

quate attention to protection of privacy. The element of consent has been a prime consideration. Because of the nature of these tests, we feel that informed parental consent is necessary in research projects which involve school children under college age. When the Federal Government is participating in such research, we believe that such testing should be strictly voluntary and this should be made clear to all persons concerned, including the researcher, the school authorities, teachers, and parents.

Early in August, I, on behalf of the subcommittee and my colleagues, Mr. Rosenthal and Mr. Horton, wrote a letter to the U.S. Commissioner of Education, the Honorable Francis Keppel, noting the concern of the special inquiry on this matter and urging the adoption of new policies and guidelines to strengthen what we consider to be the right to privacy. The Office of Education shared our concern and immediately went to work to take such steps.

I would like the Chief of Special Inquiry to read into the record the exchange of this correspondence at this time.

Mr. CORNISH. This letter is dated August 6, 1965, and is addressed to the Honorable Francis Keppel, Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. COMMISSIONER: As you know, the special inquiry of the House Committee on Government Operations has been conducting an investigation of the problem of invasion of privacy as it is related to certain investigative and data-gathering activities of the Federal Government.

One of our most recent concerns has been the use of personality tests and questionnaires in research projects sponsored and financed by grants and contracts under the U.S. Office of Education. Many of these tests and questionnaires, which are given in schools across the country, ask students to answer intimate questions about their family life, sexual experience, religious views, their own personal values and other subjects normally regarded as solely the private business of the individual.

Inasmuch as the Federal Government is involved in this activity, it is our belief that new provisions should be added to the grants and contracts to make certain that protection of individual privacy is guaranteed at all times.

The provisions we propose would apply only to those projects involving (1) personality testing, and (2) questionnaires which elicit personal information beyond the ordinary needs of school administration.

The safeguard we propose should make it clear to all concerned that:

- (1) The tests and/or questionnaires are strictly voluntary.
- (2) Parental consent must be obtained in those cases involving students below the college level.
- (3) A copy of the test and/or questionnaire is available for inspection by the parents in the event they wish to look at it before deciding whether to give consent.
- (4) Parents be given a clear idea of the nature of the test and/or questionnaire when consent is sought. For example, they should be told the instrument asks questions about the student's sex life, family matters, religious views, etc.

We understand, of course, that this safeguard would require the researcher and school authorities to spend some additional time explaining the purpose of the project to parents. In the end, we believe it will result in greater support for, and understanding of, the research effort. At the same time, in those cases where parents do object, the right to privacy will be fully protected.

In addition, we urge that the problems of invasion of privacy be given specific consideration at the time a grant or contract is submitted for approval.

Joining with me in this request are the other members of the special inquiry, the Honorable Benjamin S. Rosenthal, the Honorable Frank J. Horton, and in connection with this particular investigation, the Honorable Henry S. Reuss.

Your office has been most cooperative in making available project files and other information to our staff investigators who have been studying this matter. We greatly appreciate the time and effort which has been expended.

With kind regards,

Sincerely yours,

CORNELIUS E. GALLAGHER,

*Chairman, Special Subcommittee on Invasion of Privacy.*