Identity Documents
Information Privacy
and
Transgender People

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Who I am...

John Otto

- Master of Library and Information Science
- BA in multidisciplinary gender/sex studies
- former Privacy and Documentation Program Manager, National Center for Transgender Equality
  Washington DC
- activist

Introduction
Purpose/Goal

Demonstrate government intrusion and regulation of trans lives

“Canaries in the mine shaft”

Preparation for the Information Age
Purpose/Goal

“what is left out of academic accounts of transsexuality is any real understanding of what everyday life is like for transsexuals”

Vivian Namaste
- Terminology

  transgender
    original meaning
    umbrella

  transsexual

  trans

  transpeople

**Introduction**
Overview

1. Information Age and Information Privacy
2. Transgender Identity Documents
3. Intersection of the Information Age and Transgender Documents
4. What Can We Do?
5. Q & A

Introduction
• Disclaimer:

not legal advice

not a legal Q & A
Information Age
and
Information Privacy
What is privacy?

“the more general right of the individual to be left alone”

Warren and Brandeis, *The Right to Privacy* (1890)
• What is the Information Age?

Databases!

Information Age & Information Privacy
What is the Information Age?

Unprecedented capacity to
  access
  store
  retrieve
  organize
  copy
  process
  INFORMATION

Information Age & Information Privacy
What is the **Information Age**?

 Revolution!
• Upside...

Access to information

Connection with individuals & communities

• vast information grounds
• Trans community
• **Downside…**

“an ever-growing series of records is created about almost every facet of a person’s life”

Daniel Solove

• Downside...

Digital biography

...or dossier

shards of data, assembled and analyzed
Information Flow

private sector
e.g., Corporate data

public sector
government

Public records

Law enforcement

Information Age & Information Privacy
Information Flow

Conceptualizations of privacy

Orwell’s 1984
- malicious
- spying

Kafka
impersonal bureaucracy gone amuck

Panopticon
self-censored behavior
Transgender Identity Documents…

What are the rules?
What are the rules?

**Name changes**

file name change petition with local court

Driver license/state ID
Birth certificate
Social Security records
Passport
Others

Transgender Identity Documents
What are the rules?

Name changes

Driver license/state ID
  policies vary by state
  medical evidence often required

Birth certificate
Social Security records
Passport
Others
• What are the rules?

Name changes
Driver license/state ID
**Birth Certificate**
  - policies vary by state
  - medical evidence always required (SRS)
  - court orders sometimes required
Social Security records
Passport
Others

Transgender Identity Documents
• What are the rules?

Name change
Driver license/state ID
Birth certificate

Social Security records
  letter from surgeon confirming SRS completed
Passport
Others

Transgender Identity Documents
• What are the rules?

Name changes
Driver license/state ID
Birth certificate
Social Security records

**Passport**
- letter from surgeon confirming SRS completed
- provisional passport available

Others

Transgender Identity Documents
What are the rules?

Name changes
Driver license/state ID
Birth certificate
Social Security records
Passport

Others
- School transcripts
- Bank accounts
- Professional certifications
- Military discharge papers
- Credit reports
- More...

Transgender Identity Documents
What are the challenges?

Policies

- increasingly restrictive
- misunderstand gender transition
Intersection of The Information Age and Transgender ID Documents
• **Databases**
  Government data verification and data aggregation

- REAL ID Act
- Social Security No-Match Letters
- Voter ID laws
- Department of Motor Vehicles (SSOLV)

Plus…acquisition of data from private sector

*intersection* Transgender Identity Documents *information age*
Example: Indiana

Indiana Bureau of Motor Vehicles
November 2007 – SSOLV

Indiana Voter ID Law
Supreme Court case requiring government ID for voting
• Air Travel
  & international travel

  passports
  full body scans
  biometrics
What can we do?
• **Personal actions**
  
  *develop information savvy*
  
  *control your information*
  
  • “loyalty” shopping cards (e.g., Safeway cards)
  • product registration cards
  • online registrations
  • contest registrations
  • opt-out and opt-in
  • Facebook, etc.
  • search engine results

**What can we do?**
What can we do?

• Activist actions

Urge your state to resist REAL ID

Work with local, state, and national organizations

Promote policies that protect info privacy
  Research surveys, questionnaires, etc. (gratuitous data collection)
  Regard gender data as private medical info

Get your ID documents in sync!

Know when NOT to act (avoid backlash)

What can we do?
Creating Change

Q & A