



## US Department of Health appoints a Privacy Advocate

**The Office of the Privacy Advocate was established by an administrative decision of United States Department of Health and Human Services (DHHS) Secretary, Donna Shalala, on March 12th 1996. The Privacy Advocate, John Fanning, is an institutional representative and resource for privacy issues with respect to personally identifiable information about individuals in programmes and activities of the DHHS.**

The Privacy Advocate reports directly to the Secretary on significant policy matters and in case of conflicts and disputes. The Office of the Privacy Advocate is in the Office of the Assistant Secretary for Planning and Evaluation, within the Office of the Secretary.

This title exists in only one other place in U.S. federal government - in the Internal Revenue Service, where it is held by Robert Veeder. That position is about 2 years old, and is a more established and elaborate position than in the DHHS, because Veeder has staff and can participate in the design of data systems. John Fanning explains his new role.

**Policy Consultation and Advice to the Secretary.** The Advocate consults with the Department's component agencies on proposals for new data systems, for programmes requiring new collections of data, and for regulatory and legislative actions necessitating data collection, and advises the Secretary of their implications for personal privacy. The Advocate also independently analyses existing policies and data collections with implications for privacy. But each separate data collection need not be sent for his review and approval.

**Membership of the Data Council.** The Privacy Advocate is a member of the Data Council, which was formed in 1995 and meets monthly. It co-ordinates all data collection and analysis activities in the Department through development of data collection strategy and co-ordination of data standards, privacy and related policy activities. It is composed of Assistant Secretaries and agency heads reporting to the Secretary, the Senior Adviser to the Secretary on Health Statistics, and the Privacy Advocate.

The Privacy Advocate articulates privacy concerns regarding data policies under discussion, identifies and brings to the council privacy issues, and chairs the Privacy Working Group of the Council. The latter group has representatives from units of the Department, but they do not formally representing their agencies. Their membership is based on their interest and specialised expertise and will change over time.

**Technical Assistance and Consultation.** The advocate is a source of technical expertise and early consultation on the privacy implications of proposed actions. The Privacy Advocate will maintain reference materials, provide information and refer Department personnel to sources of expertise within or outside the Department. The Advocate is a source of expertise for the Data Council and the National Committee on Vital and Health Statistics, a public advisory committee to the Secretary on health data matters.

**Developmental and Resource Functions.** The Advocate may conduct or commission research and technical studies on information use and disclosure policies, and may provide training in these areas. At this point, there is no specific privacy budget but the Advocate is in the Office of Assistant Secretary for Planning and Evaluation, through which funds are available. No research has yet been commissioned.

**Representation and Liaison** The Advocate is a point of contact and source of information on issues of use and disclosure of personal information for other agencies of government, as well as for privacy and consumer advocacy organisations, private-sector organisations that utilise personal data, the States, foreign governments, and international organisations interested in privacy and data protection matters. The Advocate is a point of public reference and resource for concerns about departmental activities with respect to personal information, and refers inquiries requiring investigation to appropriate units of the Department.

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