

## Summary of Privacy Guidance

Based on the Review Board's discussion of privacy postponements under the Assassination Records Collection Act (ARCA), the following constitutes guidance for Review Board staff reviewing agency postponements under Section 6(3) of the ARCA.

1. Privacy postponements proposed by agencies will be ratified by the Review Board only in very narrow circumstances. Based on the clear and convincing evidence standard set out in the statutory language, the legislative history, background briefings on privacy law and policy, examination of sample records illustrating the categories of privacy information, and with reference to types of information potentially invoking privacy concerns that have already been released by agencies, the Review Board will postpone the following types information on privacy grounds:

- a. Social security numbers.
- b. Personal financial information, such as bank account numbers or credit information, to the extent it is unrelated to an individual's government service. (Salary and related financial information of government employees, especially when related to work on commissions or other investigations into the assassination, will not be postponed under this standard.)
- c. Information that would violate a privileged relationship, such as doctor-patient, attorney-client, clergy-penitent, or information regarding family relationships that are wholly unrelated to the historical record of the

assassination (e.g., adoption of a child).

d. Other personal information the public release of which would, in the analyst's judgement, cause so unwarranted an invasion of personal privacy that, balanced against the public interest, the Review Board should review the information before releasing it to the public. (It is anticipated that analysts will rarely, if ever, encounter information meeting this standard.) The basis for applying this standard is whether release of the information provides an opportunity for the unwarranted invasion of personal privacy to an extent not already released in the public domain or on the historical record.

2. Information not falling into one of these categories should be analyzed with reference to the Privacy Matrix attached hereto, which outlines Review Board guidance related to categories of records illustrating the range of issues likely to arise in the records to be reviewed by analysts.

Dated: April 10, 1995