

Mr. GALLAGHER. I see.

Mr. GALLATI. Many of these files are resting in one police department, also on the same person a file would be resting in another police department, and, likewise, as you go through the process of the criminal justice agencies, more files become built up as we go along. These files are being searched at the rate of 8 million files per year and they are being searched at great expense to the local communities.

Mr. GALLAGHER. Does a citizen have an opportunity to check to see if his name is in your file?

Mr. GALLATI. No.

Mr. GALLAGHER. As far as its accuracy is concerned?

Mr. GALLATI. No. We have no provision for that, Mr. Chairman.

Mr. GALLAGHER. Supposing Governor Rockefeller wanted to appoint somebody to a job, and a routine police check was made to see whether or not he has a police record, and your computer threw up the fact that there was a flag on him. Who determines the accuracy, or is it institutionalized for life that he might have taken a ride on the wrong bicycle at age 16?

Mr. GALLATI. The files, like criminal files generally, of course, are confidential. There would be in this particular instance you cite, where a public official would be investigated either by the Civil Service Commission, or, in the case of an appointed official, by the State police, they would utilize our files just precisely, in effect, as they now utilize the central identification files. Then it would be up to the appointing person or the appointing agency or the Civil Service Commission, as the case may be, to be guided by whatever rules they may have in terms of disclosure. Certainly, if any time that we are made aware of any data in the bank which might be in any way inaccurate, we would make every effort to remove it. I think that our files, potentially, would be considerably more accurate than those files which might be kept in local agencies where there would be less resources to keep them accurate and perhaps less resources to make sure that they are secure.

Mr. GALLAGHER. No. What I am saying is if a person is not on notice as to what is in his files, how would accuracy be checked?

Mr. GALLATI. Well, I would assume that when he has occasion to be accused of something or to—

Mr. GALLAGHER. He never is, he is just sort of a law-abiding citizen now, sufficient for the Governor or somebody to appoint to public office. It would now be very easy to ask for a profile on him from your computer. He doesn't know what is in there, but it is institutionalized—a rumor or a letter or whatever it might be that would cast an aspersion on his character. Therefore, the computer would throw out or not throw out his name as a bona fide risk.

Mr. GALLATI. Well, this would be something which would be within the purview of the executive chamber. We would respond with the type of information that we will have in the file, to the agency or the person or the official who makes the proper request. Our dealing in this case, of course, would be with the State police, with the Civil Service Commission, or an official user agency. So that we would then, of course, have a dialog between them and ourselves, if there were something that needed to be discussed in connection therewith. The real remedy necessarily lies in the judgment of the appointing authority and how he uses the information he receives—as it is today. NYSIIS