

# Sen. Leahy Voices RFID Concerns

During a conference at Georgetown University, Senator Patrick Leahy warns of the potential risks RFID tagging may pose to privacy and civil liberties.

By Claire Swedberg

March 24, 2004—In an address at the Georgetown University Law Center on Tuesday, U.S. Senator Patrick Leahy (D-Vt.) called for a national debate on RFID technology and the privacy issues related to its use. Leahy asserted that Congress might need to take action if members find significant privacy protection concerns arising from the swift emergence of RFID technology. Leahy's remarks come as state lawmakers are considering enacting RFID privacy legislation in a handful of states. Thus far there are no federal bills or laws related to RFID privacy concerns.

Leahy told the Georgetown audience that he has first-hand experience with the technology from his own involvement in a Vermont pilot program tracking cattle to thwart outbreaks of illnesses such as mad cow disease. RFID technology, he added in his address, can also be used for the public's benefit by law enforcement to identify counterfeit prescription drug. He mentioned current uses of RFID chips and technology such as identifying pets, paying bridge and highway tolls and buying fuel at gas stations.

"But this is just the beginning," Leahy said, alluding to the pending application of RFID tags in manufacturing, distribution, retail, as well as healthcare, safety, security and intellectual property protection.

"While it may be a good idea for a retailer to use RFID chips to manage its inventory, we would not want a retailer to put those tags on goods for sale without consumers' knowledge, without knowing how to deactivate them and without knowing what information will be collected and how it will be used," Leahy said. "While we might want the Pentagon to be able to manage its supplies with RFID tags, we would not want an al Qaeda operative to find out about our resources by simply using a hidden RFID scanner in a war situation."

Leahy voiced concern about practices under way in which manufacturers such as Max Factor have used test RFID tags on their lipsticks to track movement of the products in stores. "These excesses suggest that Congress may need to step in at some point."

Lawmakers in several states are already wrestling with the same issues, with RFID "Right to Know" bills before state senators in Missouri and California. A similar bill recently expired on the Utah Senate floor earlier this month. (See [States Seek RFID Laws](#).)

Leahy argues that there needs to be nationwide discussion about how RFID technology can and will be used and what kinds of privacy issues will result. Some questions he would like to see posed are: "What information will it gather, and how long will that data be kept? Who will have access to those data banks, and under what checks and balances? Will the public have appropriate notice, opportunity to consent and due process in the case mistakes are made? How will the data be secured from theft, negligence and abuse, and how will accuracy be ensured?" Also, "in what cases should law enforcement agencies be able to use this information, and what safeguards should apply?"

Following the address, Leahy congressional aide David Carle commented on Leahy's sense of urgency. "The

technology is rampantly advancing. He believes the best time to discuss these privacy issues is now, before potential problems ensue.”

[RFID Journal Home](#)

Copyright ©2005 RFID Journal, Inc. All Rights Reserved