

## **Veto FEPA to Protect Personally Identifiable Information of All Americans**

Mary Byrne, Ed.D. (January 10, 2019)

Defining personal data as personal property is the same standard of privacy the European Government required that the tech industry honor in its **General Data Protection Regulation**, that is, GDPR. The global standard of privacy is already in place and the tech industry has already invested in the research and development to comply with it, but the industry and even the federal government is fighting the implementation of the same standard in the United States.

**Congress threatens personal privacy and personal liberty** with the Foundation for Evidence-Based Policy Act of 2017 referred to as FEPA.

FEPA, calls for a unified data system for collecting and sharing data on ALL Americans. Remember that there are federal programs collecting data on all Americans from birth through death, especially with respect to health, education, and employment.

FEPA is especially bad because of its implications for privacy and the sharing of individually identifiable information across the entire federal government. It calls on all federal agencies to share the data they possess on individuals *and* to grant access to researchers working for assorted interests. The bill seems to be an efficiency-improving measure. In reality, it is the first step toward large collection of new “evidence” for entirely new “policy making” purposes.

The federal agencies would write their own rules for all this data-sharing **without having to obtain the informed consent of persons whose information is passed around and used.**

FEPA was presented to President Trump on January 2, and unless Trump vetoes the bill by January 12, it will become law.

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### **PROBLEMS:**

- The primary issue with FEPA creates a “unified evidence-building plan” for the entire federal government – in essence, it creates a national database containing data from every federal agency on every citizen while purporting to improve government efficiency. Data will be shared among agencies such as the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Office of Management and Budget, the Internal Revenue Service, and other agencies such as the U.S. Department of Education.
- Superficially, FEPA improves the federal government’s production and maintenance of statistical databases. In reality, it begins the construction of the statistical infrastructure that the federal government would need if it were to build big, new entitlement programs [and a planned economy in which every citizen is a unit].
- Citizens who yield their information to a federal agency, which they may be required to do in order to receive government benefits of any kind or comply with federal laws, don’t

submit their data to be “repurposed” without their permission. Think about what the IRS did with information from conservative activists.

- FEPA was passed without updating FERPA, the Family Educational Rights and Privacy Act, which has not been updated since 1974, that is, before the proliferation of data collection on students by Statewide Longitudinal Data Systems to which the U.S. Department of Education has access and before Secretary of Education Arne Duncan gutted FERPA by allowing the term “school official” to apply to private tech operatives who have an “educational interest.”
  - “Researchers” (a loosely defined term) can apply to access government data by establishing a common application system for qualified individuals to access restricted, confidential data for approved projects without specific consent from the citizens generating the data or the ability to opt personally identifiable information out of the government’s data pool.
  - The data will be available for yet undetermined purposes and limitless storage.
  - The federal government’s abysmal record of keeping data secure. Potential harms include identity theft, discrimination, and predatory activity
  - FEPA will void States rights either immediately or cut deeply into their power.
  - FEPA operates according to the principle that government is entitled to do whatever it wants with a citizen’s data and shouldn’t be hindered by his objection.” Despite the fact the government doesn’t use the data it has for evidence-based policy making and despite the fact that citizen direction of government cannot happen when government sits in a position of intimidation of the individual. President Trump is currently embroiled in a controversy with government surveillance of a private citizen running for office at its center.
  - The bill creates the foundation for a new, federal statistical agency: the National Secure Data Service (NSDS). HR 4174 does not specifically mention this agency, but, a report from the Commission on Evidence-Based Policy Making states the purpose behind HR 4174 in detail. The commission report explains how the new statistical agency is going to expand government data collection.
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CONCLUSION: Congress can improve maintenance and reduce the cost of those programs simply by [more vigorous enforcement of existing eligibility criteria](#). Stop FEPA to preserve your right to privacy and determination of who gets your personally identifiable information and for what purpose.

#### CALL TO ACTION:

1. Because of the partial government shut down, the White House is not answering the phone, so please contact the president at [www.whitehouse.gov/contact/to](http://www.whitehouse.gov/contact/to) to ask him to veto FEPA.
2. Put vetoFEPA in your searchbox to locate twitter rallies and FB posts that you can share information about FEPA.
3. Ask others to take action and contact the White House.