

[Login](#)[Join](#)[Lost Password?](#)

# CMOR

Promoting and Advocating Survey and Opinion Research

[Search CMOR.ORG](#)[Search](#)[Site Map](#)

[About](#) ▶  
[Membership](#) ▶  
[Government Affairs](#) ▶  
[Respondent Coop](#) ▶  
[Information on Demand](#) ▶  
[CMOR e-Newsletter](#) ▶  
[What Is Research?](#) ▶  
[Contact Info](#) ▶

## Government Affairs

[CMOR :: GA Articles](#) :::

### Privacy and Data Security Debate in Election '08

By Howard Fienberg, Director of Government Affairs  
November 2008

CMOR was on Capitol Hill on October 17 as representatives of the Presidential campaigns of John McCain\* and Barack Obama\*\* [faced off](#) on technology, privacy and data security issues in much greater detail than they [have done in the past](#). Here is where the campaigns stand on issues of importance to the survey and opinion research profession:

- **Technology policy coordination:** The Obama campaign plans to create a Chief Technology Officer position within the White House to coordinate all technology-related policy across federal agencies. McCain will have a privacy person in the White House, but the bureaucratic positioning has yet to be determined.
- **Role of the Federal Trade Commission (FTC):** Both campaigns noted that the jurisdiction of the FTC was limited – hence their interest in coordinating technology policy across agencies. While the Obama campaign referred to the FTC as an “independent” and “successful” agency, it suggested that the FTC’s antitrust enforcement authority would be its focus. While the McCain campaign admitted that the FTC would grow “responsibly” under a McCain administration, it expressed support for the current FTC approach of inviting diverse opinions and disparate views on policy issues and seeking to find the best possible solutions.
- **Regulation of personal information collection and use on the Internet:** The Obama campaign has mentioned the need for privacy and consent regarding particularly sensitive information, such as location data. While Barack Obama has no set policy on issues like behavioral research, he does believe that the regulatory system needs to be restructured when the “market fails”. The McCain campaign representative cited the panic about cookies at the turn of the century, before most people learned that they were a simple part of the functioning of the Internet. McCain advocates industry self-regulation, but that “transparency is always good,” and that bad actors will be severely punished.
- **Should privacy proposals pass a cost-benefit analysis?:** The Obama representative noted that the HIPAA health privacy rules passed such a test and that such tests make sense. However, he expressed concerns that what factors are used in the analysis matter greatly to the outcome. The McCain representative said that every time government comes up with a law to make people do something it should think about the consequences because government often ends up “doing bad” while trying to “do good.” He emphasized that government intervention, “may make a problem bigger than the one we’re trying to fix.”
- **Comprehensive privacy or data security legislation:** The Obama campaign has identified specific concerns about social networking, electronic health records and location data, but has not spoken about comprehensive legislation. McCain’s representative recognized the hazards of data breaches, although most result in no actual harm of identity theft. He noted that technology holds the solutions to this problem, not government, and that industry ought to grapple with data security “in a rational way,” like automating it. While not directly addressing the question about comprehensive legislation, the McCain campaign emphasized that people had better protect information if they use it because they will be held accountable in a McCain administration.

\* The McCain campaign was represented by Orson Swindle, a policy advisor at the Hunton & Williams law firm and is a former Assistant Secretary of Commerce and Commissioner of the Federal Trade Commission (FTC).

\*\* The Obama campaign was represented by Peter P. Swire, a law professor at Ohio State University and former Chief Counselor for Privacy in the U.S. Office of Management and Budget under President Clinton.

**Disclaimer: The information provided in this article is for guidance and informational purposes only. It is not intended to be a substitute for legal advice. CMOR advises all parties to consult with private legal counsel regarding the interpretation and application of any laws to your business.**

*“Shielding the Profession”*

Copyright 2008 Council for Marketing and Opinion Research

All Rights Reserved

[Privacy Policy](#) | [Legal Notice](#)