

## **Information Sharing, Intelligence, and Privacy: Emerging Challenges in Regulation and Governance**

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In the national and homeland security threat environment that characterizes the early twenty-first century, information-sharing has become an increasingly important tactic to improve intelligence (i.e., diminish uncertainty) by concentrating employee knowledge and resources and to reduce redundancy and missed signals and opportunities. Complexities of terrorism and transnational crime present special challenges to the investigative abilities and capacities of law enforcement and intelligence agencies and their corporate security counterparts. For government agencies, competing internal and external demands, entrenched resistance to outside influence or “change” initiatives, and capital-spending may constrain organizational engagement with this environment. For corporations, jurisdictional and resource limitations impede their abilities to reduce threats to operations and the bottom-line, necessitating an increased reliance on government assistance. Due to extensive privatization of the critical infrastructure in the United States over the last three decades, issues of infrastructure security and operation have become a shared public-private responsibility, and increasingly intertwined with national security.

In each domain, the quality and availability of information has potentially dramatic impacts on the ability of participants to identify, respond to, and to prevent vulnerabilities and threats of harm or to exploit favorable market and network conditions. However, the collection, storage, use, and exchange of data for intelligence purposes presents potential threats that may violate the privacy and related rights of individuals or organizations. Information-sharing and intelligence arrangements may be initiated by legislation or environmental demands, and take a variety of forms. This paper explores the emerging regulatory and governance landscape of information-sharing and intelligence for “homeland security” within and between the public and private sector in terms of challenges to privacy.