

Information policy partially rescinded

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The federal government rescinded in March part of its policy on access to government databases by foreigners after the IEEE and Information Industry Association testified against the policy in Congress in February.

The government's intent was to prevent the information from being used by foreigners, especially Soviet-bloc citizens, according to several Defense Dept. reports. However, opponents argued that the policy's scope was so broad that it could abridge Americans' rights to freedom of speech and information.

Proposals included creating a new category of information for material that is unclassified but "sensitive," access-denial functions in federal databases to prevent foreigners' access, and

"hav[ing] some automated tools for analyzing the information that is in both commercial information systems and also in federal government information systems," said Diane Fountaine, director of information systems for the Defense Dept., in a speech to the Information Industry Association last fall.

Databases have the same First Amendment rights as the printed press, and information should be either classified or unclassified, not in an uncertain category between the two, argued David Peyton, director of government relations for the Information Industry Association, a group of several hundred information-using or information-generating businesses.

An Oct. 29 memo from former National Security Adviser John Poindexter, who left the administration after the recent arms sales to Iran were disclosed, broadly defined what might be considered sensitive information. The policy in that memo was rescinded by new National Security Adviser Frank Carlucci after the Congressional testimony in March.

"National security interests are those that unclassified matters that relate to the national defense or the foreign relations of the US government. Other government interests are those related, but not limited to, the wide range of

government or government-derived economic, human, financial, industrial, agricultural, technological, and law-enforcement information, as well as the privacy or confidentiality of personal or commercial proprietary information provided to the US government by its citizens," the memo said.

The Poindexter definition of sensitive information covers "everything," Peyton said. "It's so broad that it could cover every government information system," he said.

Association president Paul Zurkowski later called the rescission "a giant step in the right direction." "The most objectionable part has been removed," said John Richardson, who testified against the policy on behalf of the IEEE's Committee on Communications and Information Policy.

However, the status of the 1984 presidential decision, National Security Decision Directive 145, that set the groundwork for the database policy remains unclear. A Defense Dept. official said that the policy seemed to be effectively rescinded, at least until a review by the National Security Council of the directive. Council staffers confirmed that the directive was under review but would not comment on specifics.

Congress is now considering legislation to protect electronically stored private information. If passed, the Computer Security Act of 1987 (H.R. 145) would give the Commerce and State departments the responsibility for protecting information. The National Bureau of Standards would be responsible for setting the computer-security standards. The administration plans assigned the task to the National Security Agency and Defense Dept.

"We endorse the intent of H.R. 145 that a civilian agency rather than a defense agency should assist other civilian agencies and the private sector in the protection of computer systems," IEEE's Richardson testified Feb. 25.

Richardson criticized both the administration's and the proposed law's definitions of sensitive information as "too broad."