

December 5, 2016

OMB Director Shaun Donovan

Dear Director Donovan,

We write to you on behalf of a non-partisan coalition, committed to both privacy protection and open government, to ask that the Office of Management and Budget (“OMB”) suspend action on any pending rules or regulations that would diminish the effectiveness of the Privacy Act or the Freedom of Information Act. We are prepared to provide analysis in support of any such determination, now pending before the OMB.

The two laws operate as bulwarks of our democracy, helping to ensure the transparency of the federal government while protecting the privacy of the personal data retained by federal agencies. We believe it is essential that OMB leave in place the strongest possible safeguards to ensure government accountability for the next administration.

Specifically, we ask that the OMB approve no pending rule that would expand the ability of a government agency to exempt their system of records from Privacy Act obligations by asserting a “routine use” or other exemption. (We note the Office of Government Information Services supports a single “routine use” rule change that would improve resolution of FOIA disputes. We do not oppose that rule). We also ask OMB to oppose any new barriers to individuals seeking information under the FOIA.

We appreciate your leadership at the OMB, and your commitment to the effective enforcement of the Freedom of Information Act and the Privacy Act. The two laws are the twin pillars of government accountability.

For further information regarding this request, please contact Patrice McDermott (pmcdermott@openthegovernment.org), Executive Director of the OpenTheGovernment.org coalition or Marc Rotenberg (rotenberg@epic.org), President of the Electronic Privacy Information Center.

Sincerely,

Access Info Europe
African American Ministers In Action (AAMIA)
American Association of Law Libraries
American Library Association
American Policy Center
Association of Research Libraries
Bill of Rights Defense Committee/Defending Dissent Foundation
Campaign for Accountability

Center for Digital Democracy
Center for Financial Privacy and Human Rights
Citizens for Responsibility and Ethics in Washington
Constitutional Alliance
Consumer Action
Cyber Privacy Project
Demand Progress
Electronic Privacy Information Center (EPIC)
Essential Information
Government Accountability Project
The James Madison Project
Mississippi Center for Freedom of Information
National Association of Social Workers (NASW)
National Center for Transgender Equality
National Security Archive
NETWORK Lobby for Catholic Social Justice
OpenTheGovernment.org
Patient Privacy Rights
PEN America
People For the American Way
Pesticide Action Network (PANNA)
Privacy Rights Clearinghouse
Privacy Times
Project On Government Oversight (POGO)
Reclaim The Records
Refugee & Immigration Ministries, Christian Church (Disciples of Christ)
Restore The Fourth
Rural Coalition
Society of Professional Journalists
Southern Poverty Law Center
Sunlight Foundation
Transactional Records Access Clearinghouse (TRAC)
Washington Coalition for Open Government

cc: Chairman Bob Goodlatte and Ranking Member John Conyers
House Judiciary Committee

Chairman Jason Chaffetz and Ranking Member Elijah Cummings
House Committee on Oversight & Government Reform

Chairman Chuck Grassley and Ranking Member Patrick Leahy
Senate Judiciary Committee

Chairman Ron Johnson and Ranking Member Thomas R. Carper
Senate Committee on Homeland Security & Governmental Affairs