

Why Susan Dudley is Dangerous for Privacy Rights



Susan Dudley, nominee for administrator of the Office of Information and Regulatory Affairs, has consistently opposed protections of the public health, safety, and environment. Here is a look at Dudley in her own words.

Medical Privacy

Why It Matters	What She Said
<p><i>The Department of Health & Human Services proposed improved standards for the privacy of individually identifiable health information, to ensure that personal medical information was not inappropriately used for marketing health services and products.</i></p> <p><i>During the rulemaking process HHS received over 52,000 comments from patients, health-care providers, and other stakeholders. Overwhelmingly, the comments called for increased patient privacy rights, and many comments considered patient privacy to be an ethical responsibility for health care workers.¹</i></p>	<p>“Given limited benefits and high costs, this rule may ultimately damage the long-term health of Americans. Indeed, it is quite possible that the rule may generate the perverse result of <i>less</i> privacy—owing to the pervasive availability of medical information combined with increased access by government agencies to that information. A less healthy citizenry may be one consequence, as individuals reduce prevention and treatment visits because of increased costs and reduced levels of medical privacy.”²</p>

Consumer Financial Privacy

Why It Matters	What She Said
<p><i>The Securities and Exchange Commission issued a rule protecting consumer financial information by limiting financial institutions’ ability to share that information without proper consent.</i></p>	<p>“The implicit premise of the rule is that individuals and firms cannot come to a mutually satisfactory agreement as far as privacy is concerned without resort to government assistance. Indeed, if individuals truly value their privacy, and firms desire to maximally satisfy their customers, then a meeting of the minds ought to be achievable without resort to compulsory regulations.”³</p>

¹ 65 Fed. Reg. 82,464 (2000).

² Susan Dudley, Brian Mannix & Jennifer Zambone, Public Interest Comment on the Office of Management and Budget’s Draft Report to Congress on the Costs and Benefits of Federal Regulation, May 28, 2002, p. A-6. The Bush administration apparently agreed with Dudley’s position: despite widespread support for the rule by the public and medical community, the Bush administration limited patient privacy rights in the final rule, giving pharmaceutical companies access to patient information for marketing activities.

³ *Id.* at A-14