

Assassination Records Review Board

600 E Street NW ▪ Second Floor ▪ Washington, DC 20530

MEMORANDUM

April 11, 1995

TO: *The Board*

FROM: *David G. Marwell*
Executive Director

SUBJECT: *Privacy Postponements*

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 identified only Social Security Numbers for postponement.

2. Although not definitely decided by the Board, some members suggested that the following types of information might also be postponed:

a. 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.)

b. 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).

c. Other personal information of an extremely private (although undefined) nature. Based on comments from the Board, this is a high standard indeed, and it is anticipated that it will rarely, if

ever, be met.