

Judge: US gov't violated privacy law by disclosing personal data to DOGE

Disclosure of personal information to DOGE "is irreparable harm," judge rules.

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A federal judge today blocked DOGE from accessing personal data held by the US Department of Education and Office of Personnel Management (OPM). Today's ruling follows one on Friday in a different court that blocked DOGE's access to Department of Treasury information.

The American Federation of Teachers and other "plaintiffs have shown that Education and OPM likely violated the Privacy Act by disclosing their personal information to DOGE affiliates without their consent," said the [order](#) issued today by US District Judge Deborah Boardman in the District of Maryland.

"This continuing, unauthorized disclosure of the plaintiffs' sensitive personal information to DOGE affiliates is irreparable harm that money damages cannot rectify," she wrote.

Boardman granted a temporary restraining order that's in place until March 10. She declined to extend the temporary restraining order to Department of Treasury data, but only because a different court issued a preliminary injunction blocking that access on Friday.

"On February 21, 2025, a district judge in the Southern District of New York granted a preliminary injunction that effectively gives the plaintiffs in this case the relief they seek against Treasury," Boardman wrote.

Numerous lawsuits pending against Trump admin

The [Friday order](#) came in a case filed against President Trump by 19 states led by New York. The order by US District Judge Jeannette Vargas said the preliminary injunction tracks the terms of a temporary restraining order that was previously issued:

[T]he United States Department of the Treasury and the Secretary of the Treasury are restrained from granting access to any Treasury Department payment record, payment systems, or any other data systems maintained by the Treasury Department containing personally identifiable information and/or confidential financial information of payees to any employee, officer or contractor employed or affiliated with the United States DOGE Service, DOGE, or the DOGE Team established at the Treasury Department, pending further Order of this Court.

Vargas said the remedy is narrowly tailored to prevent disclosure of sensitive bank information contained in Treasury payment systems. She denied the states' additional request for a broader preliminary injunction that would have prohibited "members of the DOGE team from developing automated (or even manual) processes to halt payments coming through Treasury Department payment systems."

[Numerous lawsuits](#) are pending against the Trump administration over the data access granted to DOGE, or Department of Government Efficiency. Although the White House denied in a court filing that Elon Musk has any authority over DOGE, [Trump was quoted as saying](#) last week that he "signed an order creating the Department of Government Efficiency and put a man named Elon Musk in charge."

Oral arguments are scheduled for February 27 in [one case](#) in New York that was filed by the American Federation of Government Employees and other groups against OPM, DOGE, and Musk. There was also a [preliminary injunction hearing today](#) in US District Court for the District of Columbia in another case involving DOGE access to Treasury data; DOGE is already [temporarily blocked](#) from Treasury records in that case.

Judge: Disclosure of data is “injury in fact”

The Trump administration got a victory in a case filed against OPM, Treasury, and DOGE by the Electronic Privacy Information Center (EPIC) and one unnamed federal government employee. US District Judge Rossie Alston Jr. in the Eastern District of Virginia refused to issue a preliminary injunction, [saying](#) an injunction can't be issued based on "a mere possibility of harm."

But in the American Federation of Teachers lawsuit, Boardman decided that the disclosure of personal data is an injury. "To say that the plaintiffs suffer no cognizable injury when their personal information is improperly disclosed to government employees would nullify their interest in preventing unlawful government intrusion into their private affairs. The unauthorized disclosure of the plaintiffs' sensitive personal information is an injury in fact," Boardman wrote.

The plaintiffs include "unions and membership organizations representing current and former federal employees and federal student aid recipients and six military veterans who have received federal benefits or student loans," the judge noted. The order prohibits Education and OPM from disclosing personally identifiable information of the plaintiffs and members of the plaintiff organizations to DOGE affiliates.

"The plaintiffs have made a clear showing that they are likely to suffer irreparable harm without injunctive relief," the order said. "DOGE affiliates have been granted access to systems of record that contain some of the plaintiffs' most sensitive data—Social Security numbers, dates of birth, home addresses, income and assets, citizenship status, and disability status—and their access to this trove of personal information is ongoing. There is no reason to believe their access to this information will end anytime soon because the government believes their access is appropriate."

The American Federation of Teachers, which represents 1.8 million teachers and nurses, was joined in the lawsuit by the International Association of Machinists and Aerospace Workers, International Federation of Professional and Technical Engineers, National Active and Retired Federal Employees Association, and National Federation of Federal Employees.

No need to know

The government insisted that the DOGE affiliates are employees of Education and OPM, and the judge assumed that is true for purposes of evaluating the motion for a restraining order. Even with that allowance, Boardman decided the data access is not permissible under the "need-to-know" exception to the law prohibiting unnecessary disclosure.

The Trump administration did not explain why "the DOGE affiliates at Education *need* such comprehensive, sweeping access to the plaintiffs' records to audit student loan programs for waste, fraud, and abuse or to conduct cost-estimate analyses," Boardman wrote, adding that "there appears to be no precedent with similar facts."

There are six DOGE affiliates working at Education. They include Adam Ramada, a United States DOGE Service employee, and five "DOGE-affiliated individuals" who have not been identified by name.

"It may be that, with additional time, the government can explain why granting such broad access to the plaintiffs' personal information is necessary for DOGE affiliates at Education to do their jobs, but for now, the record before the Court indicates they do not have a *need* for these records in the performance of their duties," Boardman wrote.

The DOGE agenda

At OPM, there were more DOGE affiliates with access to data than at Education. They include OPM CIO Greg Hogan and numerous other OPM employees who were granted access to facilitate "the President's initiatives related to workplace reform."

While "Hogan's duties as CIO appear to support the level of access he has been granted to OPM's records," the other DOGE affiliates should not have been given access, Boardman wrote. Trump's workplace reform measures do not appear "to require an OPM employee to access records with the sensitive personal information of current and former federal employees," she wrote.

"The plaintiffs have shown a likelihood of success on the merits of their claim that OPM's disclosure of their records to DOGE affiliates (other than Hogan) does not fall within the need-to-know exception and thus violates the Privacy Act," Boardman wrote. The restraining order forbids OPM from disclosing personally identifiable information "to any OPM employee working principally on the DOGE agenda who has been granted access to OPM records for the principal purpose of implementing the DOGE agenda (other than OPM Chief Information Officer Greg Hogan)."

The temporary restraining order may be converted into a preliminary injunction that would remain in effect while litigation continues. Boardman ordered the parties to discuss a schedule for discovery and briefing and file a joint status report tomorrow.