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## PRIVACY POLICIES: ARE THEY MEETING USERS' NEEDS?

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### Abstract

*This paper examines the web site privacy policies of 200 web sites, 100 of the most popular as well as 100 random web sites. It examines the extent to which these privacy policies comprehensively define a company's data collection and dissemination policies. Such policies are important in creating trust between a company and its customers.*

### Introduction

Internet privacy continues to be an ongoing consumer concern despite companies' attempts to address these concerns by adopting more stringent privacy policies. Stories reported by the media detailing dangers associated with e-commerce keeps many potential consumers from buying on-line. The privacy policy debate rages on, as many e-commerce companies are regularly violating their customers' privacy. Visitors of company web sites are often unaware of the dangers in giving out personal information on the web. Merely accepting the terms and conditions of a web site's privacy policy without examining it first can lead to misconceptions about the safety of personally identifiable information. Furthermore, web surfers who are concerned with providing information in exchange for an individualized experience on a site are sometimes confronted with a privacy policy that does not clearly mandate their information practices or find no privacy policy at all.

A survey conducted by the National Consumers League found that privacy concerns are increasing with 64% of Internet users believing web sites will share their personal information, and 59% worrying web sites will collect information without their knowledge (Merrick, 2001). With respect to privacy policies, "in 1998, only 37% of Internet users had seen privacy notices, but this year 90% have seen them" (Merrick, 2001).

The good news is that the survey demonstrates that consumers are becoming increasingly aware of the need to examine the privacy policies posted by the sites. There may no longer be a false sense of security while obtaining a personalized experience on a site. In fact, "53% of consumers say there's no way to know if a site is secure, and 34% think it's illegal for web sites to share consumers' personal information without consent" (Merrick, p. 15). Unfortunately, the truth is that "under current U.S. law, everything a web company knows about you can be sold to the highest bidder. Only voluntary privacy policies, designed to put customers at ease, keep them from doing so" (Borras, 2000, p. 54). Since these privacy policies are only voluntary and pose a legal risk to those companies who post one, many companies choose to simply not post one at all.

As a result of this and consumer concern, as well as cases where e-commerce companies have been prosecuted for violating privacy rights, a need for strict privacy policies for web sites has emerged. By providing a detailed privacy policy to the users of the site, the users are made aware of the rights they have and can then make an educated decision as to whether or not they deem the information provided as secure.

### Literature Review

A numbers of studies have examined web site privacy policies. In June of 1997, the Electronic Privacy Information Center (EPIC) reviewed the 100 most frequently visited web sites at that time. On the basis of the collection of personally identifiable information, establishment of privacy policies, use of cookies, and whether the site allowed individuals to gain access to the site without revealing their true identity, EPIC found that very few web sites had specific privacy policies and

that none of the sites reviewed met basic privacy protection standards. EPIC believes that anonymity should be practiced and that, when personally identifiable information is disclosed, a clear privacy policy should be made available to the user (EPIC, 1997).

In a follow-up study conducted in June 1998, EPIC assessed the effectiveness of self-regulation to protect personal privacy. In a survey of the new members of the Direct Marketing Association (DMA), only 8 of the 40 had any form of a privacy policy. In a full examination of those eight sites, a mere three policies satisfied the DMA's requirements. Individuals were not allowed to review their personal information, and the result is that, regardless of the DMA's attempts to promote privacy practices, little impact has been found on its new members (EPIC, 1998).

The Federal Trade Commission included two consumer privacy surveys, one from 1998 and the other from 2000 entitled, "Privacy Online: Fair Information Practices in the Electronic Marketplace" (FTC, 2000). The focus of both surveys was on what companies were doing for their customers with regards to privacy as well as standards that could be set in order to protect consumers. The 1998 survey, as reported in the FTC 2000 survey, found that 92% of all web sites in the random sample collected personal identifying information, and only 14% disclosed anything about its information practices (FTC, 2000). In 2000, another survey conducted by the FTC included 91 of the 100 most frequently visited web sites along with 335 more web sites that were part of a random sample. Of the random sample, 97% collected personal identifying information, whereas 99% of the most popular sites collected such information (FTC, 2000). Of the web sites collecting personal identifying information, a huge improvement from the 1998 survey was shown as 90% of the random and all of the most popular web sites posted at least one form of privacy disclosure (FTC, 2000).

The Georgetown Internet Privacy Policy (GIPPS) was completed in March 1999. This study was performed on 361 dot.com web sites. The survey focused on three main questions: "What personal information do web sites collect from consumers?" "How many web sites post privacy disclosures?" and "Do these disclosures reflect fair information practices?" From research on these sites, it was found that 92.8% of them collected at least one type of personally identifiable information. Also, 56.8% of the sites collected at least one type of demographic information. Only 65.9% of the sites examined provided any sort of privacy disclosure, privacy statement, or information practice statement (GIPPS, 1999). Similar to the FTC survey, students then checked the privacy disclosures for fair information practices (notice, choice, access, and security). Of the 236 web sites that collected personal information and posted a privacy disclosure, 89.8% contained at least one survey item for notice, 61.9% for choice, 40.3% for access, and 45.8% for security. Also, 48.7% contained at least one survey item for contact information regarding privacy. Only 9.5% of all the web sites looked at contained at least one survey item in each of the five categories for fair information practices (GIPPS, 1999).

These fair information practices created by the FTC include notice, choice, access, and security. Notice refers to notifying the consumer concerning a company's information practices before information is collected from them (FTC, 2000). This can be accomplished by posting an information practice disclosure or privacy policy on the web site. The second core principle is choice. This simply refers to the consumer's ability to choose how any information collected from them may be used (FTC, 2000). Traditionally, consumers have been given two ways to make their choice: opt-in or opt-out. Opt-in means that the consumer chooses to receive or allow use of certain information. Opt-out means the opposite; consumers must choose not to receive or allow the use of certain information. Any other options given to the consumer are included under this category.

The third fair information practice principle is access. This refers to the ability of the consumer to view, edit, or totally delete the personal information a company has recorded about them (FTC, 2000). Having this option available provides the consumer with full rights to their information. It also helps to ensure that accurate information is stored and used. The fourth principle is security and should be of big concern to consumers. Security is the protection of consumer information from access by outside parties. This security is needed on two levels: during transmission and while stored internally. Methods such as encryption should be used during the transferring of information. Firewalls and other types of protection should be present in companies' database files, where the information is stored, once it is received (FTC, 2000).

Due to the possibility of rapid changes in dealing with privacy issues, it is important to gather current data concerning web sites' privacy policies. In the following section, we will discuss a survey that we designed to see if web sites were living up to the fair information practices set by the Federal Trade Commission.

## Survey

### Sample Selection

The web site privacy survey is based on a sample of web sites. This survey is based on the previous surveys done by Georgetown University and the Federal Trade Commission. The Georgetown Internet Privacy Policy (GIPPS) survey went into more depth than the FTC by including 300 web sites in their survey to cover as close to 100% of the web traffic as possible. Our survey includes 200 web sites, 100 of which were the most popular as of February 1, 2001, and 100 random web sites derived from the GIPPS sites used. The process of developing the actual sample consisted of:

1. Determining the 100 Most Popular web sites based on data gathered from Hot100.com's Top 100.
2. Retrieving the random sample of 300 sites used by the GIPPS survey.
3. Comparing the two lists to ensure that there was no overlap between the most popular web sites of the time and the random sample used.
4. Once duplicates were identified, a sample list was created with 200 individual web sites to randomly distribute.

### Survey Design

The survey used in the 2000 FTC study and the GIPPS survey served as the basis for designing our survey. The survey used for our research is a product of modifications and a combination of the latter surveys. Main modifications include:

1. More detailed questioning with regard to cookies.
2. Three questions dealing with privacy seals and the accessibility to verify a site.
3. Questions dealing with whether or not the site offers an "opt-in" or "opt-out" policy and whether the consumer is aware if these options are available to them.
4. Questions dealing with whether or not the site is a U.S. site or if the site is likely to be of interest to consumers.

A section of the survey was structured to determine if the web sites selected follow the fair information practices set by the FTC. The information practices include Notice (Q5, Q12 & Q13), Choice (Q14 – Q24), Access (Q25 – Q27), Security (Q28 & Q29), and Contact (Q36 & Q37).

### Data Collection

Two junior-level Management Information Systems classes, of 25 students each, were each given four web sites to examine on Tuesday, March 6, 2001. Surfers were randomly assigned URLs from the sampling pool. They were each given a survey, a slip of paper with four web sites typed out, and a disk to save the data on. Data was placed on an Excel spreadsheet that listed the web sites across the top and the answers down the left column of the spreadsheet. This data was entered with a 1 as "yes" and 0 as "no." This allowed for easy tabulation of the data as it was calculated using Microsoft Excel.

The surfers were given the entire class time to complete the survey and if not done were allowed to take the surveys with them to finish on their own time. The surfers were also instructed to save each site's privacy policy onto the disks given in order to verify the data collected from analyzing the site.

### Validation

After all the sites in the sample had been surveyed, the web sites were evenly distributed once again to the group members involved in the study. Each site was then explored a second time to verify that the information was correct. After this review process was completed, the survey data was entered into an Excel spreadsheet to prepare for tabulation.

## Results

The wide range of information collected by web sites is exhibited in Table 1 and denotes personal identifying, demographic, and preference information.

**Table 1** Customer Information Collected From English-Oriented Web Sites

Type of Information	Most Popular English Oriented Web Sites		Random Sample of English Oriented Web Sites	
	Number of Sites Collecting	Percent Collecting	Number of Sites Collecting	Percent Collecting
<b>Personal Identifying Information (PII)</b>				
Name	76	84%	83	89%
E-mail Address	76	84%	88	95%
Postal Address	57	63%	62	67%
Telephone Number	39	43%	38	41%
Fax Number	17	19%	8	9%
Credit Card Number	21	23%	36	39%
Social Security Number	7	8%	10	11%
<b>Total Collecting PII</b>				
<b>Demographic Information (DI)</b>				
Age/Date of Birth	28	31%	41	44%
Gender	40	44%	34	37%
Family Members	22	24%	3	3%
Education	5	6%	5	5%
Occupation	14	16%	12	13%
Income	20	22%	10	11%
Zip Code/City/State	52	58%	72	77%
<b>Total Collecting DI</b>				
<b>Preference Information (PI)</b>				
Hobbies	30	33%	10	11%
Interests	20	22%	23	25%
Types of hardware/software used	10	11%	11	12%
<b>Total Collecting PI</b>				

It was found that 98% of the proportion of the Top 100 sites and 89% of the sites selected at random have some type of privacy disclosure, as shown in Table 2.

**Table 2** Types of Privacy Disclosures

Type of Privacy Disclosure	Frequency Top 100	Proportion of Base Top 100	Frequency Random Sample	Proportion of Base Random Sample
None	0	0%	0	0%
Privacy Policy Only	53	59%	26	28%
Information Practice Statement Only	2	2%	2	2%
Both	33	37%	55	59%
<b>Total</b>	<b>88</b>	<b>98%</b>	<b>83</b>	<b>89%</b>

As shown in Table 3, 96% of the proportion of the top 100 and 87% of the random sample had a privacy policy. Only 28% of the proportion of the Top 100 sites and 18% of the random sample had a privacy policy that actually appeared on the home page. However, to service those who wished to access the privacy policy from the beginning of their visit, 90% and 82% respectively had a link to the privacy policy from the site's homepage. Also shown in Table 3, 34% of the proportion of the Top 100 and 45% of the random sample had a way to verify the site through the use of organizations such as TRUSTe, BBBOnline, and Verisign.

Table 3 Frequency of Privacy Disclosures

Type of Privacy Disclosure	Yes Top 100	Percent Top 100	Yes Random Sample	Percent Random Sample
<b>Privacy Policy</b>	86	96%	81	87%
Appear on site's home page?	25	28%	17	18%
Link from the site's home page?	81	90%	76	82%
Linked from at least on Web page where personal information is collected?	72	80%	69	74%
<b>Privacy Seal</b>	33	37%	21	23%
Located on the home page?	11	12%	9	10%
Is there a way to verify the site?	31	34%	42	45%
<b>Information Practice Statement</b>	35	39%	57	61%

Notice

Of the proportion of the web sites that have at least one privacy disclosure, 81% of the proportion of the Top 100 and 63% of the random sample were found to say something about what personal information they collect from consumers, as shown in Table 4.

Table 4 Survey Question Responses For Sites that Collect at Least One Form of Personal Information and Have at Least One Privacy Disclosure

Survey Question	Yes Top 100	% Top 100	Yes Random Sample	% Random Sample
<b>NOTICE</b>				
Q5: Does the Privacy Policy say anything about <u>what</u> specific personal information it collects from consumers?	73	81%	59	63%
Q12: Does the site say anything about <u>how</u> it collects information from consumers?	70	78%	74	80%
Q13: Does the site say how the information it collects from consumers <u>will be used</u> ?	79	88%	77	83%
<b>CHOICE</b>				
Q14: Does the site say anything about how the site may use personal information internally?	62	69%	60	65%
Q15: Does the site say that NONE of the personal information collected will be disclosed to third parties? (If yes, go to Q20. If no, go to Q16)	8	9%	19	20%
Q16: Does the site say that at least some of the personal information collected may will be disclosed to third parties (e.g., advertisers, business partners, or affiliates)?	67	74%	61	66%
Q17: Does the site say that it only discloses this information to outside third parties in <u>aggregate form</u> ?	27	30%	38	41%
Q18: Does the site identify type(s) or name(s) of third parties to whom the information collected will be disclosed?	46	51%	38	41%
Q19: Does the site say that it gives customers choice about having collected information disclosed to outside third parties?	36	40%	56	60%
Q20: Does the site say that they may use information the site has collected to contact consumers for marketing or other communications?	61	68%	62	67%
Q21: Does the site say that it gives consumers choices about whether they want to be contacted by this organization for marketing or other communications?	43	48%	60	65%
Q22: Does the site have an "opt-in" policy?	8	9%	21	23%
Q23: Does the site have an "opt-out" policy?	45	50%	44	47%

Q24: Is the site unclear about whether it has an "opt-in" or "opt-out" policy?	38	42%	49	53%
<b>ACCESS</b>				
Q25: Does the site say that it allows consumers to review or ask questions about at least some personal information that the site has collected?	51	57%	69	74%
Q26: Does the site say that it allows consumers to correct inaccuracies about the personal information that the site has collected?	53	59%	60	65%
Q27: Does this site say that it allows consumers to delete at least some of the personal information that this site has collected?	26	29%	47	51%
<b>SECURITY</b>				
Q28: Does the site say anything about the steps it takes to provide security for information during transmission?	29	32%	55	59%
Q29: Does the site say anything about the steps it takes to provide security for personal information after the site has received it (i.e., not during transmission, but after collection)?	34	38%	53	57%
<b>CONTACT INFORMATION</b>				
Q36: Does the site say how (e.g., provide contact information) to submit a question about privacy?	79	88%	72	77%
Q37: Does the site say how (e.g., provide contact information) to complain to the company or another organization about privacy?	44	49%	74	80%

With regard to how the information is collected from consumers, 78% of the proportion of the Top 100 and 80% of the random sample stated how it was done. Also shown in Table 4, 88% of the proportion of the Top 100 and 83% of the random sample stated how the information collected will be used.

As shown in Table 5, of the proportion of web sites that collect at least one type of personal information and include at least one type of privacy disclosure, 89% of the Top 100 web sites and 85% of the random sample include at least one component in their privacy policy pertaining to notice.

**Table 5 Fair Information Practice Elements by Type of Privacy Disclosure for Web Sites Which Collect at Least One Type of Personal Information and Have at Least One Privacy Disclosure With Regards to Notice**

Site with Fair Information Practice Element Present	Notice			
	Top 100	% of Top 100	Random Sample	% of Random Sample
Privacy Policy Only	49	54%	22	24%
Information Statement Only	1	1%	2	2%
Both	31	34%	55	59%
Total	82	89%	79	85%

#### Choice

As shown in Table 4, 69% of the proportion of the Top 100 sites and 65% of the random sample stated something about how the site may use personal information internally. Seventy-four percent of the proportion of the Top 100 and 66% of the random sample stated that at least some of the personal information collected may/will be disclosed to third parties. Sites that identified the types or names of third parties to whom the information collected will be disclosed was evident in only 51% of the proportion of the Top 100 and 41% of the random sample. Forty percent of the proportion of the Top 100 and 60% of the random sample stated that they give customers a choice about having collected information disclosed to outside third parties. Table 4 also shows that 48% of the proportion of the Top 100 and 65% of the random sample gave consumers choices about whether they wanted to be contacted by this organization for marketing or other communications. Forty-two percent of the proportion of the Top 100 sites and 53% of the random sample were unclear about whether they had an opt-in or opt-out policy.

As shown in Table 6, of the proportion of web sites that collect at least one type of personal information and include at least one type of privacy disclosure, 96% of the Top 100 web sites and 89% of the random sample include at least one component in their privacy policy pertaining to choice.

**Table 6 Fair Information Practice Elements by Type of Privacy Disclosure for Web Sites Which Collect at Least One Type of Personal Information and Have at Least One Privacy Disclosure With Regards to Choice**

Site with Fair Information Practice Element Present	Choice			
	Top 100	% of Top 100	Random Sample	% of Random Sample
Privacy Policy Only	52	58%	26	28%
Information Practice Statement Only	2	2%	2	2%
Both	32	36%	55	59%
Total	86	96%	83	89%

### Access

With regard to access, as shown in Table 4, 57% of the proportion of the Top 100 web sites and 74% of the random sample state that the site allows the user to review or ask questions about at least some personal information that the site has collected. With the same respect, 59% of the Top 100 and 65% of the random sample allows users to correct inaccuracies about the personal information that the site has collected. Of the Top 100 web sites, only 29% allow a user to delete some of the personal information that has been collected by the site, while the proportion from the random sample that allows this action is 51%.

As shown in Table 7, of the proportion of web sites that collect at least one type of personal information and include at least one type of privacy disclosure, 67% of the Top 100 web sites and 75% of the random sample include at least one component in their privacy policy pertaining to access.

**Table 7 Fair Information Practice Elements by Type of Privacy Disclosure for Web Sites Which Collect at Least One Type of Personal Information and Have at Least One Privacy Disclosure With Regards to Access**

Site with Fair Information Practice Element Present	Access			
	Top 100	% of Top 100	Random Sample	% of Random Sample
Privacy Policy Only	40	44%	19	20%
Information Practice Statement Only	2	2%	2	2%
Both	19	21%	49	53%
Total	61	67%	70	75%

### Security

In Table 4, the two aspects of security that were looked at were (a) the steps taken to provide security for information during transmission and (b) the steps taken to provide security after the site has received it. Out of the proportion of Top 100 web sites, only 32% provided security during transmission, and 59% provided security after the site had received the information. The proportion of the random sample that provided security during transmission was 38%, and 57% provided security after the site had received the information.

As shown in Table 8, of the proportion of web sites that collect at least one type of personal information and include at least one type of privacy disclosure, 51% of the Top 100 web sites and 69% of the random sample include at least one component in their privacy policy pertaining to security.



**Table 8 Fair Information Practice Elements by Type of Privacy Disclosure for Web Sites Which Collect at Least One Type of Personal Information and Have at Least One Privacy Disclosure With Regards to Security**

Site with Fair Information Practice Element Present	Security			
	Top 100	% of Top 100	Random Sample	% of Random Sample
Privacy Policy Only	29	32%	18	19%
Information Practice Statement Only	1	1%	2	2%
Both	16	18%	45	48%
Total	46	51%	65	69%

### Discussion

From looking at the results in Table 2, it is clear that web sites currently are, for the most part, posting some sort of privacy disclosure. The survey results indicate that 98% of the proportion of Top 100 web sites and 89% of the random sample post at least an information practice statement. The question that remains is whether these privacy disclosures serve their purpose of providing the users with the information to which they have a right.

The first step to finding out what is being done with the information collected is finding the privacy policy itself. Web sites that do have a privacy policy in place are in fact very good about making it readily available. Ninety percent of the proportion of Top 100 web sites and 82% of the random sample provide a link from their home page to the privacy policy. For the rest, a privacy policy that goes unfound is useless to the user, no matter how good it is. Why would they not make it available? Are they trying to hide something?

Notice and choice are two fair information practice elements that had very good results for the web sites surveyed. Eighty-nine percent of the proportion of Top 100 web sites and 85% of the random sample included at least one survey element for notice. Compared to the survey conducted by the Federal Trade Commission in May 2000, the Top 100 web sites remained the same in this category at 89%. On the other hand, the random sample went from 55% on the FTC survey to 85% on our survey (FTC, 2000). Despite the fact that these samples were not the same, we can conclude that, as a whole, web sites are providing more notification in their privacy policies of what information is being collected and how it is being used.

In the area of choice, web sites have shown great improvement as compared to the FTC survey. Ninety-six percent of the proportion of Top 100 web sites included at least one survey element for choice in March 2001, compared to only 67% in May 2000 (FTC, 2000). An even greater increase took place in the random sample, with the 50% in May 2000 increasing to 89% for March 2001 (FTC, 2000). An increase of over 30% in each sample is a sign that many web sites have recognized that the ability to choose whether their information is disclosed to third parties or used for marketing purposes is important to the users of the site. There are still a couple of areas where web sites are lacking. One is in identifying those third parties that are receiving information from them. Seventy-four percent of the proportion of the Top 100 web sites and 66% of the random sample state that personal information may be disclosed to third parties, yet only 51% of the proportion of the Top 100 web sites and only 41% of the random sample indicate who those third parties are. It is hard to make a judgment on whether or not you trust a particular party with your personal information if you do not know who they are. The other area that is lacking is in giving the consumer a choice about being contacted for marketing or other communication purposes. Forty-eight percent of the proportion of the Top 100 web sites and 65% of the random sample give the consumer this choice. Consumers must be very careful, or the amount of bulk mail from marketing communications will multiply in their inbox.

### Future Research

One opportunity for future research in this area of consumer privacy is to do a comparison between the Internet privacy policies of the United States and Europe. The U.S. does have a few policies in effect including the Gramm-Leach-Bliley Act and a voluntary self-regulatory plan invoked by the Federal Trade Commission. The Gramm-Leach-Bliley Act requires that financial institutions must establish privacy policies and give their customers initial and annual notices about them; however, this focuses only on financial institutions (Graham, 2000). The voluntary self-regulatory plan became effective in September 2000 but is only a voluntary program urging web sites to agree to certain standards for their privacy policies; even the FTC admits this is not enough to solve the problem (Rosen, 2000).

Europe does have a leg up on the U.S. in the strength of some of the consumer privacy legislation that is in effect there: "The European Union's 1998 Data Protection Directive requires that European consumers be allowed to access and correct their data and specifically agree to sharing it with others. It also forbids the transfer of data on European citizens to countries that don't meet these standards" (Rosen, 2000). It is clear that this issue is of great importance and needs further investigation.

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