating with people, particu-
24 larly the potential of new technologies for communicating with
25 people in ways that would improve the social data collected

1 about the population. So these two committees eventually came
2 together in a second stage and produced another one on alterna-
3 tive instruments for improving census coverage. And that's the
4 one in which the issue came up that brought me here this time
5 because we got into the discussion of privacy issues, and so
6 forth, in this particular area. Also we hadn't planned to
7 cover the social psychological. When they got started talking
8 about the social psychology of anonymity, they went over the
9 deviant behavior area which seemed to be a very good idea. And
10 it occurred to some of the people on the committee that what
11 they were really talking about was that the census-taking pro-
12 cedures were based upon a theory about the structure of social
13 reality, let's say -- namely, that the census, if you look at
14 it from this perspective, looks at the population of the United
15 States as a grid. And each of these cells is a residence and
16 it's assumed that everybody had one primary attachment. He
17 may have several residences, but he has one that he defines as
18 where he lives.

19 Consequently, all the intensive enumeration procedures
20 that the Bureau had developed up until that time were aimed at
21 getting people who were floating in the interstices of this
22 grid, derelicts and people moving from community to community
23 and migrants, and so forth.

24 And really what might be the case is that the Census
25 notion of the relationship between social identity, who you are

1 and the address you have, may be not quite right. It may be
2 increasingly less right in the second half of this century.

3 So they formed a second stage called the Subcommittee
4 on Anonymity II which went into detailed analysis out of the
5 literature on the sociology of knowledge and various theories
6 of social structure and social mobility which led to recommen-
7 dations for the redesign of the census.

8 The important thing I wanted to emphasize here is by
9 getting started on something like this which the committee
10 thought was right and they weren't completely happy with it but
11 they thought it was a way to start getting to work, they did
12 two things.

13 One is they identified in this particular case hard-
14 ware, a new way of doing the same thing, but in a little bit more
15 sophisticated fashion. And over here they developed a completely
16 new conceptualization of what it was that they were all about
17 and what it was they were involved in. But it was a good six
18 months that passed between these two.

19 That, I guess, sort of sums it up. Again, one of the
20 things that we were trying to do in this particular case was to
21 look at the existing knowledge base that could be related
22 usefully to the problem as it was defined and redefined, and at the
23 same time hopefully in this particular case to push the state of
24 knowledge a little bit forward further by identifying key issues
25 that needed to be kept in mind or which the committee felt

1 deserved the attention of the agency that had the responsibility
2 in this area.

3 MR. WARE: Would you say again how the four sub-
4 committees were identified?

5 MISS PARSONS: Their purviews were initially identi-
6 fied in a two-day meeting like this. The participants were
7 identified primarily by members of the committee. And I must
8 say that out of this, we started out with a 15-member committee,
9 and in a total operation there were almost 50 people. If you
10 look at the subcommittee list in the back of the book, you see
11 about 50 additional names that were actively involved to the
12 point of contributing to the writing of the report, but with the
13 committee always being the court of last resort as to whether
14 what was done was acceptable and whether it deserved attention,
15 and so forth.

16 MR. MARTIN: Thanks, Carole.

17 MISS KLEEMAN: To me one of the useful things
18 this shows and one of the things Carole is saying throughout
19 this, is that some of the concepts changed as they went along
20 so you don't have to feel bound in by your initial definition,
21 so some of the fears of getting bound into this were fully
22 capable of changing easily.

23 MISS PARSONS: That is very true.

24 MR. GENTILE: Hopefully we are going to learn as we
25 progress.

1 MR. BURGESS: There was a very well defined task for
2 the committee. That is, to identify the social costs and make
3 some short term recommendations for the '70 census.

4 MISS PARSONS: If you read the report you will see
5 that the committee said in effect it couldn't assess social
6 costs and benefit and explains why and explained what you have
7 to know to be able to do it and notice that that information
8 didn't exist. That was the state of the art.

9 MISS KLEEMAN: I had one thought at lunch time as I
10 was talking to several people and asking them their ideas on how
11 to approach some of the questions we have and particularly in
12 the area of gathering together what has already been done. I
13 found myself asking several different people if it would be
14 useful for them to prepare a brief description of the state of
15 the art in their own little, not so little area. And I wondered
16 if many thought that would be useful. For example, to ask
17 Willis Ware to prepare something on what has been done in the
18 field of security in intelligence systems, for example, how
19 much we know about that kind of technology.

20 MR. WARE: Intelligence systems?

21 MISS KLEEMAN: Defense systems.

22 MR. WARE: I'm sorry, I thought you meant the arti-
23 ficial intelligence bit.

24 MISS KLEEMAN: No. Where there is a tremendous con-
25 cern about the security, computer security, and where I know

1 a lot has been done.

2 MR. WARE: No problem.

3 MISS KLEEMAN: And to ask Bob Gallati to show us what
4 Project Search has come up with as standards for criminal sys-
5 tems, and also discuss a little bit how criminal systems today
6 are actually working, where they are not yet meeting those
7 standards.

8 There are several other people who could in effect
9 do the same kind of coalescing of present activity, and then we
10 of course can do a lot, put together a list to send out for
11 comments and get back and then redistribute.

12 I think there may be some studies that everyone will
13 want to read. The Weston study may fall into this category.
14 There may be others that we will abstract and if you want to
15 read them we will get them to you, that not everybody will want
16 to look at, maybe. The educational guidelines only a small
17 group will look at.

18 If that would be useful, we could maybe among our-
19 selves decide who should be taking on some of those things, and
20 come back either before the next meeting so that you can all have
21 read them by then or at the next meeting.

22 MISS PARSONS: I have the impression I should maybe
23 not have said anything because I think I either upset people
24 that they would ever like to be perceived that way or otherwise
25 made it look harder, more complex, than it really was.

1 MR. WEIZENBAUM: To the contrary. I found this
2 enormously stimulating. My reaction to it, after apologies,
3 and of course off the top of my head -- this is the first time
4 I've seen this so I will offer a comment with that apology.

5 As I looked at the development of what you presented,
6 it occurred to me clearly that if we are going to use this at
7 all, we have to use it by analogy. Can we do something analo-
8 gously? And what is, for example, an alternative to breaking
9 it down that way and breaking it down the way you indicated
10 there. And it happens I came up with four categories by acci-
11 dent. You have four. I happen to have four, too. I don't
12 think there is anything necessary about that. I will just name
13 then, again with the apologies I made in the beginning.

14 First, these are not in order of importance, just
15 four categories.

16 Information as property. Someone looks at informa-
17 tion as property, the whole due process question that you raised.
18 This is all in the context of HEW information systems.

19 Another slice, information as a resource. And essen-
20 tially, then, to look at it as an economist looks at the dis-
21 tribution of scarce resources. That's what economics is all
22 about. It's about the distribution of scarce resources.

23 The third one is the fragility of information systems
24 as a base for social action which it seems to me deserves a deep
25 look because I think it is potentially very, very large

1 consequences.

2 MR. MARTIN: What is that again?

3 MR. WEIZENBAUM: The fragility of information systems
4 as a base for social action. Again, this is all in the HEW
5 context.

6 And finally alternative means for delivery of HEW
7 services, and the question is alternative to what? Alternative
8 to the assumption that is made all along that the delivery of
9 HEW services is ultimately based on very large possibly inter-
10 connected, rather highly centralized automated personal data
11 systems. Are there alternatives to that? Some alternatives
12 occurred to me. This is not the time to spell that out, but in
13 any case that's another slice.

14 MR. DOBBS: You really mean alternative information
15 support to delivery of services.

16 MR. WEIZENBAUM: I say alternative means. Yes,
17 alternative information means, if you like.

18 MR. DOBBS: I think that is better.

19 MR. WEIZENBAUM: This is all off the top of my head.
20 For example, one could think of urban information systems that
21 are to a very large extent autonomous and self-contained. I
22 say to a very large extent, that have very little intercommuni-
23 cation with other systems but that integrate a number of ser-
24 vices, and with the responsibility for the information process-
25 ing and the delivery which is based on it, less with the people

1 who are running that thing, not in Washington, for example.
2 And where Washington gets, perhaps by law, only summary informa-
3 tion, statistical information, and so on and so forth. Or
4 similarly alternatives to the problem of universal identifiers
5 and so on. Things of that kind. That's another kind of break-
6 down.

7 As I say, this is just off the top of my head, and
8 I'm sure other people can think of other ways of breaking it
9 down.

10 MR. BURGESS: Let me make a comment. I think that
11 if there is a lesson to be learned from what Carole has said
12 it is that that kind of alternative, more functional, analytical
13 way of breaking the problem, might come out of another meeting.

14 I guess I feel that if we could do some of the things
15 that Nancy suggested just a minute ago, that is if different
16 people could try to make available to the committee staff which
17 would then disseminate to the rest of us in some form, abstracted
18 or in whole, that at the next meeting we could all come much
19 better prepared, having reflected on what transpired here on
20 that framework and on the one that Joe just suggested, and
21 then we would be well prepared in the first meeting next time
22 to make some hard choices. This meeting has been just tremen-
23 dously stimulating and informative, I think, but I would hate
24 to get locked in here on the kind of framework that we might
25 organize subcommittees around.

1 Frankly, I prefer the kind of analytical way of
2 defining the task that Joe has outlined, but it seems to me
3 to be pretty premature to make that kind of a commitment.
4 And I would think if we could exchange some more information and
5 take full advantage of the talent and experience that is
6 gathered around this table, we would be in a good position to
7 do that in two weeks or three weeks.

8 MR. WEIZENBAUM: I agree it is premature in terms of
9 adoption. As I say, I hope people will come up with other
10 slicings.

11 MR. BURGESS: Yours is very different in terms of
12 the conception of the task. That is a more kind of topical con-
13 ception of the task, and yours is much more of an issue or
14 analytical conception of the task.

15 MR. WEIZENBAUM: I will take it upon myself -- I
16 hope this is the last time I will volunteer for anything here --
17 to write a little document on this and send it to you and you can
18 then distribute it, very quickly, as quickly as I can.

19 MR. SIEMILLER: That means a job description to the
20 titles you give?

21 MR. WEIZENBAUM: I will name individuals. You will
22 be head of two of these.

23 (Laughter.)

24 MR. SIEMILLER: Like I told Helen Bentley the other
25 day, thanks but no thanks. But any time I see a title I want to

1 see a definition of the job description. Sometimes they just
2 don't fit in the same package.

3 MR. BURGESS: The pay rate is the same on all of this.

4 MR. SIEMILLER: I found out in later years there is
5 more to life than pay. I found it out too late.

6 MISS PARSONS: If I could add just one other thing,
7 something I didn't mention, is between the time the initial
8 request for help came from the three sponsoring agencies and
9 the actual convening of the committee, we put together an ad
10 hoc group which met for a day in January, I guess, which tried
11 to lay out a bit of groundwork for the committee, and to develop
12 categories of literature and other kinds of information which
13 they thought the committee should have as a basis from which to
14 work. And then, between the time that that group met and as
15 the committee itself is being put together, the information
16 base for the committee was developed but with the active parti-
17 cipation of the prospective committee members who took upon
18 themselves the responsibility to sort through pieces of the
19 literature that were provided to them by the staff and by
20 agencies involved, so that it wasn't totally a staff burden
21 that was horrendous in this particular case.

22 MR. MILLER: I think there's a lesson there in terms
23 of our meeting in mid-May, that if those two days are to be
24 functional in any sense, at the very least there should be a
25 data base, Nancy, that is delivered to us hopefully more than

1 14 minutes before I leave for the airport and that we can at
2 least digest, and hopefully that some of the things we have
3 been talking about in here in the last ten minutes for purposes
4 of generation are distributed.

5 I would like the general counsel's office of HEW to
6 prepare, for myself and any other odd people here who are in-
7 terested in it, a data base on all of the statutes, regulations,
8 guidelines, internal understandings, forms, and representations
9 made to the public with regard to data collection, data storage,
10 data use, data destruction and confidentiality.

11 I trust that is on the record, because if this com-
12 mittee has any authority, I as a member of this committee would
13 like that type of information.

14 MISS KLEEMAN: We have something that approaches that
15 and that begins at that. You may have that already.

16 MR. MILLER: No.

17 MISS KLEEMAN: Which can be distributed very shortly
18 on the authority of the Department to conduct personal informa-
19 tion activities which is long on the statutes and the regula-
20 tions, and short on pulling together all the guidelines. It
21 gives examples of guidelines and forms. More will have to be
22 done on that. But we will have that distributed.

23 MR. MILLER: There is a great deal more that is
24 below the surface of regs and statutes. McFee was suggesting
25 this morning that certain operating people are making

1 representations to the public about confidentiality. And as I
2 suggested yesterday, that sounds good, but can you back it up
3 against a subpoena?

4 MISS KLEEMAN: For example, all medical record col-
5 lection forms have a cross on top of them, notice; this is a
6 medical record which has confidentiality of information, and
7 this is protected under Section such and such of the Public
8 Health Service. But what you are saying partially is how is
9 that enforced.

10 MR. WEIZENBAUM: This is in your area of experience
11 so it may not occur to you to ask the question but it does to
12 me. In what form does such a data base appear and how does one
13 browse through it?

14 MR. MILLER: After about three martinis it shows up
15 as a goulash of statutes, regulations, memoranda, letters.

16 MR. WEIZENBAUM: It's a pile of paper.

17 MR. MILLER: It's a pile of papers, and my guess is
18 it's probably pretty disorganized.

19 MISS KLEEMAN: It shows up at this point as a 34-
20 page paper, and I think what we would do is distribute this as
21 a first cut and then ask for advice on how to broaden it.

22 MR. MARTIN: I hear your request, Arthur. What would
23 you do with it if you had it?

24 MR. WARE: Use it as a reason for drinking three
25 martinis.

1 (Laughter.)

2 MR. MARTIN: To provide quite literally what you
3 have asked for I suspect is not feasible by the next meeting.
4 As you must appreciate, it is an enormous task.

5 MR. MILLER: Of course, but I ask today.

6 MR. MARTIN: What would you do if you had it. I'm
7 thinking about the comments that have been made about information
8 overload.

9 MR. MILLER: To use an oft-recited cliché, I would
10 look to see where the leaks are. I would look to see whether the
11 legal umbrella as it now exists is consonant with what is really
12 going on in the agency or, as I suspect, represents a confiden-
13 tiality and regulatory scheme built for quill and inkstand in-
14 formation environment.

15 Then I would like to see how the umbrella, as re-
16 flected in this pile of papers, stacks up against actual oper-
17 ating procedures at five data bases inside the agency.

18 And I would like, as I tried to indicate to you
19 after lunch, to get perhaps a bright law student, or two or me
20 or three, somebody from the general counsel's office, to start
21 composing models of legal regulatory structure that might be
22 used with regard to the problems as they are perceived by
23 people working in the other areas.

24 In other words, I can't myself create a legal model
25 for the regulations of HEW data banks in a vacuum. All I can

1 do is sort of start setting up a pool of models from which I
2 could later draw in reaction to the problems as they are per-
3 ceived by the over-all committee with regard to such things
4 as collection, linkage, accountability, and so on and so forth.

5 My feeling is that we have got tremendous expertise
6 in this room or can draw from outside this room, but we have
7 got to do a lot of different things at the same time. We have
8 got to be jugglers. The technologies have to be working. The
9 lawyers have to be working. The systems people have to be
10 working. The operator has to be working. And slowly we've
11 got to bring all of our sort of parochially-created models into
12 synchronization as we gain wider and wider appreciation for the
13 problems as they are perceived by the other groups.

14 I mean, if we all sit around waiting for the other
15 guy to tell us what the problems are, we will all be sitting
16 around waiting for the other guy to tell us what the problems
17 are. And this is the only way I as a parochial lawyer know how
18 to start.

19 MISS PARSONS: In order to make recommendations you
20 have to know what exists.

21 MR. MILLER: That's right. In order to know the
22 state of the art, I have to know my range of possibilities
23 and I have to start cutting and snipping and pasting among the
24 alternatives as the data comes to me about what the problems
25 are and what the range of technical protections are, what the

1 false issues are, et cetera.

2 MR. DeWEESE: The only thing I could possibly say
3 besides that is possibly it might be better to focus on the five
4 or six or however many data banks we want to in the agency and
5 then just draw on the regulation, statutes and unofficial
6 understanding that affects those. That may bring the number
7 down to a more reasonable number in size.

8 MR. MILLER: If we could pick paradigms.

9 MR. DeWEESE: I don't see how we could advise the
10 Secretary on data banks until we know how many data banks the
11 agency operates.

12 MR. BURGESS: There are only two large-scale data
13 banks, aren't there? The Social Security Administration and
14 the Community Health.

15 MISS KLEEMAN: How do you define "large?"

16 MR. BURGESS: Multiple users and nationwide. That
17 would be the criteria. They aren't special purpose data banks
18 for one sector or from one class of people, but general purpose
19 data banks in the sense they cover the nation, and they are not
20 limited to certain kinds of people.

21 MR. DeWEESE: I think I am also talking about data
22 banks that are funded by HEW. I count those as HEW data banks
23 funded in whole or part, really.

24 MR. BURGESS: If that assumption is true -- and I
25 think it is about HEW data banks -- I think Tay's point is a

1 good one with respect to getting down to the operating level.
2 At least one of the committees, in fact, might be a committee
3 to do a case study of, say, one general purpose data bank, say
4 the community health data bank, and one special purpose data
5 bank. I think if we went beyond that we would get into a bit
6 of a problem. But I think that would help tie together the
7 kinds of things that Arthur Miller is talking about and that
8 Willis has brought up in a concrete kind of way.

9 MR. WARE: David, don't let those guys get away
10 without homework.

11 MR. MARTIN: Tay, and all of you, I think we have no
12 trouble on relatively short time scale giving you an overview
13 with a fair amount of specificity on HEW's data banks. I think
14 we can give you a big magnifying glass to look at some of those
15 -- I'm sure you won't want to look at all of them -- including
16 two hours or two days at the Social Security Administration in
17 Baltimore, looking at that data system or any other data system
18 you want to see.

19 When it comes to data systems in the health, educa-
20 tion and welfare areas which are not maintained at HEW by HEW
21 personnel, our notion had been that by creating a committee
22 like this, and including on it people who work and live and
23 relate to and are to a greater or lesser degree participants
24 in and hopefully more or less experts about the world of health,
25 education and welfare outside of HEW, that we were getting

1 either people who within the committee could supply for the
2 rest of the committee information about data practices in those
3 worlds and/or would know what the most effective way to get
4 information about those worlds is.

5 Now, what I seem to be hearing, and maybe it's just
6 because nobody is prepared to undertake it themselves or we
7 haven't gotten down to the nitty-gritty of very specific kind of
8 instruction to the staff, is saying, "Well, can HEW do that,"
9 and the answer to that is, "I don't know." I don't know
10 whether HEW could do that. I know a little in response to
11 Arthur because we have been working in that area, and I have
12 some sense of what the limits and capabilities are and what
13 time scale of providing very detailed information about -- you
14 are not really talking about the leaks, Arthur. You are talking
15 about the possibility of leaks, insofar as leaks are protected
16 against by statutes, regulations, pieces of guidance, instruc-
17 tions. And none of that would tell you what the behavior of
18 people may be.

19 MR. MILLER: That is right.

20 MR. MARTIN: Which isn't going to be reflected in
21 any of that, and you won't know anything about leaks from look-
22 ing at all of this, which isn't to say you shouldn't look at
23 this, and I think we can do something.

24 I am not sure what we can commit ourselves to to
25 give you a detailed, factual understanding about HEW systems

1 in the United States of America outside of HEW, although re-
2 lated to us because of these areas or financial relationships.
3 I am sure we can get a good deal through our programs and
4 program people. But many of you here know our program people.
5 Indeed we have turned to our program people for insights. It's
6 kind of scanty in these areas. So I would like to hear some-
7 thing coming out of this committee more than just saying, "You
8 find out for us." You are more expert than Nancy and I are,
9 many of you, as to what is going on in these areas.

10 MISS KLEEMAN: Most of you.

11 MR. MARTIN: Most of you. Well, you are all more
12 expert from one standpoint or another, and it is the blind
13 leading the blind if you are asking us to tell you things about
14 your world.

15 MR. MILLER: I think what you are saying is help us
16 identify five, four, six -- the number is irrelevant --
17 automated systems, either completely internal to HEW or asso-
18 ciated with HEW in some manner or means that represents sort
19 of the spectrum of types of data bank that abut on HEW. And
20 in a sense give us the imprimatur of the agency to go out and,
21 as Joe says, rip them apart, just go out and talk to them. I
22 just can't walk into a data bank and say, "Hi, I have arrived."

23 MR. DeWEESE: That is what I meant exactly.

24 MR. MARTIN: Five systems in all or five systems in
25 each area?

1 MR. MILLER: Five in all, I think.

2 MR. BURGESS: They ought to be divided up in some
3 systematic way. We ought to have a general purpose, general
4 service data bank, general purpose local service data bank. You
5 know there are basically four kinds of data banks and there
6 ought to be four kinds of case studies.

7 MR. WARE: There's another way to cut that that I
8 think you better watch. There's a dedicated one, like Social
9 Security, that runs on its machine, and I'm sure the case at
10 UCLA is that the HEW shares the campus computer, and things are
11 different.

12 MISS KLEEMAN: Most systems, when we were doing this
13 thing with Senator Ervin, they have identified approximately 75
14 data bank systems which contain information about individuals.
15 Now, all 75 of these are maintained in three pieces of hardware,
16 three computers. There are three computer facilities in the
17 Washington-Baltimore area. One at Social Security, one at NIH,
18 and one in the HEW North Building basement which contain all of
19 these.

20 When you look in the Office of Education data systems,
21 they are all contained in the same computer; they all use the
22 same facility. So there are going to be many of the things that
23 we are concerned about cut.

24 MR. MILLER: There are no systems supported by HEW --

25 MISS KLEEMAN: No, this is just maintained internally

1 by HEW. The external ones we have not --

2 MR. MILLER: Well, just find us a couple of external
3 ones to look at.

4 MISS KLEEMAN: I think we do have to do some broader
5 looking at the facilities themselves.

6 MR. GALLATI: It is very important to make sure we
7 get both the dedicated type and multi-shared, because they are
8 two different problems entirely.

9 MISS PARSONS: I would like to make one other sug-
10 gestion, and I am not going to say another word for the rest
11 of the afternoon. Just as a principle, regardless of what
12 you do, whether you look at data banks or whether you look at
13 statutes and law, I think that a good principle to operate on
14 is that at the next meeting of the committee what you should
15 be prepared to do is not have in hand the beginnings of what
16 you are going to inform the Secretary or advise the Secretary,
17 but rather than one should take as one's audience for the next
18 meeting the committee members themselves with individuals or
19 groups on the committee taking upon themselves, volunteering to
20 take a piece of the action, and make sure that every member of
21 the committee, not putting a stack of papers this thick in
22 front of everyone but through distillation in that particular
23 area that everyone is at the same level of understanding of
24 the major areas that are involved.

25 MR. ALLEN: by way of background factual information--

1 and this is without wanting to give undue prominence again to
2 social security number as such, but I do think we need to know
3 within the Department who is using, for what purpose, whether
4 there are alternative common identifiers that could serve that
5 purpose, and to the extent that the information could be gener-
6 ated outside the Department use as well, both public and
7 private.

8 We should know how extensive that use is and how
9 committed and what the possibilities and the implications are of
10 a retrenchment in the neutrality policy and posture at present
11 would be.

12 MISS KLEEMAN: We have tried as a first cut to ask
13 Social Security these questions. I think we, the staff and the
14 committee, have to be very careful to identify the questions
15 that we want answered in very precise terms so that we can push
16 Social Security to give us a precise and well-defined answer.
17 And I think we as staff ask your help in designing very quickly
18 those questions so that they can start asking them.

19 The intra-HEW use of the social security number I
20 think we can ask them to start addressing immediately. I know
21 that it is not used in a lot of the data systems we have been
22 looking at.

23 The external use, I think we have to be very careful
24 how we define it. They are more than willing to undertake a
25 large-scale survey, but I think we need the committee's help in

1 exactly what questions to ask them to ask, and the sooner we
2 can do that, if there is a subgroup of you who could start work-
3 ing on those questions immediately, that would be very useful,
4 I think.

5 MR. ALLEN: I have taken a cut at some things that I
6 want to ask. Maybe I should ask others who would be interested
7 in that before we break this afternoon.

8 MISS KLEEMAN: I am thinking of getting down to
9 almost the precise question, how we should phrase the questions.

10 MR. BURGESS: Let me try to get a decision made.
11 If there is a consensus that we ought to do some case studies of
12 some operating systems, I would be willing to write some thoughts
13 down about how one might sample those systems, and I would be
14 interested in participating in doing that work.

15 I think Tay has made some very compelling arguments
16 for doing that. I think the kinds of things that other people
17 have talked about doing would be usefully grounded in some very
18 concrete information about how things will work operationally.
19 But I do think there's a problem in sampling the kinds of data
20 banks you look at because data banks aren't data banks. There
21 are lots of different kinds, with respect to the clients they
22 serve and the kinds of data they have.

23 I think we need to have a broad view of that.

24 MR. MILLER: Layman, when you get back to Ann Arbor
25 you should talk to Mary Kay. I have a National Science Foundation

1 grant to study privacy technology, behavioral research, and my
2 research associate has begun to put together a questionnaire
3 or an interview scheme which might be appropriate for you, and
4 perhaps Phil, since you are three hours apart, to get together
5 with and perhaps model or change for purposes of this group.

6 MISS KLEEMAN: In connection with this, I mentioned
7 earlier, I think to Layman and Phil and Arthur, that we do have
8 the resources of a law student at the University of Wisconsin
9 who is very interested in perhaps doing a case study of all of
10 the student and faculty record-keeping, personal information
11 activities at the University of Wisconsin, where he has re-
12 sources available to him so that a design like this could be
13 applicable there, too, as a case study of an outside environ-
14 ment.

15 MR. MARTIN: I just got a note from the Social
16 Security Administration to me. Subject: Feasibility of SSA
17 study of extended use of social security numbers.

18 (Laughter.)

19 MISS KLEEMAN: See what I mean? You ask a question --

20 MR. ALLEN: David, I didn't expect it so quickly.

21 MR. MARTIN: It illustrates the relevancy of Nancy.
22 In my note to you, dated April 19, 1972, I indicated I had asked
23 our research --

24 MR. WEIZENBAUM: That's tomorrow. Today is the 18th.

25 MR. MARTIN: It's the 9th, maybe. This has been

1 transcribed twice.

2 "Most recently over the phone asked our research to
3 explore the possibility to do a study to obtain information
4 about the extent of the social security number."

5 I have now heard from So and So who looked into this
6 question for us. He says he discussed the matter with So and So
7 and that they have concluded that such a study would not be
8 worthwhile for two reasons. The first and most important being
9 that such a study would not be completed in time for it to be
10 available for the advisory committee. The other is the results
11 that would come out of the study would not be much different
12 from the survey of identity commissions issued by the American
13 Bankers Association in December of 1966.

14 MR. BURGESS: That is another example of a study we
15 ought to have brought to our attention.

16 MR. MILLER: 1966?

17 MR. WARE: He thinks it hasn't changed.

18 MR. MILLER: No wonder they wouldn't be done in time.

19 MR. DOBBS: I'm not sure he said that. It sounds
20 like he may have said he didn't know.

21 MISS KLEEMAN: I think this points up the need for
22 us to have specific questions.

23 MR. MARTIN: It's a tough question. It's not a
24 question to which SSA is likely to have the answer. There is
25 no reason for data systems around the country to decide to use

1 the social security number for whatever purposes of theirs
2 to inform the Social Security Administration of that. And I
3 guess it's a straight survey research task. You think of all
4 the possible users and you develop a questionnaire and you
5 figure out what a relevant or significant sample is. I'm not
6 a survey researcher, but I guess that is what has to be gone
7 into.

8 MR. ALLEN: If it's too big a task to be done com-
9 prehensively, people then sample, and perhaps it means sampling
10 an urban system. And I guess that that could be done before
11 December.

12 MR. MARTIN: I think Nancy's point is quite right.
13 We do need a fairly sharp definition of what kind of a study of
14 that sort you feel would be useful. I sense that you feel you
15 need some kind of a factual basis on which to think about,
16 and ultimately recommend about the social security number issue.
17 And I think you're the best ones to specify what you would be
18 comfortable with, what you feel you need.

19 MR. ALLEN: We will be making a decision to endorse
20 the present policy if we don't get factual information and don't
21 make recommendations about that.

22 MR. MARTIN: Right.

23 MR. WEIZENBAUM: I would certainly like to know at
24 the very least in what context -- and I mean all of them in
25 HEW -- is the social security number used, and for what purpose

1 and so on and so forth. Having a list of that kind, I imagine
2 that one could go to specific respondents who say that they
3 require the social security number and they get it from whoever
4 supplies data to them, and I say, "How do you actually use it?"
5 The justification might be that we need to be able to identify
6 individuals in order to get ancillary files from the So and So
7 agencies.

8 Then you might ask them, "Have you ever done that?"
9 The answer might very well be no, but it may be required. Or it
10 may be that the previous director who left when this Adminis-
11 tration was elected, or whatever, who has since been promoted,
12 said we thought it was a good idea and said we should do it.
13 We have routinely asked for it but we have never used it, and
14 so on.

15 MR. MARTIN: I think that's something I hope we can
16 do relatively easily, is give you a good picture of the extent
17 and character of the use of the social security number within
18 HEW.

19 MR. WEIZENBAUM: That's a very good sample of a
20 very large slice of our government. And it may be that our
21 legislative friends from Ohio and California can make inquiries
22 in their states as to the use of that number in the context of
23 either the welfare agencies in their state or in the state
24 government generally, or whatever they can come up with.

25 MISS KLEEMAN: As a matter of fact, I believe that

1 something to a certain degree has been done in California when
2 Bill Bagley had this committee before. They studied the data
3 systems in the state and produced in the report that he is
4 getting for us -- there is a listing in the back of that report
5 of all the data systems and what the elements are.

6 The further question then is to identify the ones
7 that have the social security number and go back and ask a few
8 more questions, and I think we can ask him to do that.

9 MR. MARTIN: Would those of you who helped create
10 that model up there care to indicate how you propose the com-
11 mittee and with what support will execute whatever your first
12 cut of that is going to be for the next meeting.

13 I think it is important for all of us who are going
14 to be involved to have a clear sense of what it is that is ex-
15 pected to be done in relation to that taxonomy.

16 MR. MILLER: You are the last soldier.

17 MISS COX: Well, you made some suggestions here on
18 actually what would be done with it, and I think from the
19 National Science Foundation experience somebody has got to take
20 the initiative. I realize that you are in a position that you
21 are not the permanent chairman, but I don't see that that makes
22 one bit of difference. Either the members of the committee --
23 and many of them are already gone -- volunteer to work on a
24 section, and there have been a few volunteers here, and if there
25 are not enough volunteers, take members of the committee and

1 assign them to do what they can on it. And they come up with
2 the questions to the office of can you get this supplementary
3 information. This is what has been discussed.

4 And you made some comments as a starter to get some
5 feedback so that next time you can develop, unless somebody
6 comes up just saying this isn't ideal, doesn't help unless
7 someone comes up with a better outline or another outline that
8 we started this. And even if you start and say you will work
9 on the societal aspects and you only want to work on who uses
10 the social security number, certainly something can be done on
11 getting some information on users outside of HEW.

12 But divide your committee up into groups. Let people
13 volunteer if they want to work on one group. But so that you
14 aren't working individually, you've got somebody to fight it out
15 with.

16 MR. MARTIN: Miss Cox, my sense of the situation is
17 about as follows; It doesn't matter who is sitting here, whether
18 I were the permanent chairman or executive director presiding.
19 I don't think that it would be realistic for anyone to presume
20 to assign tasks to members of this group. If members of this
21 group want themselves to do something, I take it they should
22 speak up and say they will do it and commit themselves to
23 doing it. If the group or members of the group feel that there
24 are tasks that need to be done to support the work of the group
25 and no one is prepared to volunteer to do it themselves, and I

1 can well understand why no one could because you are all extra-
2 ordinarily busy and wholly committed people, then I think the
3 task is for the group to indicate, based on its expertise, how
4 it wishes to get it done, by what process. Art Miller has
5 suggested there are some tasks he would like to undertake to
6 do with the use of some students. There are various organiza-
7 tions with whom we can contract. If the task is clearly enough
8 specified, I think we are capable of indicating to what extent
9 HEW resources are available, programs and HEW operating personnel.

10 MISS COX: But you are not at the stage of con-
11 tracting with various organizations until we get the problems
12 formulated a little bit more.

13 MR. MARTIN: All I am saying is I don't think anybody
14 can assign you a task. You either grab them and say you will
15 do it or you identify them and we mutually decide on how they
16 will get done.

17 MISS COX: There is some assigning. There is always
18 some assigning on big committees.

19 MR. WARE: David, I will write the thing Nancy asked
20 for because I know that situation is in my head. It's just a
21 question of doing it.

22 MISS KLEEMAN: And so much of that material isn't
23 publicly available.

24 MR. WARE: I would like to repeat the question made
25 this morning of Bob and Florence and Joan and Jane and Jim and

1 Pat that they just jot down on a piece of paper where they think
2 the weak spots are in their own systems.

3 MR. GALLATI: I thought we already agreed to do that.

4 MISS HARDAWAY: I will tell you about mine. I will
5 not write it down, and I would not want to put it here on the
6 record. I would tell it off the record. I will tell it right
7 now, what I am doing, and the potential dangers of it.

8 MR. WARE: You already have suggested some.

9 MISS HARDAWAY: I would be very glad to do that off
10 the record simply because it is the information of my state.

11 MR. MARTIN: Is it useful to get one witness talking
12 off the record about a system whose relationship to the overall
13 strategy is not yet clear?

14 MR. WARE: Will you write it to me because I can turn
15 it around to a different set of words and nobody will ever know
16 about it.

17 MISS HARDAWAY: Let's talk about it. I don't want to
18 write it. It is interesting and it does have bearing on this
19 committee only in relationship to your state and Federal govern-
20 ments, which I do think something has to be considered at some
21 point, perhaps in a subcommittee. But it should definitely be
22 talked about at some point.

23 MR. WARE: Pat, do you feel the same kind of uneasi-
24 ness?

25 MISS LAMPHERE: No.

1 MISS HARDAWAY: Her's is different.

2 MR. WARE: I understand why you feel as you do.

3 MISS KLEEMAN: If they agree to do that, and I have
4 asked John to do a short paper on his perceptions of some of
5 the controls on state information systems from an association
6 that deals with all of them in some way.

7 I have noticed that Florence was writing down that
8 she would attempt to get something on New York systems. I have
9 asked Jane to look at Tennessee system. Maybe Bob can help.

10 MR. WARE: You're right. You raised the question and
11 it should be not only where you see the weaknesses but the
12 controls you have in them. The opportunity, of course, of
13 getting samples from six systems is low.

14 MISS KLEEMAN: Then the question is getting everyone
15 else involved who don't have the specific little areas.

16 MR. DOBBS: I will volunteer to try to deal with
17 the city, the local. There are a couple of examples of local
18 government, city kinds of systems, that I have been involved
19 with and also some commercial enterprise. So I will try to
20 deal with that.

21 MISS KLEEMAN: And I think I also asked if you
22 might agree to putting together what the computer, the industry
23 organizations are attempting to do, at least to give us a way to
24 get at that.

25 MR. DOBBS: Okay. He can give you access, I think,

1 between Willis and I to certain people and certain literature.
2 I don't think I can write down all the things.

3 MISS KLEEMAN: Also suggest how we can best use
4 Walter Carlton's resources. He has agreed to cooperate with
5 us.

6 MR. WARE: You mean as the President of ACM?

7 MISS KLEEMAN: That and also as an individual.

8 MISS GAYNOR: No one else ventures in there. Every-
9 body says what a lousy system New York has, but nobody ventures
10 in there to evaluate it. But I will get local and state on
11 health issues and relationships to their systems.

12 MR. GALLATI: We will be in touch with you.

13 MR. WARE: Dave, somebody ought to write the politi-
14 cians and bug them for their respective state experience.

15 MISS KLEEMAN: And Maybe Phil might be able to co-
16 ordinate with Stan some on Ohio.

17 MR. WEIZENBAUM: David, do we have a telephone
18 budget? Suppose I want to call him at Ann Arbor. Is there some
19 magic number or some magic that can be used?

20 MR. MARTIN: Yes. I have to have an honor system.

21 MR. WEIZENBAUM: Of course.

22 MR. MARTIN: I can give you a credit card number
23 which you should feel free to use for calls that you want to
24 make on work incident to the committee.

25 MR. WEIZENBAUM: Do you want a record kept?

1 MR. MARTIN: If it isn't too much trouble, it would
2 be helpful. It is the only way I have of checking our bill.

3 MR. WEIZENBAUM: You don't want a record of length
4 of conversation, just date and who you called.

5 MR. MARTIN: Yes, date and who you called. This
6 would be for calls on the so-called private system, the com-
7 mercial telephone system among yourselves.

8 MR. WEIZENBAUM: It is the only one I have access to.

9 MR. MARTIN: 150-4770-032-S, as in Samuel.

10 If you want to call us at HEW, just call collect,
11 and typically what we will do is refuse the call but learn
12 where you are at the time of your call, and we'll call you back
13 on the FTS lines.

14 MR. WARE: Naughty-naughty.

15 MR. MARTIN: Well, the alternative is during the
16 daytime, at least most of your cities, there will be in the
17 telephone directory a listing for the Federal Telecommunications
18 System, and if you call that phone number as it appears in
19 your local telephone directory --

20 MR. WEIZENBAUM: What is the name of that outfit?

21 MR. MARTIN: Federal Telecommunications System.

22 That's a local call. If you call the Federal Telecommunications
23 System operator, she will come on with something like that,

24 "Federal Telecommunications System operator," and then you say

25 6-ZW-7510.

1 MR. WARE: What does that do?

2 MR. MARTIN: That is our code in HEW.

3 MR. WARE: That is authorization code or routing code?

4 MR. MARTIN: Authorization code. And give her the
5 number in the Federal Government, our number at HEW or anybody
6 else in the Federal Government you want to talk to, and she'll
7 complete the call. The Federal Telecommunications System around
8 the country exists for the use of government employees and con-
9 sultants in calling within the government. So if you want to
10 call a person in government, you can place the call, she'll
11 accept it, and all you will have paid is the local dial call.
12 Probably it's covered by your charge.

13 Our number is Area Code 202-963-3003. That's if you
14 want to call us at the office. Sometimes that's a bit of a
15 nuisance. You dial the Federal Telecommunications System
16 operation and it's busy, or if you want to call outside the work-
17 ing day, they normally aren't available to you. They only
18 operate during whatever the working day is in your city, unlike
19 Washington where it's on line 24 hours a day. I can call you
20 all from Washington. The Federal Telecommunications System
21 permits us to call both commercial and governmental numbers, but
22 coming from places around the country you can only call govern-
23 ment numbers. And that's a quite proper thing to do. You just
24 give your code, 6-ZW-7510, and they may ask you your name. Just
25 give your last name.

1 MR. WEIZENBAUM: Social security number?

2 MR. MARTIN: No, just give your last name and ask
3 for the government call.

4 MISS HARDAWAY: David, if we all leave our name tags
5 so they won't have to be redone, we will have more money for
6 phone calls.

7 MR. MARTIN: Now, in connection with these under-
8 takings that some of you have said you would carry out, if
9 there's any way in which we can buttress your work and efforts,
10 either from here or through our regional offices, that can be
11 done. For example, on these external systems that you want to
12 see, what we will be doing now, I think, is sitting down with
13 people in the health area and the education area and social
14 welfare area and try to single out a range of systems that are
15 more or less typical of automated personal data systems in
16 these various areas and identify them and see how we can bring
17 you into contact with them, learn about them, and they may not be
18 in Washington, likely not, you know. After all, we have the
19 District of Columbia and fringes of Maryland and Virginia are
20 relatively accessible. And it may be a very good system to
21 look at in education or health may be in New York or Illinois
22 or California or wherever.

23 MISS KLEEMAN: Pat's system is an HEW external system.

24 I think it would be defined that way if money for it comes from
25 us.

1 MR. MARTIN: With respect to those systems -- Tay
2 has gone -- would you like written information about them for
3 the next meeting on the basis of which you might want to decide
4 you want to go see them? Do you want to create a subcommittee?
5 Or do some of you want to, say between now and the next meeting,
6 have it arranged so that you can go and have a hands-on in-
7 spection?

8 MISS HARDAWAY: I feel that way, David.

9 MISS COX: Some of these inspections could go to some
10 systems before the next meeting.

11 MR. MILLER: No, I don't want to go anywhere until
12 I have seen the existing legal structure of HEW, and I don't
13 want to go anywhere until somebody has got a game plan in terms
14 of questions to ask.

15 MISS HARDAWAY: I think that is a good point.

16 MR. MILLER: Life is too short. I want Allen and
17 Weizenbaum and Phil to come up with an inquisitorial game plan
18 in which I can plug my feeling after studying the legal
19 structure.

20 MISS HARDAWAY: I agree with that.

21 MR. DOBBS: From a matter of timing, I think Arthur's
22 point is well taken, but I believe in my area there probably
23 are some systems which are HEW sort of interfacing or support-
24 ing, and in fact it's worth going to look at them.

25 MR. WARE: If you find some and you get those guys

1 to get the door open, I'll go with you.

2 MR. DOBBS: That's what I want to find out, to what
3 extent can we represent ourselves? Do we need a letter or
4 something that says we are functioning on this committee and
5 would like to come in?

6 MR. SASSER: Would you like to open the door offi-
7 cially for once?

8 MR. MARTIN: Yes, you certainly can represent yourself
9 for what you are, which is as a member of the Secretary's
10 Advisory Committee, sworn in as a consultant to the Department.
11 You have official status. If he challenges, we would be glad
12 to reinforce it.

13 MR. SASSER: I think you should make the initial
14 entrance with a letter or something and let them know.

15 MR. OKAY: Okay.

16 MISS COX: Where does your National Center for Health
17 Statistics do their work?

18 MISS KLEEMAN: Right here.

19 MR. MARTIN: Guy, do you want to undertake to identify
20 the system?

21 MR. DOBBS: Okay. Tell me what you need.

22 MR. BURGESS: What about the President's Commission
23 on Federal Statistics that was just completed a year or so ago?
24 Were any inventories done there that would be relevant to these
25 kinds of issues?

1 MR. MARTIN: I would say not. There are two chapters
2 in the report, if you haven't seen it. One in the report it-
3 self, and one in sort of a collection of papers that were
4 written by various consultants, that address issues of privacy.
5 And we could certainly make available to everyone copies of
6 those two chapters and/or if you felt that it would be worth-
7 while, the entire report. I think the report as a whole is
8 well beyond the scope of your immediate interest as you are be-
9 ginning to define it on this committee. But those two chapters
10 would be well worth reading, I think, and those we could get
11 to you.

12 Would you like those?

13 MR. BURGESS: Yes.

14 MISS KLEEMAN: We are passing around self-addressed
15 stamped envelopes, so if you are communicating with us you can
16 put it in our envelopes. You don't have to pay for it yourself,
17 especially if you are sending thick documents.

18 MR. WARE: I assume on these items we are going to
19 write we should ship them into Nancy?

20 MISS KLEEMAN: And we will spread them out.

21 MR. MARTIN: Now, each of you, or many of you, I
22 hope, know people in your fields of endeavor or expertise whom
23 you feel may be useful sources of information or consultation
24 to the committee, whom you might like to have come and meet with
25 the committee, or whom you might wish to have involved as

1 consultants in some way. One of the things that I said yester-
2 day at the outset was that I hoped we might make a beginning
3 on the identification of such persons and/or organizations.
4 If any of you has any suggestions of such a person or organiza-
5 tion, a few of you have given to me outside the context of
6 our being in session here such suggestions. I would welcome
7 more before you leave or as soon after you have left that you
8 can tell me, and indicate what way you would like to involve
9 them and we can set about doing that for you in order to enlarge
10 your sort of pool of insights, advice and so on.

11 MR. WEIZENBAUM: By the way, if I may ask a personal
12 question, is this a full-time job for you?

13 MR. MARTIN: Yes, I am a full-time employee of HEW.

14 MR. WEIZENBAUM: I didn't mean that. I mean is this
15 committee a full-time assignment for you?

16 MR. MARTIN: In theory, no. In practice, I'm sure
17 it's going to be very close. I will be putting in full time
18 in a narrow sense on this committee, and be doing other things,
19 too. My day starts earlier than most and lasts longer than
20 most, like all of yours. It is not the only thing I am doing.

21 MR. WEIZENBAUM: That's syntactically wrong but --

22 MR. MARTIN: It's not the only thing I'm doing but
23 you will be getting what constitutes full-time attention to it.

24 MR. WEIZENBAUM: The point is tomorrow when we drift
25 off to other things, you will still be thinking about this.

1 MR. MARTIN: Well, tomorrow is a bad example. The
2 Secretary has convened a meeting of about twenty of us at Camp
3 David for sort of a brainstorming day-and-a-half session on a
4 whole range of things which this may play a small part. But I
5 will be back on Thursday and Friday.

6 MISS KLEEMAN: I will spend full time on it tomorrow.

7 MR. ANGLERO: I probably have less knowledge than you
8 have, I'm sure, on national issues and on the coverage of this
9 issue nationally. But I would like to have a better idea on
10 one of the basic concerns of this committee in terms of the
11 system that really required a unique identification number. I
12 don't know. I have been looking at some of the literature you
13 have provided to us, and I see there are some of A, B, C or
14 C, B, A, that covers unfamiliar persons.

15 Can we have some of these people to tell us why it is
16 required for them to have a unique number. Explain how they
17 work, and perhaps to have someone in the Social Security Adminis-
18 tration to see how this system of social security works and
19 what they use, how it is used, and to explain to us.

20 This really is being a kind of a threat. Are they
21 directly looking at this problem, and are there ways out in the
22 literature, that the actual Social Security system has in terms
23 of this.

24 I would like to have two sides of this problem,
25 Social Security people and the major users or demanders of unique

1 identification numbers. I don't think the social security
2 system as such needs a unique. It has their own system and the
3 use of that number is what is the problem.

4 I hope you understood me.

5 MR. WARE: I don't understand why you don't under-
6 stand.

7 MR. ANGLERO: What I don't understand?

8 MR. WARE: No, not what, why. If I heard you cor-
9 rectly, you don't see that the Social Security Administration
10 needs a unique number for each individual.

11 MR. ANGLERO: No, I mean what the problem is between
12 the two aspects of the problem, Social Security and the need of
13 the number by the other people who are not Social Security.

14 MR. WARE: Why do the other people want a unique
15 number, the non-social security types?

16 MR. ANGLERO: Yes.

17 MR. WARE: For the same reason. If you wish to put
18 together two pieces of data that pertain to the same person,
19 you better know that they both pertain to him.

20 MR. ANGLERO: But I would like to have persons that
21 deal with this so we can ask questions of them, how they use it
22 also, because they run the system. When they integrate it,
23 what kind of information they are gathering, and to see the risk
24 or dangers of this. Because as you know, we might assume that
25 the degree of the detail of the personal information that comes

1 up to some level is not the one that really worries us. Maybe
2 it really worries us. In terms of social security, I would like
3 to know really the kind of information that is stored centrally
4 that is subject to this.

5 MR. WARE: The real answer to your question is in
6 the state of the art in the data processing business, a large
7 file, I think. It's convenient to put all this junk together in
8 one place. If you are going to keep records on people and you
9 hand this to a computer type to implement, from his point of
10 view it is convenient to put all the data together in one place
11 that pertains to you, and he will do it for his convenience
12 unless somebody tells him to the contrary. And so far, nobody
13 is telling anyone to the contrary. So we are finding this stuff
14 gradually aggregating in files. It is cheaper that way, it is
15 expedient, and so forth.

16 MR. ANGLERO: I have to assume it is better.

17 MR. WARE: No, no.

18 MR. ANGLERO: I have to assume it is convenient.

19 Okay, but the problem is if I assume that, I should not be
20 here. So I'm here in some way, so let's assume that is correct,
21 and let's see if we have another point of view on what I just
22 mentioned again. Are we going to challenge them or to ask them
23 or even to advise the Secretary on a policy? I don't know. I
24 cannot assume that what is being done has to be done.

25 MR. WARE: That's correct. But there's a corollary

1 remark. Unless somebody says do it differently, it will be
2 done.

3 MR. WEIZENBAUM: And more of it.

4 MR. BURGESS: In a way that is the best statement of
5 your problem what you just said, that computer people, we are
6 going to have a universal identifier unless somebody says not
7 to, and the question is should we. What criteria do we bring
8 to bear to decide whether or not to say no, to advise the
9 Secretary to say no.

10 MR. WARE: Well, it's slightly more subtle than that.
11 One could have universal identifiers and still erect barriers
12 to make sure that in any one place there was only a limited
13 amount of information about any one individual.

14 MR. ANGLERO: That's a way to do with the problem.

15 MR. SIEMILLER: Diferent keys used even if it was
16 all in one place, you would have to have different keys or
17 different symbols to get it out of one place.

18 MR. WARE: That's another way to say it.

19 MR. SIEMILLER: Here's another thing, too. We tap
20 long lines. You can tap the input to a computer with a long
21 line and steal anything out of it, anybody's computer.

22 MR. WARE: That's true in principle.

23 MR. WEIZENBAUM: That's not realistic.

24 MR. SIEMILLER: It has been done.

25 MR. WEIZENBAUM: Do you know that for a fact?

1 MR. SIEMILLER: No.

2 MR. WARE: Well, let me tell you about a system.

3 MR. SIEMILLER: I know people who alleged it was
4 done.

5 MR. WARE: IBM runs a nationwide system with computers
6 and it's got terminals in every sales office. That computer
7 system has in it everything about the corporation, order status,
8 inventory status, production status, you name it, financial
9 status. The only thing that's not in there is their pricing
10 policy, I hear.

11 MR. GALLATI: And salaries.

12 MR. WARE: No, no. That's in there. IBM elected
13 not to protect the information on the communication lines on the
14 grounds that any one communication line had too little of the
15 total picture to be of value to anybody.

16 MR. BURGESS: Only the Justice Department got into it.

17 MR. WEIZENBAUM: Here we are in Washington, the home
18 of "Mission Impossible," I assume. To say a "Mission Impos-
19 sible" leads people to believe that you could walk into a com-
20 puter room, a strange computer room, and sit down at the console,
21 and just by typing something or other you can get out things.
22 That's incredible fantasy.

23 You take a system that I've been using now for five
24 years, the Multex system at MIT. I have a console in my office
25 I have a console at home. I have been using it for five years

1 that there's some interesting information in that system,
2 interesting to me and why don't you try and find it -- you know,
3 for that matter if I've given a student an assignment and I
4 know he has done it -- perhaps he has told me he's done it
5 and stored it in the computer, but he didn't tell me how to get
6 at it -- it's an enormous job to try to find it.

7 Now, if you were to tap a telephone line and all I
8 got out was pulses --

9 MR. SIEMILLER: You have to have the keys to get it
10 out. You've got to have the right inputs.

11 MR. WEIZENBAUM: That's right.

12 MR. SIEMILLER: We own a computer. We bought one
13 about seven years ago, UNIVAC 3, and spent another half-million
14 dollars to improve it to bring it up to date, and we have a
15 fair knowledge of what a computer can do and what you can
16 steal out of it, what you can put into it, how we can find
17 another union's membership if they've got a computer and got it
18 on it.

19 MR. WARE: As I said to somebody at lunch, if I want
20 to get into a computer system I'm not going to do it that way.
21 I'm going to go in and buy the operator.

22 MISS HARDAWAY: The only thing bad about this discus-
23 sion now, you look like the little boy in the first grade that
24 told me there was no Santa Claus. Now you tell me "Mission
25 Impossible" isn't true.

1 (Laughter.)

2 You just ruined the whole thing, you know.

3 MR. WEIZENBAUM: Let me undo the damage a little
4 tiny bit anyway. I noticed, after not watching "Mission Impos-
5 sible" for some very long time, then I saw it again occasionally,
6 that there is an omission. There used to be something there
7 that is no longer there. It used to be said that, of course,
8 you understand the Secretary will disavow any responsibility.
9 That's gone. That statement isn't made any longer, and I know
10 why. Because the public has very great difficulty distinguish-
11 ing that kind of fancy from reality. And with the existing
12 credibility gap anyway, and the statements being made that some-
13 times the Secretary disavows something that is in fact true, I
14 don't think the government enjoyed having that said week after
15 week.

16 MR. WARE: I understood CIA objected.

17 MR. WEIZENBAUM: I'm sure they did.

18 MR. SIEMILLER: I think all departments should have
19 objected because that happens every month, not every day. And
20 later it comes out.

21 MR. WEIZENBAUM: So you see there is fact in "Mission
22 Impossible."

23 MR. SIEMILLER: It's interesting. I haven't watched
24 it for a long time, but it is interesting.

25 MR. MARTIN: I wonder whether we might adjourn.

1 MR. WEIZENBAUM: I think we have adjourned.

2 (Whereupon, at 3:55 p.m., the conference was
3 adjourned.)

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