

Capitol e-Report - Open Government Commission Reports Out

January 28, 2009

Today, the Commission on Open Government submitted its final report and recommendations to Florida Governor Charlie Crist, Senate President Jeff Atwater and House Speaker Ray Sansom. On June 19, 2007, Governor Charlie Crist appointed the nine-member Commission on Open Government to review and evaluate the public's right of access to government meetings and records. Among the more relevant findings for our business clients and those holding licenses issued by the state are:

- Government agencies collect and maintain vast amounts of personal information from individuals, and in Florida, an individual does not have the right to verify the accuracy of personal information collected and maintained by government.
- Agencies generally are not required to justify the need to collect personal information, which then becomes subject to public disclosure.

These observations resulted in the following Commission recommendation. *Notably, however, the Commission failed to address whether an individual whose personal information is held by an agency -- whether accurate or inaccurate -- should be notified by an agency prior to the individual's personal information being released in an effort quell concerns and counter personal identity theft and fraud.*

Commission Recommendation #34: The Legislature (should) enact a Fair Information Practices act to (a) require government agencies to justify the need to collect personal information; (b) provide a right of access to personal information collected by government by the subject of the information; and (c) to challenge the accuracy of the information under certain specified circumstances." **To view the Governor's report, please click on the PDF icon above.**

This Capitol Report was written by Rheb Harbison, a Senior Government Consultant in the Carlton Fields Tallahassee Office. He is principally responsible for advocating on behalf of the Firm's clients before the legislative and executive branches, asserting positions on a variety of state business issues.

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