

**Remarks of
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**Before Members of the European Parliament
Tuesday, May 6, 2003**

Good morning. It is my great honor and pleasure to be with you today as we work together towards the safe transport of all of our citizens as they engage in international travel and commerce.

As the newest member of the leadership team at the Department of Homeland Security, it is my pleasure to bring you greetings and words of appreciation and thanks from our President's Administration, in particular, Secretary Ridge, who heads the Department of Homeland Security, as we engage in this dialogue about the fair and respectful treatment of individual data.

Please allow me to also express my thanks to the many representatives of the European Commission who have worked diligently with our teams from the Department of State and the Department of Homeland Security to create a

framework for data that is acceptable and that achieves our common goals of passenger safety and transportation efficiency.

Origins of the Privacy Officer Position

Although I was appointed to this position a mere few weeks ago, these discussions will directly impact on my job and on my department's responsibilities. Further, as the chief privacy officer for the Department of Homeland Security, I and my office will be the primary points of contact for individuals, institutions, and other governments that are concerned about the use of individuals' data by the Department of Homeland Security. Thus, it makes sense and is appropriate that I would join you for these conversations, as I look very much forward to working with each of you in the months and years ahead.

It is important to remark for a moment on the origins of this newly created position of chief privacy officer for the Department of Homeland Security.

The creation of a chief privacy officer within the Department of Homeland security is a historic development in privacy and data protection in the

United States. This position and this structure within the Department marks the first statutorily mandated privacy officer for the federal government. Many of you may well be acquainted with my good friend and colleague, Peter Swire, who played a similar role at the Office of Management and Budget in the previous Administration. Peter and his staff heightened awareness of privacy and data protection from a policy standpoint. This Administration is taking our commitment to privacy to the next and logical level—we are embedding privacy officers within each of the federal government's many agencies, to create a culture and a structure around privacy for each institution. Each of these privacy officers will convene an inter-agency commission of privacy officers, which will be jointly led by myself and the staff at the Office of Management and Budget.

As I have mentioned, the creation of a statutorily mandated, Congressionally created privacy officer for the Department of Homeland Security is a historic first—not just for this new Department, but also for the federal government as a whole. I am delighted and deeply humbled to have the opportunity to fill this role at its inception.

Independent Structure

It is important to comment, I believe, on the independent structure of this office. The privacy officer for the Department of Homeland Security was created by Congress and will report to Congress. I have already heard, in my brief time at this job, from several of the Members of Congress who were responsible for adding the specific language requiring the privacy officer into the legislation that created the Department of Homeland Security. I look forward to continued communications with them throughout the years ahead. This direct oversight by Congress will come in the form of not only informal briefings, but also in a required annual written report to Congress and through formal testimony.

In addition, it is important to note that while I am part of the Department of Homeland Security leadership, my office is independent of any of the bureaus and directorates, such as those represented here today. Instead, I report my findings and analysis directly to Secretary Ridge, and ultimately to the White House and Congress.

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In addition to my office's independence, I am also supported and supplemented by our internal office of legal counsel, the office of the inspector general, the chief information officer, and the officer for civil rights and civil liberties. Externally, I am assisted in oversight by the Office of Management and Budget—an arm of the White House, and the General Accounting Office—an arm of the Congress, both for auditing and management.

Internal Duties

Internally, on my team, I am just at the earliest beginnings of creating and personnel and compliance structure that will allow privacy to become embedded in the culture, structure, and functioning of the organization.

This will mean that not only will I have a staff of privacy advocates who will interface with each of the bureaus and directorates, but that also we plan to appoint privacy officers for a number of the divisions of the Department. These officers will work side-by-side with the policy, program, and technical staff to ensure that privacy and data protection principles are part of the development of any new product or program of the Department of Homeland Security.

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Comments on Particular Systems

It is of course also logical that I would first turn my attention to some issues of data collection of personal information within the Department that have caused some concern for you and for others. In my first weeks on the job, I have already had the opportunity to work with the teams you see represented here. The work that CBP has accomplished towards data protection is considerable. For example, the former Customs department has a strong history of respect for individual data. The Transportation Security Administration, while a newer organization, has worked arduously to develop a privacy compliance structure.

Finally, I must reiterate that in the creation of a privacy officer at the Department of Homeland Security and in the creation of structures around privacy within the federal government, we have learned a great from our dialogues with you here in Europe. The formalization of our respect for individual privacy reflects movement in our thinking about how to address these important issues of the respect for individual privacy and the need for data protection mechanisms. We look forward to working with you in the

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coming months and years ahead on our mutual commitment to the sanctity
of the individual.

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