



U.S. Department of Justice's Global Justice Information Sharing Initiative



Global Privacy and Information Quality Working Group (GPIQWG)

Executive Summary

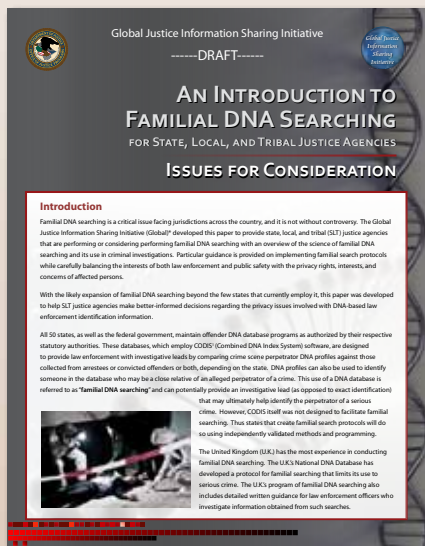
Status of Completed Deliverables

1. *An Introduction to Familial DNA Searching for State, Local, and Tribal Justice Agencies: Issues for Consideration*

This issue paper was the result of an intense collaboration among the privacy professionals of GPIQWG and esteemed biometric, DNA, and familial DNA searching subject-matter experts (SMEs) who generously contributed their time and expertise to its content and development. GPIQWG, on behalf of Global, developed this overview to support state, local, and tribal (SLT) justice agencies that are performing or considering performing familial DNA searching with a primer on the science of familial DNA and its use in criminal investigations, key issues implicated by familial DNA searching, and guidance on balancing the interests of both law enforcement and public safety with the privacy rights, interests, and concerns of affected persons. When development of this paper began, only two states were utilizing familial DNA searching. Since this paper was approved by the GAC in October 2011, two states—Virginia and Texas—have formally begun implementation of familial DNA searching. In addition, six other states

are actively pursuing, or plan to pursue, legislative approval to proceed with this capability. These are West Virginia, Pennsylvania, Oklahoma, Wyoming, Illinois, and Florida. This paper and the template described next position Global at the forefront of this movement. Proactively supplying guidance on both the issues and privacy considerations of familial DNA searching in concert with the increase in state adoptions is vitally important, not only for the entities that implement this process, but also for the individuals who may be the subjects of a familial DNA search.

Status—Since this issue paper was approved by the GAC in October 2011, it has been vetted, revised, and approved by Global's program office—the Bureau of Justice Assistance—by Matthew Axelrod, Office for the Deputy Attorney General, and by Denise O'Donnell, Director, BJA, OJP. Because of the sensitivities that may be associated with familial DNA searching, this paper was forwarded by Ms. O'Donnell to Mary Lou Leary, Acting Assistant Attorney General, Office of Justice Programs, and is pending final review and publication approval.



Status of Completed Deliverables

(continued)

2. *Privacy Principles of Familial DNA Searching: Privacy, Civil Rights, and Civil Liberties Policy Development Template*



After completion of a case study in 2011 to develop a privacy protections policy for the Colorado Bureau of Investigation's familial DNA search capability, GPIQWG leveraged this experience to develop a model privacy policy template for the field that is uniquely designed for familial DNA searching. GPIQWG

privacy professionals and DNA SMEs together drafted this privacy template, designed to guide agencies that are considering/utilizing familial DNA searching through the process of writing a privacy, civil rights, and civil liberties protections policy.

This product could not be more critical or timely. Four states (Virginia, Texas, California, and Colorado) are already implementing familial DNA search capabilities, and six more are in the planning stage. In addition, it aligns with the International Association of Chiefs of Police's (IACP) resolution to encourage agencies that use familial DNA searching to develop privacy policies. The final draft of this product was completed in March 2012 and is ready for approval.

Status—Because of the sensitivities associated with familial DNA searching, this deliverable has been forwarded to BJA, OJP, DOJ for review and approval. Once the template is approved, it will formally be presented to the GAC for voting (estimated—October 2012).

3. *Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Justice Entities (PIA Guide)*



The PIA Guide is the last companion product in the Global Privacy Guide Series that required a thorough update. With the overhaul of GPIQWG's hallmark product, the *Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities* (Privacy Guide), along with its companion resources in

the series in 2010–2011, the PIA Guide needed to reflect the current guidance, privacy concepts, and criteria now recommended in the updated privacy series.

Status—The final draft of this product received GPIQWG approval on February 7, 2012, and is currently being formatted for publication. Copies should be available for distribution by April 30, 2012.

2012 Planned GPIQWG Deliverables

The following describes the Global Executive Steering Committee (GESC)-approved deliverables for GPIQWG in 2012 that are currently undergoing research and development:

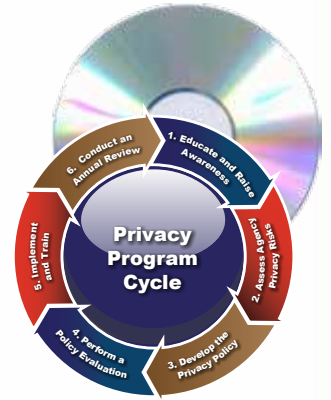
1. Privacy Officer Training Resource

GPIQWG plans to develop a training resource for an agency's privacy officer function (for full-time privacy officers or those assigned privacy officer responsibilities within the roles of their regular positions). In the *Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities* (Privacy Guide), as well as in the template contained within the Privacy Guide's appendix, agencies are guided not only to identify an individual who will assume the privacy officer role, but also to require that this individual be trained. Throughout the Fusion Center Privacy Technical Assistance Program (2008–2011), fusion centers consistently made two requests in relation to privacy officers: (1) a model **job description** and (2) a **list of available training**. Since neither of these wish-list items is currently available in one resource, this would be a good implementation-focused deliverable for GPIQWG to pursue. This deliverable is not only envisioned to include a listing of training resources/opportunities already available, but also may add training content specific to this role, as well as a basic job description.



2. Update the Privacy Guide Overview CD

The CD that accompanied the previous version of the Privacy Guide is now outdated. Via ad hoc task teams, GPIQWG will revise the CD to highlight not only the new Privacy Guide but all of its companion resources in the Global Privacy Series, as featured in the new *Global Privacy Resources* booklet. The structure of the CD is anticipated to reflect that of the *Global Privacy Resources* booklet and will illustrate products according to the Privacy Program Cycle. Viewers will be guided electronically to the appropriate resource needed for any stage of the agency's privacy program.



3. Privacy Policy Wizard

In addition to updating the Privacy Guide CD, GPIQWG will explore the development of a Privacy Policy Wizard, which would be useful for many justice agencies, especially those with limited resources. Such a wizard would electronically walk a policy author through the discussion and drafting process of developing a privacy policy. Capitalizing on the years of experience of Global's faculty of privacy technical assistance providers, who worked with both fusion centers and state justice information systems to draft policies, this wizard will include anecdotal and clarifying information for each recommended policy provision; sample language, explanations, and real-world application examples; and recommended policy language with fields for the author to customize his or her own policy on screen. This will be useful not only in CD format, but also as an online resource.



4. Privacy Resources for New Technologies

As new technologies are developed that have application to justice information sharing, questions and challenges inevitably arise regarding the potential impact of the new technology on privacy interests, civil rights, and civil liberties. Each technology raises different concerns; some technologies raise concerns about how the information is collected, others about what information might be shared. Most privacy policies probably do not adequately cover all the possible privacy ramifications of each new technology, since the technology was not contemplated or well-understood when the policy was adopted. When new technologies are being considered for use, it is prudent for an agency to review its privacy policy and make appropriate revisions.

The object of this GPIQWG deliverable is to provide a guideline/checklist of sorts that a person can use to identify the characteristics of a new technology that may require revision to an agency's privacy policy. This will be accomplished by asking a series of questions about the potential impact of the new technology based on each of the key elements contained in the GPIQWG privacy policy templates. The answers to the questions should expose the underlying risks from the new technology. The product will also propose business practices and

privacy policy provisions that will mitigate the potential risks of the use of the new technology on privacy, civil rights, and civil liberties. The alternatives proposed in the product will be developed based on experiences with existing or recent new technologies, such as fingerprint identification, DNA matching, and familial DNA analysis.



GPIQWG Leadership

Chair: The Honorable Anthony Capizzi
Montgomery County Ohio Juvenile Court
GAC Member representing National Council
of Juvenile and Family Court Judges

Vice Chair: Phil Stevenson, Ph.D.
Arizona Criminal Justice Commission

Next Meeting

June 19–20, 2012
Savannah, GA

About Global

The U.S. Department of Justice's Global Justice Information Sharing Initiative (Global) serves as a Federal Advisory Committee to the U.S. Attorney General on critical justice information sharing initiatives. Global promotes standards-based electronic information exchange to provide justice and public safety communities with timely, accurate, complete, and accessible information in a secure and trusted environment. Global is administered by the U.S. Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance.

For More Information

For more information about the GPIQWG, contact Christina Abernathy of DOJ's Global at (850) 385-0600, extension 318, or e-mail cabernathy@iir.com.

For more information about other DOJ information sharing initiatives, go to:

www.it.ojp.gov