

James T. O'Reilly

*Expanding the Purpose of Federal Records Access:
New Private Entitlement or New Threat to Privacy*

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Abstract by Meredyth S. Cooper

The author argues that the Electronic Freedom of Information Act (E-FOIA) Amendments of 1996 expansion to allow public access to individual records presents many challenges to individual privacy by creating a "data library for the world." The author notes that the effect of the E-FOIA Amendments may significantly alter the original purpose of the Freedom of Information Act (FOIA) to allow public oversight of federal government activity by converting an agency's primary function of enforcement to information broker.

Historically, upon reviewing a FOIA request, courts looked to the core purpose of the request to determine its validity and reasonableness. However, the Amendments expanded the statutory language essentially allowing any person to request any record at any time for any reason. This may be problematic in the area of individual privacy by creating an essentially unlimited right for anyone to seek out information of an individual using the agency as the center of personal investigative research of others. The result would be diminished privacy for personal information about individuals housed in federal government agency records. The author suggests courts employ a "yes, but" solution, weighing the benefits to the public against an individual's expectation of privacy, and tipping in favor of individual privacy rights where there is more than a negligible expectation.