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Daylight Sought For Data Mining

Senators Want Federal Use Disclosed

By [Ellen Nakashima and Alec Klein](#)

Washington Post Staff Writers

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Key senators introduced legislation yesterday that would require the government to disclose data-mining programs to Congress in an effort to protect Americans' privacy and prevent misuse of personal information.

The bill, introduced by Sens. Russell Feingold (D-Wis.) and John E. Sununu (R-N.H.) requires federal agencies to report the development and use of data-analysis technologies to "discover predictive or anomalous patterns indicating criminal or terrorist activity."

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Lawmakers introduced similar bills twice in recent years, but they languished in a Republican-controlled Congress.

The new chairman of the Senate Judiciary Committee, Patrick J. Leahy (D-Vt.), vowed that Congress would take a much more active role in the oversight of government surveillance and data-collection programs.

"The American people have neither the assurance that these massive data banks will make us safer, nor the confidence that their privacy rights will be protected," Leahy said at the first in a series of hearings on the subject. He is a co-sponsor of the bill.

Leahy said at least 52 federal agencies use data-mining technologies and at least 199 data-mining programs are operating or planned throughout the government, including 14 within the departments of Defense, Homeland Security, Justice, and Health and Human Services. Those do not include programs run by the National Security Agency. According to Leahy's staff, the NSA has not disclosed to the committee what, if any, data-

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mining programs it is conducting. An NSA spokesman declined to comment.

Leahy said that the government's terrorist watch list includes names of more than 300,000 people -- including infants and members of Congress. "We also need to understand that a mistake in a government database could cost a person his or her job, sacrifice their liberty and wreak havoc on their life and reputation," he said.

Yesterday's hearing underscored the sensitivity of the debate about privacy and security. Jim Harper, director of information policy studies at the Cato Institute, said one of the more aggressive technologies gaining currency is predictive data-mining, which looks for patterns of behavior in data based on a template.

Predictive data mining, he said, "cannot catch terrorists" because there are too few "terrorist patterns" to base a model on. Few terrorists would be caught, he said, and "a lot of" innocent people would be targeted.

Leslie Harris, executive director of the Center for Democracy and Technology, a privacy advocacy group, said the administration was "bewitched with this technology" although there was "very little evidence" that predictive data mining works.

But Kim Taipale, executive director of the Center for Advanced Studies in Science and Technology Policy, called data mining "a productivity tool . . . to make better use of limited resources" in fighting terrorism.

"Some innocent people will be burdened in any preemptive approach to terrorism, and unfortunately some bad guys will get through," he said. But if implemented correctly with oversight, "we can correct errors."

Robert L. Barr Jr., a former Republican member of the House from Georgia and also a former federal prosecutor, said the issue is not errors but an administration that he believes is thumbing "its nose at the Congress" and using data mining in a way that potentially "everybody is a suspect."

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