

Global Justice Information Sharing Initiative (Global) Global Privacy and Information Quality Working Group (GPIQWG) Meeting

Nashville, Tennessee
February 23–24, 2011

February 23, 2011—Meeting Summary

BACKGROUND AND PURPOSE

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), and the Global Justice Information Sharing Initiative's (Global) Privacy and Information Quality Working Group (GPIQWG) convened a meeting on February 23, 2011, in Nashville, Tennessee, at 8:30 a.m. The Honorable Anthony Capizzi (Judge Capizzi), Montgomery County, Ohio, Juvenile Court and GPIQWG Chair, led the meeting in furtherance of and alignment with the GPIQWG's *Vision and Mission Statements*. The following individuals were in attendance.

GPIQWG CHAIR

The Honorable Anthony Capizzi
Montgomery County, Ohio, Juvenile Court

Ms. Jennifer F. Alkire
*Biometric Center of Excellence
Federal Bureau of Investigation*

Colonel Steven F. Cumoletti
New York State Police

Mr. Owen Greenspan
*SEARCH, The National Consortium for
Justice Information and Statistics*

Mr. Robert Greeves
U.S. Department of Justice

Barbara Hurst, Esquire
Rhode Island Office of the Public Defender

Ms. Anne Elizabeth Johnson
National Governors Association

Erin E. Kenneally, Esquire
eLCHEMY, Incorporated

Mr. Michael McDonald
Delaware State Police

Sheriff Michael Milstead
Minnehaha County Sheriff's Office

Mr. Joe Mollner
Boys & Girls Clubs of America

Lieutenant Leo Norton
Los Angeles County Sheriff's Department

Mr. Steve Siegel
Denver District Attorney's Office

GPIQWG VICE CHAIR

Mr. Phil Stevenson
Arizona Criminal Justice Commission

Ms. Cindy Southworth
National Network to End Domestic Violence

Ms. Martha Stekettee
Independent Consultant

Ms. Tammy Woodhams
National Criminal Justice Association

GUEST OBSERVERS:

Ms. Susan Berdine
Denver Police Department Crime Laboratory

Michael Chamberlain, Esquire
California Department of Justice

Ms. Becki R. Goggins
Alabama Criminal Justice Information Center

Ms. Jennifer Luttmann
*Combined DNA Index System (CODIS)
Federal Bureau of Investigation*

Mr. David O. Steingraber
National Governors Association

Ms. Alecia Webb-Edgington
*SEARCH, The National Consortium of Justice
Information and Statistics*

IIR STAFF:

Ms. Christina Abernathy
Institute for Intergovernmental Research

Ms. Terri Pate
Institute for Intergovernmental Research

WELCOMING REMARKS AND INTRODUCTIONS

Judge Capizzi welcomed the attendees to Nashville, Tennessee, and announced two new appointments to GPIQWG membership: Mr. Joe Mollner, Boys and Girls Clubs of America, who will bring a juvenile justice perspective, and Mr. Steve Serrao, who will be our new IJIS Institute representative. Mr. Serrao serves on the IJIS Privacy and Security Committee, and as such is well-versed in GPIQWG topics. He also welcomed new guests: Ms. Susan Berdine, Denver Police Department Crime Laboratory, who is attending on behalf of DNA SME Gregory LaBerge; Ms. Alecia Webb-Edgington, who is new at SEARCH, The National Consortium of Justice Information and Statistics and who, after a period of orientation, will serve on GPIQWG on behalf of Mr. Owen Greenspan; and Mr. David Steingraber, GAC member representing the National Governors Association (NGA). Mr. Steingraber offered congratulations to the group on their great work in privacy and how it was successfully leveraged for fusion centers. He indicated that the interstate sharing of information is a critical issue that he would like to recommend for GPIQWG consideration. Interstate information sharing is anticipated to be a priority for Global in the future.

The minutes from the November 17–18, 2010, GPIQWG were reviewed and approved. Judge Capizzi followed with an agenda overview (copy attached) and then reminded the group that the next meeting would be on June 29, 2011, in the Washington, DC, area.

GLOBAL UPDATES

Chairman Capizzi referred the group to the 2011 GPIQWG Business Plan, which had been approved at the January Global Executive Steering Committee's (GESC) planning meeting. He informed the group that the GAC leadership has asked that working groups explore a new format for product development through the use of ad-hoc task teams versus breakout sessions during working group meetings. We have also been guided to focus on more "quick-win" products that Global can present to the U.S. Attorney General (AG) to support the AG's and Global's missions. With this new approach, working groups would hold only one-day meetings but would schedule separate ad-hoc task teams that would meet independently to provide the bulk of the product development work. These task teams would be smaller and, it is anticipated, more cost-effective. This is a trial exploration; however, most of the members of this group feel that the multidisciplinary nature of this group yields a better product and do not want to lose that important result when turning to smaller, less represented, task teams. When task teams are established, diverse representation definitely needs to be a priority.

Judge Capizzi informed the group that for cross-working group subject areas, such as social networking and juvenile justice issues, separate Global task teams would be appointed with members from across the Global working groups selected. Judge Capizzi asked those members interested in the juvenile justice and social networking task teams to contact him after the meeting. He also mentioned that Mr. Joe Mollner, Boys & Girls Clubs of America, was successful in making inroads with OJJDP and encouraging an OJJDP member to attend and participate on GPIQWG. Mr. Mollner has confirmed that Mr. Dennis Mondoro, Office of Juvenile Justice and Delinquency Prevention (OJJDP), will begin attending when GPIQWG meets in DC.

Cloud Computing: Judge Capizzi briefly discussed the growing trend toward the use of cloud computing and the privacy issues associated with this technology. He stated that there may be a task team established to address the core privacy issues associated with justice agency use of cloud computing and asked the group to consider how this trend may affect GPIQWG's mission. The GAC and GESC are starting to discuss this issue and how Global will handle it. The draw for agencies to move to cloud computing is cost savings on space, equipment, and software. The data cohabits off-site from the agency, which, from Global's perspective, prompts security, technical, information quality, and privacy issues. Law enforcement agencies are being approached by vendors who market cloud computing as a cost-saving measure, but if these areas of concern are not addressed, this could quickly become a negative situation. With this technology, data from several sources are being stored on tracks at the same location, perhaps from many agencies. What might be helpful is guidance to agencies on the precautions and questions to ask vendors regarding their terms of use, services policies, and standards used—a type of framework of common components that justice agencies should be demanding of these vendors. A lot of different Global partners are working on this issue (IJIS, SEARCH, NGA, NASCIO, etc.) and should be brought together to leverage their work and address potential issues.

Other Privacy Issues: Sheriff Mike Milstead, Minnehaha County, South Dakota, Police Department, recommended that Global deliver products that provide recommendations to small and large agencies across justice—reasonable policies related to, for example, the seizure of cell phones. Judge Capizzi added that another issue being proposed is the use of license readers. Law enforcement organizations have asked Global to consider developing guidance on the use of license readers. Global plans to collaborate with partner groups at a later point on this topic.

Judge Capizzi announced the next GAC meeting dates: GESC, April 19, 2011, and GAC, April 20, 2011. In closing, he referred the group to the listing of Global working group updates that are contained in the meeting folders. He encouraged members to review the projects and impressive work that the other working groups are involved with. Awareness of these other endeavors helps GPIQWG have a better perspective of the comprehensive Global priorities.

STATUS OF OTHER PRIVACY EFFORTS

Mr. Greeves stated that BJA received a privacy technical assistance (TA) request from Mr. Jason Hutchens with the Indiana Department of Homeland Security to help develop a privacy policy for its integrated data exchange IDEX system. Indiana identified that a good privacy policy is essential for this effort. Privacy TA providers from IIR, NGA, SEARCH, and CONNECT have been tasked with providing this TA, with IIR serving as the lead. Having policies that are statewide or regional-wide in coverage is now a critical issue. There is a lot of talk about BJA putting special conditions on grants to require privacy policies. Outreach from GPIQWG and Global is important to encourage this.

CORRECTIONS AND COMMUNITY SERVICE PROVIDER INFORMATION SHARING: PRIVACY ISSUES

Mr. Greeves referred the members to the *Offender Reentry Issue* paper contained in the meeting folders. Currently, the main issues are around confidentiality of patient records and the sharing of assessment and treatment information for individuals with alcohol or drug abuse issues who are entering or leaving the criminal justice system as arrested and/or convicted offenders (entering and leaving the system). We need to be more effective and efficient, reduce redundancy, and ensure that those individuals are getting the services they need. This focus has been broadened to include mental illness, in addition to substance abuse.

One new development since the last GPIQWG meeting is the publication titled *Information Sharing in Criminal Justice—Mental Health Collaborations: Working With HIPAA and Other Privacy Laws*, developed by the Council of State Governments (CSG) Justice Center and National Association of Peer Providers. This report goes a long way to identify laws and requirements. The report addresses each area of the criminal justice system and the laws affecting the sharing of this information. The bottom line is that it would be useful to do a better job of defining what those relationships should be, in terms of sharing this information across those boundaries, and whether the current policies are sufficient or if they should be modified (HIPAA and 42 CFR).

There are four areas in which GPIQWG may impact this issue: (1) GPIQWG could recommend and further the principles contained in the publication, identified above, to Global constituents and the justice community; (2) GPIQWG could expand on the principles in the publication; (3) GPIQWG could recommend modifications to HIPAA and 42 CFR; or (4) since this publication was not developed by DOJ, GPIQWG could embellish it and send it up through DOJ to recommend how HIPAA and 42 CFR should be managed for offender reentry, identifying what is appropriate and what is permissible. Mr. Stevenson encouraged the group to address this issue because there is the advantage of having a publication already developed that could be leveraged to put together a resource quickly, perhaps in one meeting and offline in a task team.

Mr. Steingraber, NGA, mentioned that this topic is similar to a campus security issue and sharing among educational institutions. Mr. Mollner stated that this is also an important issue for juveniles in the juvenile justice system.

Historically, attorneys have provided very conservative interpretations of these laws and policies to their clients; many misperceptions have stemmed from these interpretations. Attorneys who advise hospitals, medical associations, and schools need to be reached and educated on the actual requirements of these authorities. Trying to improve the

sharing of mental health and substance abuse information in the justice system is important, and community service providers are relied upon heavily to provide services to released individuals.

A partial solution to this issue is through signed patient releases. The timing of these releases, however, is an issue. Individuals are required to sign a blanket release that may be extremely broad but not specific enough for every situation. An individual being released on parole should have a specific release to share his or her medical information with the local provider. There is also the situation in which the individual moves to another jurisdiction. For example, if the person graduates from a treatment program and moves out of the area, how much information can be transferred from provider to provider?

PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES POLICY DEVELOPMENT GUIDE FOR STATE, LOCAL, AND TRIBAL JUSTICE ENTITIES

Barbara Hurst, Esquire, Rhode Island Office of the Public Defender, provided an overview of the changes made to the retitled *Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities* (Privacy Guide) since the last meeting, held on November 17–18, 2010. She reminded the group that the task team had discussed the broad issues related to the definition of “privacy” and “privacy interests.” The group provided many suggestions and feedback. In addition to incorporating the resulting text of these discussions, Erin Kenneally, Esquire, eLCHEMY, Incorporated, provided input on the concept of personally identifiable information (PII)—to take the concept beyond first-order identifiers (e.g., name, date of birth). Ms. Ayn Crawley, DHS Office for Civil Rights and Civil Liberties (CRCL), provided review feedback by the CRCL task team.

The privacy guide task team revised the overview section (renamed “foundational concepts”) into a type of roadmap to inform readers about what they would learn from reading that section. The team expanded the concepts of “privacy” into a more comprehensive discussion. In addition, more current examples were added, such as social networking, to help clarify the content discussion. The team worked to ensure that the use of the terms “privacy,” “civil rights,” and “civil liberties” was consistent. Ms. Hurst provided the group with a list of the substantive language changes that had been made to the guide.

Publication Format: The attendees discussed the format in which the publication should be published (print, CD, or both). Many suggested that individuals may be less likely to look through this resource if it is on a CD, whereas they may be more inclined to flip through a printed document. However, other attendees felt that print should not be the only format, since there are many who would prefer a CD; further, it would be more cost-effective. A suggestion was made for an executive summary to be developed along with the CD. Judge Capizzi informed the group that next on the agenda is time for a discussion on the Privacy Series Overview, which is anticipated to highlight the purpose of the individual privacy products, as well as to provide a roadmap on their use. Also, it was suggested that an e-mail distributed to Global partners and constituents would be helpful to announce that the Privacy Guide has been updated, along with an electronic copy or online link.

Vetting: Judge Capizzi asked the group to determine what agencies would be best to vet the document, such as state, local, and tribal entities, as well as juvenile justice agencies. Ms. Tammy Woodhams, National Criminal Justice Association, stated that she could ask the Justice Information Sharing Practitioners (JISP) Steering Committee to vet the document. Mr. Greeves offered to reach out to Chris Chaney, Office of Tribal Justice, DOJ, via e-mail during this discussion and received confirmation that he would vet the Privacy Guide to tribal justice entities. Mr. Joe Mollner, Boys & Girls Clubs of America, will work with Mr. Mondoro, OJJDP, to provide a juvenile justice perspective. It was also suggested that the document be vetted through the Global Intelligence Working Group/Criminal Intelligence Coordinating Council’s (GIWG/CICC) Privacy Committee.

ACTION ITEMS:

- GPIQWG members will provide final Privacy Guide recommendations to Ms. Christina Abernathy, Institute for Intergovernmental Research (IIR), by Friday, March 4, 2011.

- After GPIQWG’S final review, Ms. Abernathy will send the revised draft to Mr. Chaney; Mr. Mondoro, Ms. Woodhams, on behalf of the JISP Steering Committee; and Mr. Vernon Keenan, Chair of the GIWG/CICC Privacy Committee. The guide will be vetted the week of March 7.
- The final draft is anticipated to be ready for a two-week GAC review by April 6, and presented for approval at the April 20, 2011, GAC meeting.

GLOBAL PRIVACY SERIES OVERVIEW

Mr. Stevenson stated that the working group wants to produce an overview or simple takeaway document that explains how the Global privacy products fit with each other, and when to use each one (a roadmap). This task will be assigned to a team at tomorrow’s breakout session to work on content and provide draft work. Judge Capizzi recommended using this resource as an introduction to a CD containing the privacy series.

Updates to GPIQWG Privacy Series: Judge Capizzi referenced the current products in the privacy series, which are companions to the Privacy Guide. Three of these (*Privacy, Civil Liberties, and Information Quality Policy Development for the Justice Decision Maker*; *10 Steps to a Privacy and Civil Liberties Policy*; and the *Policy Development Checklist*) remain to be updated as part of a GPIQWG Privacy Series overhaul, reflecting the latest version of (and concepts contained in) the Privacy Guide. Since these three resources are contained in the appendices of the Privacy Guide and will also be featured in the Global Privacy Series Overview, an ad-hoc task team will be assembled soon to rapidly address these product revisions.

FAMILIAL DNA SEARCH PRODUCTS

Mr. Steve Siegel, Denver District Attorney’s Office, described the GPIQWG effort as three projects. The first is an issue paper which describes privacy issues associated with familial DNA searching. The second is a privacy policy for the Colorado Bureau of Investigation’s (CBI’s) familial DNA search capability. Though not a GPIQWG product, the privacy policy will be leveraged for the third project, a model policy or template for other states considering using familial DNA searching. For the issue paper, the familial DNA searching task team has developed a good starting list of issues to address. By the end of tomorrow, we anticipate having scoped the focus of the issue paper. Mr. Stevenson recommended that the issues be those that can be addressed in the model policy. Mr. Siegel emphasized that there are some things that are talked about in the issue paper that are not necessarily privacy-related and that the team would look at those tomorrow.

The target audience of the paper should be the policymakers, state police, and state departments of justice. One question is whether the scope of the paper is to inform the audience of the privacy issues or to allay public fears. It would be useful to include an introduction on what is familial DNA searching. In the tribal aspect, for DNA, GPIQWG could look to the two or four tribes that are currently in compliance with the Adam Walsh Act. The goal at the end of tomorrow is to have a solid first draft of the issue paper.

For CBI’s Familial DNA Searching Privacy Policy project, IIR sent privacy TA professionals to Colorado to attend a meeting with the Colorado agencies that are most involved with familial DNA searching (CBI, Denver Police Department Crime Lab, an investigator and law enforcement trainer on familial DNA searching from the Denver District Attorney’s Office, the chief and senior deputy district attorneys for the Cold Case Unit, and the Denver district attorney) to help inform the policy. In addition, the TA providers held policy-drafting sessions. Once the Colorado policy is finalized, it will be leveraged as the basis of a universal template that can be customized for use by any state implementing familial DNA searching.

GLOBAL OUTREACH RECOMMENDATION—GLOBAL POLICY STATEMENT

Ms. Tammy Woodhams, National Criminal Justice Association (NCJA), member of the Global Outreach Working Group, referred the group to the Global Outreach Working Group update in the meeting folders. One of GOWG’s efforts is to survey members of the GAC to determine the best way to reach their constituencies. The most common request cited from those surveyed was tools on how to develop privacy policies. States need to be more proactive in developing privacy policies. It was the consensus of GOWG that Global work with the AG, through a Global Privacy Policy

statement, to encourage states and local jurisdictions to make privacy a priority by developing and implementing privacy policies. Ms. Woodhams was tasked by GOWG to develop the privacy policy statement. She referred the group to a draft of this statement contained in the meeting folders. This version was vetted with a number of different agencies that provided feedback. This is a cross-work group effort between GOWG and GPIQWG to promote the privacy resources.

Through group discussion, members recommended that the statement be more aggressive and concise and that it include a recommendation of Global's products to help develop a policy. The timing is important to note, since the AG is already up to speed on Global.

CLOSING REMARKS

Judge Capizzi stated that the plan for tomorrow is to hold two separate breakout sessions—the Familial DNA Search Issue Paper Task Team and the Privacy Series Overview Task Team. The Privacy Series Overview Task Team is requested to also spend some time revising the final draft of the Privacy Policy Statement that was presented by Ms. Woodhams. Judge Capizzi also stated that there will be a discussion at the beginning of the meeting to prioritize the new issues and GPIQWG product recommendations introduced today.

Judge Capizzi thanked everyone for their input and active participation. The meeting was adjourned at 4:30 p.m.

Global Justice Information Sharing Initiative (Global) Global Privacy and Information Quality Working Group (GPIQWG) Meeting

Nashville, Tennessee
February 23–24, 2011

February 24, 2011—Meeting Summary

Judge Capizzi welcomed everyone back to the second day GPIQWG meeting.

GPIQWG CHAIR

The Honorable Anthony Capizzi
Montgomery County, Ohio, Juvenile Court

GPIQWG VICE CHAIR

Mr. Phil Stevenson
Arizona Criminal Justice Commission

Ms. Jennifer F. Alkire
*Biometric Center of Excellence
Federal Bureau of Investigation*

Mr. Steve Siegel
Denver District Attorney's Office

Colonel Steven F. Cumoletti
New York State Police

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Mr. Owen Greenspan
*SEARCH, The National Consortium for Justice
Information and Statistics*

Ms. Tammy Woodhams
National Criminal Justice Association

Mr. Robert Greeves
U.S. Department of Justice

GUEST OBSERVERS:

Ms. Susan Berdine
Denver Police Department Crime Laboratory

Barbara Hurst, Esquire
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California Department of Justice

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Mr. Michael McDonald
Delaware State Police

Ms. Alecia Webb-Edgington
*SEARCH, The National Consortium of Justice
Information and Statistics*

Sheriff Michael Milstead
Minnehaha County Sheriff's Office

IIR STAFF:

Mr. Joe Mollner
Boys & Girls Clubs of America

Ms. Christina Abernathy
Institute for Intergovernmental Research

Lieutenant Leo Norton
Los Angeles County Sheriff's Department

Ms. Terri Pate
Institute for Intergovernmental Research

CURRENT TRENDS AND ISSUES

Capitalizing on the issues raised by the attendees in yesterday's discussion, Judge Capizzi stated that the group would spend time this morning exploring the suggested priorities (cloud computing, juvenile justice, cell phones, license plate readers, etc.). He reminded the group that a copy of the GESC-approved 2011 GPIQWG Business Plan was located in the meeting folder. He acknowledged that for 2011, GPIQWG has a full slate of products to complete; as such, in order to successfully reach these goals, the plan will not change. However, of those projects recommended yesterday, he asked for the group's consensus on prioritizing these for 2012. The following highlights the discussion and recommendations made.

- Mr. Greeves suggested that the license plate reader topic is probably the issue with the most current need. License plate readers are extremely useful tools for law enforcement agencies that do not want to jeopardize its use by not having a solid privacy framework. With readers, it is easy to pick up hundreds of plates in, for example, a parking lot. A primary issue is how long to retain a plate when there is no predicate for any criminal behavior. Another is the concern over profiling the behavior of an individual by documenting the places he or she frequents. Nlets (www.nlets.org) has a license plate reader policy developed for its relationship between public entities and private partnerships. Nlets also shares driver's license photos and is looking to add mug shots. There has been a lot of work completed on these issues; as such, the GAC has not taken up this issue yet. GPIQWG may consider performing research on established work and programs and, as it relates to privacy, providing a summary and recommendation to the GAC.
- Facial recognition is being looked at by the FBI, on an ad-hoc basis, through a pilot with North Carolina's Department of Motor Vehicles. Work has been completed to find out which states have facial recognition technology and which have state laws related to this technology. The pilot is looking at creating a searching service, which may be an area for GPIQWG consideration.
- Predictive analytics (taking existing information and creating a prediction about future activities) was also suggested as a topic for GPIQWG. There are dangers in what is going into the algorithms and what type of collaboration and coordination occurs with law enforcement as a result of the analyses. This approach is a technological program that is supported by a certain percentage of accuracy, which may result in compelled warrants and searches and seizures based on the strength of the technology. Search and seizure is a Fourth Amendment issue. Search and seizure indicates that there was a crime, not that there may be a crime in the future. For surveillance, there is a privacy issue if police officers survey people who are frequent criminals but who may not be committing crimes at the time of surveillance. The surveillance approach is based on whether there might be a crime in the future versus a typical investigation resulting from a crime that has occurred. How is this different from saturation? As a result of analytic information that may reveal that a lot of activity has occurred in a particular area, law enforcement presence can be saturated due to the expectation that more criminal activity may occur. These are trends that GPIQWG should look at.
- There was a recent news article about Florida's sale of prescription drugs through pain management clinics. Law enforcement is given access to certain databases of this information to search for particular types of prescription medications—to see for whom and how much medication has been prescribed. Has this been a topic for this group? Florida does not have such a database yet, though 35 states do, along with legislation to permit law enforcement access. It should be important to note that, as a general rule, an officer cannot simply log on to these databases and search—there must be probable cause established to look at a particular record. Since these are state-operated systems, there is a high expectation that there is no privacy policy. The U.S. Drug Tsar is currently traveling around the country promoting these systems. It is anticipated that, at some point, these systems will be integrated. Another concern is the potential for “shift in purpose”—use for a different purpose than originally created.

Judge Capizzi emphasized that every year, even every few months, new technologies debut. As a group, GPIQWG cannot stay ahead of every type of technology and write policies for each. Rather, it would be more useful to have a generic privacy policy that can be customized to a variety of technology types.

BREAKOUT SESSIONS

Judge Capizzi adjourned the attendees into their respective breakout groups at 9:15 a.m. Mr. Siegel will lead the Familial DNA Search Issue Paper Task Team, and Mr. Stevenson will lead the Privacy Series Overview Task Team.

TASK TEAM STATUS REPORTS

The groups met until 11:15 a.m., at which time they provided the following task team status reports.

Familial DNA Search Issue Paper Task Team

Lead: Steve Siegel
Christina Abernathy
Jennifer Alkire
Susan Berdine
Michael Chamberlain
Becki Goggins
Owen Greenspan
Barbara Hurst
Jennifer Luttmann
Leo Norton

Mr. Siegel provided a status report on the work accomplished by this team during the breakout sessions. He stated that the team first addressed the focus of the paper, such as introductory information on familial DNA searching, further identifying the issues that may need to be addressed by agencies considering this technology. The team explored whether the paper should address only familial DNA searching or include information on DNA databases as well. The team's consensus was that the paper should focus only on familial DNA search process. It should be noted that there may be two separate areas under familial searching—an intentional familial DNA search and a partial match, such as in CODIS. Partial matches will be addressed with the same issues under familial DNA searches. The format will change to an introductory section that explains familial searching and its core procedures. The sequence of the background information, as well as the issues, will be chronological, as it would be in an investigation. With familial searches, public belief is that only crime scene samples are run to search for familial DNA. This is different from routinely running a list of unknown samples against a database of known individuals to locate a suspect. Per state, the types of crimes that familial DNA searches are performed on may vary. The team spent considerable time working through the issues. The team plans to hold a conference call or two before the next GPIQWG meeting to finalize the content in readiness for GPIQWG review.

Privacy Series Overview Team

Lead: Phil Stevenson
Steve Cumoletti
Bob Greeves
Anne Johnson
Erin Kenneally
Mike McDonald
Mike Milstead
Joe Mollner
Terri Pate
Martha Steketee
Phil Stevenson
Tammy Woodhams

Mr. Stevenson provided an update on the work completed during the breakout session. He said that the goal for this team is to develop a first draft of a Privacy Series Overview, as well as to determine how to update the documents in the privacy series. The overarching task is to develop a form of roadmap to describe the privacy documents and illustrate when and for what purpose they should be used. The steps proposed are similar to those highlighted in the information quality overview, but they will be represented in a circular “cycle of steps” format to convey the notion that developing a policy is not a one-time project, rather, an ongoing agency endeavor with training and an annual review following.

The steps for policy development and implementation were separated into distinct steps since each, on its own, is quite involved. The term “evaluation” in Step Two was changed to “assess,” as in “Assess Agency Privacy Risks.” Also, there was some discussion on where the Policy Development Checklist should be placed—in the policy development step or in another area—and whether it should not be listed twice to include the annual review (last step). We considered the merits of listing steps that illustrate the products we currently have, or listing the actual steps and thus showing the gaps in products (i.e., we do not have an evaluation product). Finally, the group recommended addressing the titling of the products (such as the justice decision-maker document) so that they are not so similar to the Privacy Guide title and to better communicate who the products are developed for.

This product will be finalized offline through a Webinar and GPIQWG vetting in readiness for April GAC approval.

NEXT STEPS AND CLOSING REMARKS

Judge Capizzi thanked everyone for their participation and IIR’s staff support.

Mr. Greeves further thanked the group for their hard work today and will share the message that the group sees great value in the diversity at the table during these breakout work sessions for GPIQWG products.

Judge Capizzi adjourned the meeting at 11:45 a.m.

Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



Sheraton Nashville Downtown
623 Union Street
Nashville, TN 37219
(615) 259-2000

February 23–24, 2011
Suite 6 Banquet Room



Agenda—Wednesday, February 23, 2011

8:30 a.m. – 9:00 a.m.

Welcoming Remarks and Introductions

*The Honorable Anthony Capizzi, GPIQWG Chair and Judge,
Montgomery County, Ohio, Juvenile Court*

Topics

- ◆ Welcome new attendees:
 - Newly Appointed GPIQWG Member: Joe Mollner, Boys & Girls Clubs of America
 - Newly Appointed IJIS Representative: Steve Serrao, Privacy and Security Committee, IJIS Institute
 - Proxy for Gregory LaBerge: Susan Berdine, Denver Police Department Crime Laboratory
 - New NGA Representative: Anne Johnson, Homeland Security and Public Safety, National Governors Association
 - New SEARCH Representative: Alecia Webb-Edgington, SEARCH, The National Consortium of Justice Information and Statistics
 - Guest GAC Member: David Steingraber, National Governors Association
- ◆ November 17–18, 2010, GPIQWG draft meeting summary
- ◆ Agenda overview
- ◆ Next GPIQWG meeting: June 29, 2011, Washington, DC

9:00 a.m. – 9:45 a.m.

Global Updates

Judge Capizzi

Topics

- ◆ Global Executive Steering Committee (GESC) Annual Planning Meeting
 - GPIQWG 2011 Business Plan
 - GESC Guidance to Global Working Groups
 - Task team product development focus—"more flexibility"
 - Shorter "quick win" products
- ◆ Global ad-hoc task team—social networking sites
- ◆ Global ad-hoc task team—juvenile justice
- ◆ Cloud computing
- ◆ Upcoming GAC dates: GESC, April 19, 2011, and GAC, April 20, 2011
- ◆ Global working group updates

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Agenda—Wednesday, February 23, 2011 (continued)

9:45 a.m. – 10:00 a.m.

Status of Other Privacy Efforts

Bob Greeves, Policy Advisor, Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) and Ms. Christina Abernathy, Institute for Intergovernmental Research (IIR)

Topics

- ◆ Privacy technical assistance request from Indiana Department of Public Safety
- ◆ Status of the Fusion Center Privacy Policy Technical Assistance program

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 10:45 a.m.

Corrections and Community Service Provider Information Sharing: Privacy Issues

Mr. Greeves, Policy Advisor, BJA, OJP, DOJ

Topics

- ◆ Continued discussion from November 17–18, 2010, GPIQWG meeting
- ◆ Maryland Department of Corrections issue paper

10:45 a.m. – 11:30 a.m.

Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities

Barbara Hurst, Esquire, Rhode Island Office of the Public Defender

Topics

- ◆ Updates to the guide since the November 17–18, 2010, GPIQWG meeting
- ◆ U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties team review and feedback
- ◆ A new look at personally identifiable information
- ◆ Revised legal analysis section
- ◆ Recommendations for vetting (constituents, tribal, juvenile justice, etc.)
- ◆ Publication format (print versus CD)
- ◆ GAC review and approval, April 20, 2011

Global Justice Information Sharing Initiative (Global) Privacy and Information Quality Working Group (GPIQWG) Meeting



Sheraton Nashville Downtown
623 Union Street
Nashville, TN 37219
(615) 259-2000

February 23–24, 2011
Suite 6 Banquet Room



Agenda—Wednesday, February 23, 2011 (continued)

11:30 a.m. – 12:00 Noon **Privacy Series Overview**

Mr. Phil Stevenson, GPIQWG Vice Chair and Director, Statistical Analysis Center, Arizona Criminal Justice Commission

Topics

- ◆ An overview of when to use each privacy product in the series—a roadmap
- ◆ Per a Global Outreach Working Group request, include information on possible pitfalls of NOT having a privacy policy
- ◆ Create an overview similar to the Information Quality Series Overview
- ◆ Cost-effective conference take-away to introduce the series, as well as a series overview to include in product distributions

12:00 Noon – 1:30 p.m. **Lunch (on your own)**

1:30 p.m. – 2:30 p.m. **Familial DNA Search Products**

Judge Capizzi and Steve Siegel, Director, Special Programs Unit, Denver District Attorney's Office

Topics

- ◆ Issue paper – **Judge Capizzi**
 - Scope and target audience
 - DNA database issues versus familial DNA search issues
- ◆ Colorado Familial DNA Searching Privacy Policy – **Steve Siegel**
 - Privacy policy meetings with the Colorado Bureau of Investigation (CBI) and other departments
 - Status of the CBI privacy policy

2:30 p.m. – 3:15 p.m. **GPIQWG Privacy Series**

Judge Capizzi

Topics

- ◆ Privacy Guide companion products up for revision:
 - *10 Steps to a Privacy and Civil Liberties Policy*
 - *Privacy, Civil Liberties, and Information Quality Policy Development for the Justice Decision Maker*
 - *Guide to Conducting Privacy Impact Assessments for State, Local, and Tribal Information Sharing Initiatives*
 - *Policy Development Checklist*
- ◆ Plan for completion (ad-hoc task team appointment)

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Agenda—Wednesday, February 23, 2011 (continued)

3:15 p.m. – 3:30 p.m.

Break

3:30 p.m. – 4:15 p.m.

Global Outreach Recommendation—Global Policy Statement

Ms. Tammy Woodhams, Senior Staff Associate, National Criminal Justice Association

Topics

- ◆ Background discussion - Global Outreach Working Group
- ◆ Policy statement research and information gathering, (e.g. outreach to practitioners and groups: NASCIO, NGA, NCJA)
- ◆ Initial review and input
- ◆ Next steps

4:15 p.m. – 4:30 p.m.

Next Steps and Closing Remarks

Judge Capizzi

Topics

- ◆ Review of today's action items
- ◆ Plan for the following day's GPIQWG meeting

4:30 p.m.

Adjournment

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Agenda—Thursday, February 24, 2011

- 8:30 a.m. – 8:45 a.m. **Introduction and Charge for the Day**
Judge Capizzi
Topics
- ◆ Welcome
 - ◆ Review of today's goals and charge to the task teams
 - Familial DNA Search Issues Task Team
 - Scope and target audience
 - Refine issues to product focus
 - Privacy Series Overview Task Team
 - Revise draft content
 - Develop content illustrating possible pitfalls of NOT having a privacy policy
- 8:45 a.m. – 10:00 a.m. **Breakout Sessions**
Judge Capizzi
GPIQWG Breakout Groups
- ◆ Familial DNA Searching Issues Task Team
 - ◆ Privacy Series Overview Task Team
- 10:00 a.m. – 10:15 a.m. **Break**
- 10:15 a.m. – 11:15 a.m. **Breakout Sessions** (*continued*)
- 11:15 a.m. – 11:45 a.m. **GPIQWG Task Team Status Reports**
Judge Capizzi
Topics
- ◆ Familial DNA Searching Issues Task Team
 - ◆ Privacy Series Overview Task Team
- 11:45 a.m. – 12:00 Noon **Next Steps and Closing Remarks**
Judge Capizzi
Topics
- ◆ Review of action items and assignment of tasks
 - ◆ Next meeting reminder: June 29, 2011, Washington, DC
- 12:00 Noon **Adjournment**

