

May 17, 2011

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear Mr. President:

We, the undersigned groups and individuals, are writing to express our concern over the high-level negotiations that are underway between the United States and the European Union aimed at reaching an “umbrella” agreement for the protection of private information when it is shared between U.S. and E.U. governments. The umbrella agreement would subsume existing agreements on such topics as airline passenger name records (PNR) and international financial transactions (SWIFT).

We urge you to direct American negotiators to reach an agreement with the Europeans that respects basic, internationally accepted principles for the protection of privacy and fairness in the handling of personal information.

Based on our conversations with some of the interested parties, we fear that the United States may be pushing the Europeans to weaken their comparatively strong protections of privacy and other fundamental rights, rather than agreeing to strengthen U.S. protections and respect such principles.

We regard this as an issue of the highest priority. As information technology advances, it is crucial that we update our privacy laws in order to maintain the privacy that our civilization has valued for centuries. Much of the world – including countries in Asia and elsewhere – will be looking to this agreement as a benchmark, so it will be a crucial determinant of evolving global standard practices. It would be a betrayal of American values for our government to fail to uphold privacy in this pact, and it would not serve the long-term interests of the people of the United States.

Currently, the European approach to privacy is much more robust than the American approach. European privacy laws incorporate a set of principles that are regarded around the world as the human-rights gold standard for the protection of data privacy. Those laws, while drawn from guidelines developed by the OECD, actually have their origin in work done by the U.S. government in the 1960s. These laws incorporate human rights, civil liberties and the Fair Information Practices – protections such as limits on the use of personal information for new purposes beyond the purpose for which it was collected, limits on the length of time the data is retained, the right to access one’s files, the right to correct inaccurate information that might be in those files, and the right to seek redress when adverse decisions have been made unfairly against a person.

The United States of America should stand behind these principles, which were originally formulated here before they spread around the world. We ask that you ensure that they are incorporated into the umbrella agreement with the European Union.

Finally, we also ask that your administration engage with the privacy and civil liberties community during these talks. In its discussions with the European Union, this administration should be representing not only security agencies' imperatives – the narrow, questionable desires of bureaucratic security agencies for ever more data about individuals – but the broader values and interests of the entire American nation. It should not engage in these discussions without engaging with civil society groups that represent broader, longer-term values and interests.

Sincerely,

Chris Calabrese  
American Civil Liberties Union

Jeff Chester  
Center for Digital Democracy

Susan Grant  
Consumer Federation of America

John Simpson  
Consumer Watchdog

Lee Tien  
Electronic Frontier Foundation

Barry Steinhardt  
Friends of Privacy USA

Edward Hasbrouck  
Identity Project

Michael Ostrolenk  
Liberty Coalition

Deborah Peel  
Patient Privacy Rights

Pam Dixon  
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