

## **Right to Privacy**

### **Position Statement**

The Texas Council for Developmental Disabilities recognizes that people with disabilities have the same right to privacy as all people have in our nation. Confidentiality has historically been a cornerstone in providing services and medical care to people. The level of privacy protected under the Fourth Amendment of the U.S. Constitution is being challenged by the rapidly developing interactive technologies with a quickly emerging global information infrastructure.

In this age of the evolving information and communication technologies, the Council recognizes the positive role that the electronic media brings to the compilation and exchange of information. Our government agencies, businesses and non-profit agencies now have the advantage of quick exchange of information and the ability to gather and analyze massive amounts of information. This new capacity can help in streamlining business, reducing costs and ensuring appropriate services for people. However, this new capacity for data collection can also be used intentionally or unintentionally to the detriment of the people the government agencies serve. The Council supports the position that the following basic principles should be applied to all information data collection systems:

- ❑ Individuals, government entities, nonprofit organizations, and businesses have a shared responsibility for the secure use of personal information.
- ❑ Prior to the collection and dissemination of personal and identifiable information, each individual should be advised of:
  - the specifics of personal information to be collected and/or released;
  - the entity which is collecting the information and the entity to which the information will be released;
  - the purpose for which the information is to be collected and/or released;
  - the individual's legal rights to privacy and confidentiality of personal information;
  - the administrative procedures to follow to review personal information;
  - the process to remove, correct or add information that has been entered in a data collection system;
  - the avenues of recourse to recover damages in the case of improper use and/or disclosure of personal information; and

- the degree of risk that personal information may be inadvertently collected by other entities through the electronic transmission processes.
- ❑ Those who obtain, possess or retain personal information should make efforts to ensure that such personal information is not inadvertently shared, obtained, or collected by unauthorized parties through the process of electronic data transmission.
- ❑ Directories of an individual's personal information should be used only as allowed by the individual. Personal identifiable information may include:
  - social security number;
  - religious, political or organizational affiliations;
  - employment, educational, medical, psychiatric, psychological, and financial status,
  - legal history; and
  - family status.

Approved November 7, 2014