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Wyden, Markey, Merkley and Van Hollen Release Bill to Protect Americans Against Musk, DOGE and Other Unauthorized Access to Sensitive Personal Information

The Privacy Act Modernization Act would empower Americans to sue officials for misuse of their data and federal systems

Washington, D.C. — U.S. Senator Ron Wyden, D-Ore., and Sen. Edward J. Markey, D-Mass., today released legislation to protect Americans against Elon Musk, DOGE and other officials illegally accessing stores of personal data held by the government, including social security numbers, medical history, financial data and other sensitive information. The Privacy Act Modernization Act would make it easier for Americans to sue officials for violations and would increase the penalties for such violations.

The bill is co-sponsored by Sens. Jeff Merkley, D-Ore., and Chris Van Hollen, D-Md.

Since Trump took office, DOGE officials have reportedly accessed highly sensitive government databases at agencies, including Social Security, Medicare and Medicaid and the Internal Revenue Service, under flimsy justifications and with little oversight.

“The seizure of millions of Americans’ sensitive information by Trump, Musk and other MAGA goons is plainly illegal, but current remedies are too slow and need more teeth,” Wyden said. “The Privacy Act was part of our country’s response to the FBI abusing its access to revealing sensitive records on the American people. Our bill defends against new threats to Americans’ privacy and the integrity of federal systems, and ensures individuals can go after the government when officials break the law, including quickly stopping their illegal actions with a court order.”

“Over 50 years ago, Congress passed the Privacy Act to protect the public against the exploitation and misuse of their personal information held by the government,” Markey said. “Today, with Elon Musk and the DOGE team recklessly seeking to access Americans’ sensitive data, it’s time to bring this law into the digital age. I’m proud to partner with Senator Wyden on the Privacy Act Modernization Act to close loopholes and increase penalties in the law. The federal government should be a steward of our privacy—not a source of surveillance.”

“Elon Musk and his minions have no business riffling through your personal data,” Merkley said. “Our bill protects millions of Americans who count on the federal government to safeguard sensitive personal information included on taxes, student loans, and disaster assistance.”

“Elon Musk and his DOGE cronies are illegally raiding federal agencies, and in the process gaining access to troves of Americans’ sensitive personal data – from Social Security numbers to medical records to bank account information,” Van Hollen said. “This legislation will strengthen our ability to safeguard that private information by expanding the means of holding violators accountable, including by stiffening penalties for those who unlawfully access it. By sharpening these tools and penalties, we can better deter this abuse.”

The Electronic Information Privacy Center and Public Citizen both endorsed the legislation.

The Privacy Act of 1974 required agencies to disclose what personal data they collect and why, limited how officials could use or share that data, and created remedies for when the government held incorrect data about a person or otherwise broke the rules. This legislation was passed in light of the Watergate and Counterintelligence Program (COINTELPRO) scandals, which involved illegal government surveillance that undermined public trust and American democracy. Wyden's legislation would make key updates to further protect government databases storing personal information against Trump and Musk's ongoing abuses of Americans' privacy and our democracy.

Given the Privacy Act was created half a century ago, Wyden's bill would update the law's coverage, close loopholes and strengthen protections to support millions of Americans who have been harmed by Trump and Musk's recent invasion by:

- Increasing civil and criminal penalties for violations of the Privacy Act, including making it a felony to disclose records for personal gain, malicious harm, or commercial advantage, punishable by fines of up to \$250,000 and ten years in prison.
- Strengthening court authority to stop programs and actions while lawsuits are pending, and allowing Americans to recover for a range of damages, including the mental and emotional distress caused by privacy violations.
- Modernizing the law to cover any information that identifies or is linked or reasonably linkable to an individual or a device that is linked or reasonably linkable to an individual.
- Limiting information sharing to the minimum necessary for a legally authorized purpose, and only if consistent with what an agency previously stated they would use records for.
- Narrowing the so-called "routine use" exception for sharing information by further requiring that "routine use" disclosures be "appropriate and reasonably necessary."

Senator Wyden is a longtime champion of cybersecurity and privacy protections. In 2017, Wyden demanded the executive branch to finally reveal how many Americans have their phone calls, emails and other communications swept up – without warrants – under a surveillance program. In 2023, his legislation to stop

data brokers from selling Americans' personal data to the government passed the House, but did not advance in the Senate. In February 2025, Wyden demanded information on DOGE's infiltration of IRS systems.

The bill text is [here](#). The one-page summary is [here](#).

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