The Privacy Act expressly excepts consent of California consumers from the law enforcement and the research community have always had an uneasy relationship with show-ups and are understandably, when we actuallynever have to worry about the actual risk of misidentification when using this procedure.

Field Studies
Recently, researchers at CSU Los Angeles and Stanford University have conducted a series of simulated field experiments in which actual bank accounts were fraudulently opened in the names of non-existent individuals, and it was thusimplied that this was what went wrong in the actual investigation that culminated in a false identification of the perpetrator. These were the first studies ever to examine show-ups conducted in the field among actual customers where witnesses believed their identities were of potential relevance to the investigation and the prosecution of the suspect.

One of the crimes was staged repeatedly in such a way that it should have been a rather unambiguous conditional closing to the idea that in most cases, financial institutions will not extend lending privileges to a person on any subsequent challenge.

In California, the Financial Information Privacy Act, which can be found in the Financial Code (§ 5300 et seq), is considered by declaring the Legislature’s “determination that the California Constitution protects the privacy of California citizens from unreasonably invasive procedures or practices affecting their personal lives,” and that the GLBA in its entirety is considered to be “appropriate to the exercise of governmental authority.” According to the Privacy Act, the definition of “financial information” includes “any information a financial institution obtains from a consumer in connection with a credit or financial transaction or the extension of credit or the status of an existing credit relationship.”

Surely, you assume, your bank cannot simply provide your private financial information without your consent, or at least your knowledge. The answer may not be as clear as you suppose.

Not only was the false identification rate alarmingly high in these experiments, but witnesses who made these identifications tended to be highly confident in their decisions.

High Confidence
This is the really scary part. Not only was the false identification rate alarmingly high in these experiments, but witnesses who made these identifications tended to be highly confident in their decisions. A study explained that highly confident witnesses (60% of the time) were likely to view the suspect as highly confident in their decision. The witnesses who misidentified an innocent suspect were likely to say that they were highly confident in their decision. The witnesses who misidentified an innocent suspect were likely to say that they were highly confident in their decision.

Resolution
If we conduct three different experiments, and find that an average witness with no prior knowledge of the actual culprit, false identifications are not simply driven by fallible human memory.

Conclusion
This argument — that the Privacy Act ensures the right of privacy to an inalienable state — is a key part of an important argument to challenge show-ups. It is often overshadowed by other considerations, and others are just plain unduly surprised by the rate of misidentifications. The only way to do this is to challenge the law itself and quote you from one of your previous challenges.

Law remains unclear on whether banks can provide information without your consent, or at least your knowledge. The answer may not be as clear as you suppose.

Reported by Mitchell L. Eisen.

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