



March 21, 2017

The Honorable Mike Dunleavy, Chair
Senate State Affairs Committee
Alaska State Senate
State Capitol
Juneau, AK 99801

Sent by email: Senator.Mike.Dunleavy@akleg.gov

Re: SB 34 and Social Security Numbers

Dear Chair Dunleavy:

We are writing to follow up on the letter we sent you and the Committee on March 13 providing our analysis of Senate Bill 34, concerning the Federal REAL ID Act. This letter provides additional analysis, specifically concerning the privacy implications of collecting and storing Social Security numbers (SSN) of Alaskans in a database.

As we expressed in our earlier letter, the American Civil Liberties Union of Alaska is concerned that complying with the Federal REAL ID Act will involve the collection and storage of documents containing the SSNs of holders of Alaska driver's licenses and identity cards. We have urged the Committee to amend the Governor's House Bill 74 such that, when issuing REAL ID-compliant licenses and cards, the Division of Motor Vehicles will only store the minimum number of documents containing SSNs as required by the Act, will store those documents in the most secure form possible, and will destroy those documents as early as the Act allows.

We have also urged the committee to preclude including SSNs, in whole or in part, in any index or database that is shared with other states, especially as sharing SSNs with other states is not a requirement of the REAL ID Act. Our concern is not hypothetical: Alaska is one of 14 states currently participating in a pilot program—the State-to-State (S2S) Verification Service, operated by the American Association of Motor Vehicle Administrators (AAMVA)—that uses the last 5 digits of license and card holders' SSNs as an element of its identification "platform."¹

¹ For additional background on S2S, see *State to State (S2S) Verification Services*, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS, <http://www.aamva.org/State-to-State/>. Note that documentation containing details of the program, including about its use of SSN, requires an AAMVA account to access.

Our deep concern about access to SSN is rooted in their value for would-be identity thieves.² This is a concern shared by the Social Security Administration (SSA), which endeavors to keep the public informed of the threat.³ The SSA advises:

Identity theft is one of the fastest growing crimes in American society. The routine and often indiscriminate use of SSNs as identifiers creates opportunities for individuals to inappropriately obtain personal information. Repetitive use and disclosure of SSNs in organizational record keeping systems, multiplies the susceptibility of persons to potential identity theft. Through misuse of SSNs, individuals are subject to the danger of identity theft and its repercussions. Access to an individual's SSN can enable an identity thief to obtain information that can result in significant financial difficulties for the victim. While this can be disruptive for the individual, it can also lead to civil liability for the organization and its individual employees if someone is harmed by information that has been made available to others.⁴

The SSA goes on to "strongly urge all organizations that use SSNs as the identifier in their record keeping systems to use alternate identifiers."⁵

Limiting use of SSNs to the last 5 digits, such as in S2S, is not sufficient to eliminate the threat posed by identity thieves. Including these five digits with other personally identifiable information about people leaves those people susceptible to thieves' reconstructing the remaining 4 digits. For most Social Security cardholders, this is not a function of pure guesswork. Only since June 2011 has the SSA assigned numbers via a randomized process.⁶ Until then, the first 3 digits of SSNs were directly associated with the state either in which a Social Security card was issued or, between 1973 and mid-2011, of an applicant's ZIP code.⁷ Every Alaskan who obtained a SSN before 2011 almost certainly

² One recent report suggests that a single Social Security number can fetch \$30 in a black market dossier. Jeanine Skowronski, *What Your Information Is Worth on the Black Market*, BANKRATE.COM, (July 27, 2015), <http://www.bankrate.com/finance/credit/what-your-identity-is-worth-on-black-market.aspx>.

³ See, e.g., "Identity Theft and Your Social Security Number," SOCIAL SECURITY ADMINISTRATION, SSA Publication No. 05-10064, (Nov. 2016), available at <https://www.ssa.gov/pubs/EN-05-10064.pdf>; *Avoid Identity Theft: Protect Social Security Numbers*, SOCIAL SECURITY ADMINISTRATION, PHILADELPHIA REGION, <https://www.ssa.gov/phila/ProtectingSSNs.htm>; *Social Security Numbers: The SSN Numbering Scheme*, SOCIAL SECURITY ADMINISTRATION, <https://www.ssa.gov/history/ssn/geocard.html>.

⁴ *Id.*, *Avoid Identity Theft: Protect Social Security Numbers*.

⁵ *Id.*

⁶ See, e.g., *Social Security Number Allocations*, SOCIAL SECURITY ADMINISTRATION, <https://www.ssa.gov/employer/stateweb.htm>; *Social Security Number Randomization*, SOCIAL SECURITY ADMINISTRATION, <https://www.ssa.gov/employer/randomization.html>.

⁷ *Id.*, *Social Security Number Allocations*.

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has a number beginning with 574. Knowing these 3 first digits, plus the final 5 digits, leaves only one remaining digit for an identity thief to guess.

It is for these reasons that we have urged the Committee to preclude the use of SSNs, in whole or in part, to identify or locate records of Alaska driver's license or identity card holders. Alternatives to the use of SSNs are not only possible; they are strongly urged by the SSA. We hope you find our perspective of value and we welcome any questions you may have.

Sincerely,



Eric Glatt
Staff Attorney

cc: Senator John Coghill, Senator.John.Coghill@akleg.gov
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