

MODEL CONCEPTS FOR APPROPRIATE GOVERNMENT

In order for our country and its governments (national, state, and local) to operate well and at their highest potential, it is imperative to maintain checks and balances, transparency, and accountability throughout the systems that exist. Proper principles help ensure that the process works well and stops power from centralizing in any one position, person, entity, or location.

Concept #5 **Non-Circumvention**

Background

The Constitution and applicable law serves to limit the government's power to do certain things, such as search your home without a warrant. These limits and safeguards are important checks and balances.

However, the government is contracting with independent contractors more and more, or simply conscripting independent companies and individuals, to do their work for them. This allows for the private company, through contract, to obtain information or do things the government cannot, and then the government can benefit from the relationship.

The use of contracts and third-parties is allowing the government to circumvent important constitutional and other protections.

Model Concepts

The law should ban the government from accessing information from a private company that the government could not directly access or from having the private company take actions for the government that the government cannot take itself.

An example of this is at this link, where Senator Weiler proposed to ban the government's ability to simply take DNA/genetic information from companies like Ancestry.com:

<https://le.utah.gov/~2024/bills/static/SB0218.html> (see lines 23-26 (summary) and lines 270-278)