

# Privacy Protection After Twenty Years Under *Reporters Committee*

Presented by the Collaboration on Government Secrecy

April 28, 2009

9:30 am – 4:30 pm

American University Washington College of Law  
4801 Massachusetts Avenue, NW, Room 603, Washington, DC

In 1989, in what arguably is the most significant Freedom of Information Act decision ever issued, the Supreme Court in *Department of Justice v. Reporters Committee for Freedom of the Press* both broadened the concept of personal privacy and narrowed the definition of the “public interest” in disclosure. This decision caused a sea change in privacy protection by radically altering the balancing process by which federal agencies decide whether to invoke the FOIA’s privacy exemptions -- leading to the withholding of greater amounts of information from the public. Marking the 20th anniversary of this landmark FOIA decision, this program will examine its full impact on government openness versus the protection of personal privacy and, in so doing, also will explore its continued viability with the passage of time. Panel discussions will include:

- *Reporters Committee Revisited* -- discussions of the origin of the case, the formulation of the government’s position, and the unexpected breadth of the Supreme Court’s decision.
- “Impracticable Obscurity?” -- a pragmatic analysis of the Supreme Court’s novel “practical obscurity” concept for protecting personal privacy interests.
- “Core Values” -- critical consideration of *Reporters Committee* “core purpose” standard for determining a limited “public interest” that can be balanced in favor of disclosure.
- The Future of Privacy Protection -- comprehensive reviews of *Reporters Committee*’s impact on FOIA administration, FOIA litigation and beyond, raising questions of the need for and prospects of possible legislative reform.

Speakers will include representatives of media and public interest organizations, academics, litigators, and government officials. Keynote presentations will be given by Professor Jane Kirtley, former Executive Director of the Reporters Committee for Freedom of the Press (1984-1999), and Professor Peter Swire, Chief Counselor for Privacy in the Clinton Administration and more recently a member of the Obama Transition Team.

*General Registration* – no charge.

CLE Accreditation (4 credits) will be applied for – *CLE Registration* - \$50

To register, please go to [www.wcl.american.edu/secle/registration](http://www.wcl.american.edu/secle/registration).

For further information, please contact: Office of Special Events & Continuing Legal Education, 202.274.4075 or [secle@wcl.american.edu](mailto:secle@wcl.american.edu).

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