



1. If vital statistics constitutionally belong to the States and they guard its privacy very strictly, how would access by private parties keep these two important principles in place? To provide this data to private parties there should be a significant price to compensate the States and heavy penalties for those who break the law. Would your members be willing to pay the States a price close to what you pay other providers for personal data? Of your cost of doing business, purchasing personal data for inclusion in your databases is what percent of the cost of the final product?

A.1 – It is CDIA’s long-held view that records obtained by government should be public records and not hidden from view. The following excerpt from a paper¹ authored by Professor Fred H. Cate and Richard J. Varn sets an important context that supports continued open access to state records and to federal records systems including access to the Death Master File (DMF):

“The open public record system has been the mainstay of the U.S. democracy and economy since the earliest Colonial days. During the last 350 years, this open system has become as essential an infrastructure as roads, telephone lines, and airports. The American open public record allows citizens to oversee their government, facilitates a vibrant economy, improves efficiency, reduces costs, creates jobs, and provides valuable products and services that people want.”

¹ Fred H. Cate, Richard J. Varn, The Public Record: Information Privacy and Access – A New Framework for Finding Balance, p. 5.

As discussed in our testimony our members' need for the Death Master File (DMF) is set into the context of responsible uses that involve business-to-business transactions. These uses are critical to protecting consumers and contribute to compliance with federal laws and the safety and soundness of the financial services industry. They also include reconnecting consumers with assets that in some cases may be life-changing (e.g., discovering a pension income you didn't know you had or a life insurance policy payment that you did not know about). It is critical that such data be available in an easily accessible and centralized manner to ensure that it is loaded quickly since misuse of a deceased person's data can occur soon after death. In fact just following the national tragedy of 9-11 CDIA was asked to testify as to why DMF data could not be loaded even more quickly to ensure that terrorists, including some involved in this attack on US soil, could not take advantage of US assets such as access to the financial services industry. We do not believe that it is in the best interests of the country to shut down the DMF and assume that a similar system for gathering death records can be created on a state-by-state basis.

Our members' uses of the DMF do not contribute to the terrible problems, particularly those faced by parents who have lost a child, that result from making DMF data accessible to the general public.

State vital records are critical to a full and complete DMF. Where a state asserts its control over such data we would urge them to lift any embargo for the types of purposes enumerated in our testimony and in draft language we have shared with your staff. Where the SSA has the power to do so, it should be directed to make the DMF available and encourage states to lift restrictions that impede our country's ability to address a wide range of risks that are time-sensitive.

2. I understand that to get access to this data, you are willing to undergo some kind of unspecified 'accreditation' process? How would you see accreditation process beginning and in your experience, how long does it take agencies to have this process up and working?

A.2 We assume that the SSA and NTIA therein would adopt a risk-based approach to allowing access to the DMF based on reasonable criteria and direction by the Congress to ensure that access is given. Such access could include a contractual agreement to use the data only for purposes permitted. We assume such a process would not be complex and it should not operate as an artificial barrier to providing access for legitimate uses that protect consumers. In terms of details the SSA and NTIA are in a better position to answer this question.

3. As you know, the Death Master File (DMF) is not totally accurate. The SSA and Commerce make this clear when the file is released. Do you confirm the listings for accuracy? How do you do this and what other sources do you use to confirm the DMF data? Based on your analysis, how accurate or inaccurate is the DMF? How has that accuracy, based against your other death data sources, changed with the removal of the Electronic Death Records (EDRs)?

A.3 Our members employ a variety of proprietary means of ensuring that the correct information is associated with correct record. In terms of details, these practices are treated as confidential trade secrets.

As to accuracy we would only say that the DMF is truly a vital record necessary to business-to-business transactions and that it has been successfully used and there's no basis for shutting down access for these uses which protect consumers (including parents of deceased children) and prevent fraud and terrorist access to services.

Finally, note that if the reported 15,000 errors per year in the DMF's is roughly correct, that amounts to an error rate of 0.5% (based on an annual reporting of 2.8 million records).

4. The National Association for Public Health Statistics and Information Systems runs a query system call Electronic Verification of Vital Events that certifies birth and death information from all fifty states. No information is revealed in the query, thereby protecting all private information. The SSA also runs a consent-based system that is also a query system that confirms private information against the SSA databases? Would either one of these be a possible useful source of information for your members. Speak to the issues in terms of volume, accuracy and costs.

A.4 If, as your question suggests, the Electronic Verification of Vital Events does not provide access to full identifying information then it would be unworkable for our members. Our members cannot be dependent on a third-party technology to interface real-time with our members who are delivering billions credit reports, red flags/fraud prevention technologies and the like instantly across the US economy. Further, our members when operating as consumer reporting agencies as defined by the Fair Credit Reporting Act cannot abjure their direct duty to employ reasonable procedures to ensure maximum possible accuracy of the reports they produce to a third-party technology platform.

With regard to the consent-based system there is no such thing as blanket consent in anticipation of death, and it is not otherwise clear what type of consent could be associated with a death record. The current SSA system is manual and cumbersome and not suitable for how the U.S. economy operates.

Thank you for this opportunity to answer additional questions. CDIA believes that a bill can be enacted this year that shuts down general public access to the DMF, which relieves the SSA of a FOIA duty that requires access by all and which also codifies a duty to provide access for legitimate purposes such as those enumerated in our testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stuart K. Pratt', written in a cursive style.

Stuart K. Pratt
President & CEO