

# CALI Board of Directors, CALI Legislation Committee

Yesterday, I had the privilege of attending a three-hour meeting at the Federal Trade Commission with members of the FTC, members of the privacy advocacy community and investigators from across the country.

There were 25 people in attendance. The purpose of the meeting was to begin a dialogue between investigators and privacy advocates, to provide education about the role of the private investigator, to explain the use of credit headers and to dispell the TV myth which continues to plague our profession. It was an important meeting as you will see by the attendees listed below. I am cautiously optimistic regarding the outcome and the impact it may have on future federal (and state) legislation. You will be hearing more about this meeting as notes are put together and distributed. For your information, I have appended the agenda of the meeting at the end of this message.

You should be very proud of the investigators who represented our profession. They were on point, articulate and professional. I would say the same about the privacy representatives. Everyone had an opportunity to speak, voice their opinion and ask questions. The questions asked of us were relevant and we addressed the hard issues with candor. Thanks to Joe Grills and the efforts of CALI's Responsible Advertising Committee, I was able to present samples of internet web sites selling privacy violating information. Beth Givens, founder of the Privacy Rights Clearing House has requested copies as well as Bill Haynes of the FTC.

As you are aware, Beth Givens will be a speaker at our February Mid-Winter Conference. Beth worked diligently to bring influential privacy advocates to the table for this important meeting. We will have an opportunity to commend her for that effort at the conference.

Yesterday afternoon, after the FTC meeting, several of us also met with Tom Oscherwitz, Chief Aide for Senator Dianne Feinstein - - beside me were the following: Ed McClain - NCISS, Larry Sabbath - NCISS Lobbyist, Bill Fason - Investigator - Houston and Robert Townsend - NALI, Larry Troxel - NALI. This meeting was at the specific request of Oscherwitz as a follow-up to the meetings in September where we delivered the CALI and NALI member generated letters. We are making serious progress regarding S 2328 which will probably be going forward under another number with the 107th Congress. In addition, Tom has informed us that they will most likely be sponsoring other identity theft legislation and has asked us to be a resource and assist him as the year progresses.

Since, I know you are interested in who attended the meeting at the FTC - - they are as follows:

## FTC Attendees:

Peggy Twohig, FTC, Financial Practices  
Joanna Crane, FTC ID Theft Program  
Helen Goff Foster, FTC ID Theft Program  
Joel Winston, FTC, Financial Practices  
William Haynes, FTC, Financial Practices  
Clarke Brinckerhoff, FTC, Financial Practices

## Privacy Advocate Attendees:

Beth Givens, Privacy Rights Clearing House  
Andrew Shen, EPIC  
Chris Hoofnagle, EPIC  
Jean Ann Fox, Cons. Federation of Am  
Ed Mierzwinski, USPIRG

Robert Ellis Smith, Privacy Journal  
Jim Dempsey, Center for Democracy and Technology  
Paula Bruening, Center for Democracy and Technology  
Robert Gellman, Privacy Consultant  
Evan Hendricks, Privacy Times

PI Attendees:

Robert Townsend, Legislation Chair -NALI  
Francie Koehler, President -CALI  
Ed McClain, Legislation Chair - NCISS  
Larry Sabbath, Lobbyist - NCISS  
Larry Troxel, National Director - NALI  
Bill Fason, Investigator - Texas, Author, CFAC  
Brian McGuinness, NALI - Florida, NCISS Legislation Committee  
Kitty Hailey, Author, NALI - New Jersey  
Deborah Aylward, State Assoc Advisory Committee - NCISS - Virginia,

Francie Koehler  
President, CALI

MEETING AGENDA

January 4, 2001

10:00 AM I. Purpose To establish dialogue between organizations with interest in privacy related issues: licensed investigators and privacy advocates

10:05 AM II. Welcome & Introductions

a. Brief remarks on what each group wants to accomplish in this meeting

10:20 AM III. Agenda Development

a. Additions and/or deletions

10:30 AM IV. Federal Trade Commission Remarks

a. FTC's role in privacy policy

10:30 AM V. Licensed Investigator Interests

- a. Definition of role, duties & responsibilities, how they are regulated
- b. Licensed Investigators v. Information Brokers - What is the difference?
- c. Uses of information
- d. Client confidentiality
- e. The rogue investigator

Internet sale of personal information

Other selling of personal information

11:15 - 11:30 AM Break - - -

11:30 AM VI. Privacy Interests

- a. Fair Information Principles
- b. Misuses of SSN and other data

- c. Developing privacy law for public records - the impact of the Internet
- d. Other issues

12:00 Noon VII. Legislation (Designees from each group present views - then discussion)

- a. HR 4857/S 2876 - Privacy & Identity Theft Prevention Act
- b. S 2554/HR 4942 - Amy Boyer's Law
- c. S 2699/HR 4611 - Social Security Number Protection Act
- d. Future privacy & personal identifier legislation
- e. Legislation vs. licensure/industry regulation

12:30 PM VIII. Other Discussion Items

12:45 PM IX. Conclusion & Summary

- a. Where do we go from here?

1:00 PM X. Adjourn

---

MEETING LOCATION:

Federal Trade Commission

600 Penn Ave NW (between 6th & 7th on Penn Ave), Room 332

Washington, D. C.