

What is the USA Patriot Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act) was enacted in October 2001 in an effort to “deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigator tools and for other purposes.”

The USA Patriot Act amended more than 15 existing laws, significantly expanding the ability of law enforcement to conduct surveillance and capture information during investigations. This Act was renewed in 2006 as the Improvement and Reauthorization Act of 2005, and was signed into law on March 9, 2006.

Who is affected?

All companies that do business in the United States, including businesses based in other countries may be affected by the USA Patriot Act.

The law also places more specific requirements on financial institutions. For example, financial institutions must ensure they have procedures for identifying customer account information and the ability to verify customer identity and maintain records of information used to verify identity.

What does the USA Patriot Act have to do with information management?

Since the USA Patriot Act gives law enforcement and government easier access to information as part of investigations, businesses need to understand it in the context of their own privacy policies and other privacy legislation in the United States and other countries.

The law also requires that companies be able to produce information quickly for law enforcement, further emphasizing the need for businesses to have document management systems in place to ensure information is accessible when required. For example, Section 215 (amended in section 106 in 2006) “Access to Records and Other Items Under the Foreign Intelligence Surveillance Act” states:

Access to certain business records for foreign intelligence and international terrorism investigations - (a)(1) Subject to paragraph (3), The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

What do companies have to do to comply with the Act?

Companies should establish a document management system and/or assess their existing system to ensure ready access to documents to ensure proper storage and retention of documents relevant in litigation or other government investigations.

Anyone failing to comply with Section 215 outlined above will be held in contempt of court. No specific penalties are outlined in the text of the USA Patriot Act.

How can we help?

As an information management partner, it is important for Securit to clearly understand what processes are in place to manage records including retention periods and procedures for the timely, secure destruction of corporate records once retention periods end. For peace of mind, contact Securit today at 1 800 697-4733.

For more information:

United States Department of Justice -- www.usdoj.gov

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