



**American Civil Liberties Union of Utah Foundation, Inc.**

355 North 300 West #1 ♦ Salt Lake City, UT 84103 ♦ (801) 521-9862 phone  
(801) 532-2850 fax ♦ [aclu@xmission.com](mailto:aclu@xmission.com) ♦ [www.acluutah.org](http://www.acluutah.org)

March 19, 2004

Dear Committee Members,

Attached is draft legislation concerning information gathering systems such as MATRIX. The legislation would work to curb misuses of information gathering systems, while allowing the systems to be effectively used by law enforcement. The draft legislation seeks to achieve the following goals:

1. **Prohibit data mining.** MATRIX employs the highly controversial practice of law enforcement "data mining," which allows a computer program, in this case created by a private company, to tell law enforcement whom to investigate. The draft legislation would prohibit information gathering systems from data mining.
2. **Prohibit interstate compacts that rely on the use of commercial information.** MATRIX has bought billions of records to expand its information on private citizens. These records include property ownership, address history (including all the people an individual has ever lived with), business and corporate information, marine vessels, U.S. directory assistance, and public utility services connections. MATRIX has also bought public information that it could not obtain from states, including driver license data, criminal offender information, and court data including felony, misdemeanor and traffic violations going back decades. This is all part of a process of creating dossiers on every American. Commercial information should not be included in information gathering systems.
3. **Make information more accurate.** The draft legislation provides oversight by allowing citizens to access and correct their own information. We know that a great deal of commercial information is wrong. While it is annoying when a company gets your name wrong and a delivery is sent to the wrong address, it is much worse if the police kick down the wrong door or target an individual based on incorrect information. Legislation is necessary to ensure oversight of the information, and any oversight implemented must have the authority to ensure and correct the accuracy of information. Further, if the information is routinely accessible, as supporters claim, there should be no objection to citizens accessing their own information.

4. **Create penalties for misuse.** The type of personal information in MATRIX is very powerful and has great potential for misuse. Newspapers around the nation are reporting about law enforcement misuse of video surveillance and other technology, even without a powerful system like MATRIX. Further, abuses by the CIA, the army and the FBI from the 1960s highlight the dangers of unchecked government authority. Legislation is necessary to create penalties for misuse. Mark Zadra, the chief of investigations for the Florida Department of Law Enforcement, acknowledged the possibilities for abuse and suggested that trusting law enforcement is the solution. (Salt Lake Tribune, "MATRIX is a good thing, officials say," 3/17/04.) While trusting law enforcement is important, punishing bad actors who abuse the system is vital.
5. **Institute appropriate institutional controls.** The decision to use a system like MATRIX is too important to make without consulting the legislature. In all states, including Utah, it is agency heads that have signed agreements to share information and participate in MATRIX. Unelected officials do not have the same responsibilities or level of accountability of legislators. They should not be making these vital decisions.

The vast majority of our sister states have recognized the dangers MATRIX poses. Two-thirds of the states that originally agreed to participate in MATRIX have withdrawn, and Utah should follow suit. However, because law enforcement strongly believes that such databases are important crime fighting tools, and because there will be a constant temptation to misuse the information by conducting inappropriate investigations, oversight must be in place for all information gathering systems.

We urge this committee to allow the legislature to consider and pass legislation putting vital and common sense limits on systems like MATRIX. Until such limits are in place, Utah should refuse to participate.

Respectfully,

Margaret Plane  
Staff Attorney