

GAO

Report to the Chairman, Subcommittee  
on Social Security, Committee on Ways  
and Means, House of Representatives

November 2004

# SOCIAL SECURITY NUMBERS

## Governments Could Do More to Reduce Display in Public Records and on Identity Cards





Highlights of [GAO-05-59](#), a report to the Chairman, Subcommittee on Social Security, Committee on Ways and Means, House of Representatives

## Why GAO Did This Study

While the use of Social Security numbers (SSN) can be very beneficial to the public sector, SSNs are also a key piece of information used for committing identity crimes. The widespread use of SSNs by both the public and private sectors and their display in public records have raised concern over how SSNs might be misused and how they should be protected. In light of this concern, GAO was asked to examine (1) the extent to which SSNs are visible in records made available to the public, (2) the reasons for which governments collect SSNs in records that display them to the public, and (3) the formats in which these records are stored and ways that the public gains access to them. As well as looking at public records, GAO also examined the practices of several federal agencies regarding the display of entire nine-digit SSNs on health insurance and other identification cards issued under their authority.

## What GAO Recommends

GAO recommends that the Office of Management and Budget identify those federal activities that require or engage in the display of SSNs on health insurance, identification, or any other cards issued to federal government personnel or program beneficiaries, and devise a governmentwide policy to ensure a consistent approach to this type of display. All agencies that reviewed a draft of this report generally agreed with our findings and recommendation.

[www.gao.gov/cgi-bin/gettrpt?GAO-05-59](http://www.gao.gov/cgi-bin/gettrpt?GAO-05-59).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Barbara Bovbjerg at (202) 512-7215 or [bovbjergb@gao.gov](mailto:bovbjergb@gao.gov).

# SOCIAL SECURITY NUMBERS

## Governments Could Do More to Reduce Display in Public Records and on Identity Cards

### What GAO Found

Social Security numbers appear in any number of records exposed to public view almost everywhere in the nation, primarily at the state and local levels of government. State agencies in 41 states and the District of Columbia reported visible SSNs in at least one type of record and a few states have them in as many as 10 or more different records. SSNs are most often to be found in state and local court records and in local property ownership records, but they are also scattered throughout a variety of other government records. In general, federal agency display of SSNs in public records is prohibited under the Privacy Act of 1974. While the act does not apply to the federal courts, they have taken action in recent years to prevent public access.

With regard to the SSNs maintained in public records, various state and local officials commonly reported needing them for identity verification. A few, however, said they had no use for the SSN, but that documents submitted to their offices often contained them. States also commonly reported using the SSN to facilitate the matching of information from one record to another. The federal courts largely collect SSNs when required by law to do so; however, due to privacy concerns, SSNs are not in documents that are available electronically to the public.

Public records with SSNs are stored in a multiplicity of formats, but public access to them is most often limited to the inspection of individual paper copies on site or via mail by request. Few state agencies make records with SSNs available on the Internet; however, 15 to 28 percent of the nation's 3,141 counties do place them on the Internet and this could affect millions of people. Overall, GAO found that the risk of exposure for SSNs in public records at the state and local levels is highly variable and difficult for any one individual to anticipate or prevent.

Another form of SSN exposure results from a government practice that does not involve public records per se. GAO found that SSNs are displayed on cards issued to millions of individuals under the authority of federal agencies for identity purposes and health benefits. This involves approximately 42 million Medicare cards, 8 million Department of Defense identification cards, as well as some insurance cards, and 7 million Veterans Affairs identification cards, which display the full nine-digit SSN. While some of these agencies are taking steps to remove the SSNs, there is no governmentwide federal policy that prohibits their display. Although we did not examine this phenomenon across all federal programs, it is clear that the lack of a broad, uniform policy allows for unnecessary exposure of personal Social Security numbers.

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**Abbreviations**

CMS	Centers for Medicare and Medicaid Services
DoD	Department of Defense
MCD	minor civil division
NACO	National Association of Counties
NARA	National Archives and Records Administration
OMB	Office of Management and Budget
SSA	Social Security Administration
SSN	Social Security number
UCC	Uniform Commercial Code
VA	Department of Veterans Affairs

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G A O

Accountability \* Integrity \* Reliability

United States Government Accountability Office  
Washington, DC 20548

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November 9, 2004

The Honorable E. Clay Shaw  
Chairman  
Subcommittee on Social Security  
Committee on Ways and Means  
House of Representatives

Dear Mr. Chairman:

The Social Security number (SSN) is used by federal, state, and local government agencies for a myriad of purposes, including data sharing, research, and the administration of programs that deliver services and benefits to the public. In the course of public business, government agencies create, collect, or maintain many records or documents that contain SSNs, many of which are often made available to the public in their entirety for inspection. These governments may also handle SSNs that, while not exposed in public records, are nevertheless subject to public view because they are printed on individual eligibility and identification cards. While federal and state laws may authorize or require the use of SSNs, there is no single federal law governing their handling by all levels and branches of government or restricting their display to the public. State laws also vary in regulating SSN use and exposure to public view.

While the use of SSNs can be extremely beneficial to the public sector, SSNs are also a key piece of information used in identity thefts, including creating false identities for financial misuse or for assuming another individual's identity. The widespread use and retention of SSNs by both the public and private sectors may provide opportunities for criminals to easily obtain and misuse this personal information. In particular, the availability of individuals' SSNs in public records has raised concern over how this personal information might be misused and how it should be protected. Historically, the general public has gained access to public records by visiting the offices that maintain them—this offered practical limits on the volume of SSNs that could be disclosed. Today, however, the growth in electronic record keeping and the increasing availability of such information in volume over the Internet have heightened concern about misuse, particularly in view of the rise in identity thefts. We previously reported in 2002 that few government entities that display SSNs in public

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records were making them available on their Web sites, but some were considering doing so or expanding the volume and type of such posting.<sup>1</sup>

In light of the potential for increasing exposure, theft, and misuse of SSNs, you asked us to identify common methods of storing public documents with SSNs and to determine the extent to which the public has access to them. To do this, we addressed three questions: (1) To what extent are SSNs visible in records that are made available to the public? (2) For what purpose do governments collect SSNs in records that display them to the public? (3) How are these records stored and what methods can the public use to access them? In addition to looking at public records, we examined the practices of several federal executive branch agencies pertaining to the display of SSNs on health insurance cards and other identification cards issued under their authority.

To answer these questions, we conducted research at federal, state, and local levels of government. To obtain information at the federal level, we reviewed the Privacy Act and other related statutes and conducted personal interviews with officials of 10 federal agencies. Data gathering at the state level included a Web-based survey to state agency heads that oversee eight pre-selected programs or functions in all 50 states and the District of Columbia (D.C.). In a previous GAO survey, these programs or functions were identified as frequent users of SSNs and likely to have public records.<sup>2</sup> They included (1) human services, (2) health and vital statistics, (3) selected professional licensing offices, (4) law enforcement, (5) the judiciary, (6) corrections, (7) public safety, and (8) labor. At the state level, our survey of the judiciary consisted of the office of the State Court Administrator in each state. We also conducted a survey of various local government officials within a probability sample of 200 counties across the United States, allowing us to generalize to the population of U.S. counties. At the local level, we surveyed (1) courts, (2) health departments, (3) law enforcement, (4) recording officials,<sup>3</sup> (5) social

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<sup>1</sup>GAO, *Social Security Numbers: Government Benefits from SSN Use but Could Provide Better Safeguards*, [GAO-02-352](#) (Washington, D.C.: May 31, 2002).

<sup>2</sup>[GAO-02-352](#).

<sup>3</sup>County recording officials typically maintain documents pertaining to property ownership, including mortgages, deeds, and leases. Their offices also may maintain wills, creditor filings, notices of liens, military discharge papers, and marriage licenses. The responsibilities of these officials varies by state and county and they may be referred to by any number of titles including, clerk, recorder, register, or auditor.

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services, (6) tax assessors, and (7) voter registrars. At the local level, our survey of the judiciary included trial courts and courts of limited jurisdiction operating in the counties in our sample. The state survey results are based on responses from 338 out of 542 state agencies, with responses from all 50 states and D.C. The local government survey results are estimated with a response rate of about 81 percent.<sup>4</sup> The questions asked in each survey are listed in appendix II. We conducted our work between March 2003 and September 2004 in accordance with generally accepted government auditing standards. For additional information on our methodology, see appendix I.

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## Results in Brief

We found that SSNs are widely exposed to view in a variety of public records, particularly those held by state and local governments, and appear in some public record nearly everywhere in the nation. Specifically, agencies in 41 states and the District of Columbia reported that SSNs are accessible in at least some of the public records they hold and a few reported this to be the case for as many as 10 or more different records. Additionally, we estimate that more than three-quarters of U.S. counties hold at least one type of record that displays SSNs, which has implications for the 94 percent of the U.S. population that we estimate live in those counties.<sup>5</sup> While we found SSNs displayed in a great variety of state and county records, they were most often displayed in court and property records. On the other hand, SSNs in records held by federal executive branch agencies are protected under the Privacy Act of 1974 and are, therefore, not generally available to the public. However, we found that SSNs are sometimes available in federal court records.

State and local government respondents to our survey commonly cited identity verification as a reason for collecting or using SSNs in records that are available to the public, but some agencies reported having no use for the number. State agencies also reported collecting the SSN to

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<sup>4</sup>While we received a completed survey from at least one program area in each county, the response rates within each county varied from 1 program area in a county to all program areas. The response rates for each program area were courts (79 percent), health departments (79 percent), law enforcement (80 percent), recording officials (88 percent), social services (79 percent), tax assessors (85 percent), and voter registrars (86 percent).

<sup>5</sup>Population estimates are based on July 1, 2002, Census Bureau estimates of the entire county population, adults and children. We acknowledge that not all people in a county would be directly identified on a public record but rather that there is the potential to be identified on certain records.



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facilitate matching with other records or data—the second-most cited purpose among states. For local government offices, the second most frequently cited reason was to meet state legal or regulatory requirements. However, some state and local offices said they had no specific use for the SSN in a particular type of record, but that documents submitted to their offices often contain them. The federal courts routinely collect SSNs for records in bankruptcy filings in order to ascertain the identities and holdings of debtors. SSNs are also routinely collected by the federal courts for Social Security claims cases. According to the Administrative Office of the U.S. Courts, however, due to privacy concerns Social Security cases are not available electronically to the public.

Public documents with SSNs are stored in a multiplicity of ways, and we found that public access methods are highly variable. State government offices tend to store such records electronically, while most such local government records are stored on microfiche or microfilm. However, for both levels of government, inspection of paper copies is the most commonly available method for public access. Few state agencies make records containing SSNs available on the Internet. However, we estimate that local government offices in as many as 15 to 28 percent of counties do make SSNs available through the Internet. Still, few state or local offices reported plans to put additional records on the Internet. Additionally, some state and local offices have begun restricting access to SSNs in public records overall. Moreover, at the federal level, the federal court system has recently taken action to restrict access to SSNs in their public records.

In our work, we also found another kind of exposure in the form of identity cards issued by federal agencies to individual employees, program beneficiaries and military personnel. Though not visible through public databases, these SSNs are nevertheless visible on the identity cards issued to millions of individuals by federal agencies. The display of nine-digit SSNs on such cards, which may need to be carried and must often be disclosed, puts cardholders at risk for identity theft due to the increased potential for accidental loss, theft, or visual exposure. Currently, this practice involves an estimated 42 million Medicare cards, 8 million Department of Defense identification cards, as well as some insurance cards, and 7 million Department of Veterans Affairs identification cards. Approximately 830,000 federal employees also carry health insurance cards, issued as part of the Federal Employees Health Benefits Program (FEHBP), which display the bearer's full SSN. Three federal agencies, the Office of Personnel Management (which administers the FEHBP), Department of Defense, and Veterans Affairs, are taking action to remove

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SSNs from health insurance cards or some identification cards in recognition that the exposure of individuals' SSNs may increase their vulnerability to identity theft. However, there is no single federal policy governing SSN display on such cards.

Given the potential for misuse created by the display of SSNs on cards, therefore, we are recommending that the Office of Management and Budget identify all those federal activities that require or engage in the display of nine-digit SSNs on health insurance, identification, or any other cards issued to federal government personnel or program beneficiaries, and devise a governmentwide policy to ensure a consistent approach to this type of display. We provided a draft of this report to the Administrative Office of the United States Courts, the Centers for Medicare and Medicaid Services, the Department of Defense, the National Archives and Records Administration, the Office of Management and Budget, the Office of Personnel Management, the Social Security Administration, and the Department of Veterans Affairs for comment. Officials at each agency confirmed that they had reviewed the draft and generally agreed with its findings and recommendation. See appendixes VI through VIII for the formal written comments from the Department of Defense, the Office of Personnel Management, and the Social Security Administration respectively.

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## Background

Because the SSN is unique for every individual, both the public and private sectors increasingly use it as a universal identifier. It is particularly useful to government for data matching or identity verification to ensure that individuals are eligible for program benefits or services. Though the use of SSNs by government entities is often mandated or authorized by law, there is no one law that regulates the overall use of SSNs by all levels and branches of government, and state laws pertaining to SSN display vary in terms of the restrictions they impose on both use and disclosure. Due to the pervasive use of SSNs, individuals are routinely asked to disclose their SSNs along with other personal, identifying information, for numerous purposes. In some instances where individuals provide their SSNs to government entities, documents containing the SSN are routinely made available to the public for inspection.

Generally, the overall use and disclosure of SSNs by the federal government is restricted under the Privacy Act, which, broadly speaking, seeks to balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy. Section 7 of Public Law 93-579

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requires that any federal, state, or local government agency, when requesting an SSN from an individual, tell individuals whether disclosing their SSN is mandatory or voluntary, cite the statutory or other authority under which the request is being made, and state what uses it will make of the individual's SSN.<sup>6</sup> Based on a survey for prior work, we reported that while nearly all government entities we surveyed collect and use SSNs for a variety of reasons, many of these entities reported they do not provide individuals the information required under this statute when requesting their SSNs.<sup>7</sup> Further, it is unclear who has responsibility for overseeing these requirements placed on state and local governments.

The growth in the use of SSNs is important to individual SSN holders because these numbers, along with names and birth dates, are among the three personal identifiers most often sought by identity thieves, and recent statistics indicate that the incidence of identity theft is growing. The widespread disclosure of SSNs in public records has raised concern because it can put individuals at increased risk for identity theft. The passage of identity theft legislation by the federal government and state governments indicates that this type of crime is widely recognized as a serious problem. Some of these laws include limits or restrictions on the display of SSNs, and government agencies have taken other measures to restrict the exposure of SSNs as well. For instance, most states have modified their policies on placing SSNs on state drivers' licenses, some prohibit the use of SSNs as a student identification number, and others have removed SSNs from checks and benefit statements. These actions suggest that the risk of SSN exposure is also widely recognized.

As governments move increasingly to electronic record keeping, access to documents that include Social Security numbers has become easier. To the extent that such records are available through the Internet, ease of access can increase exponentially. The growth of electronic record keeping has, in fact, made it easier for some agencies to provide or even sell their data in bulk. In our previous research, a few government agencies and courts reported to us that they were also considering the prospect of expanding the volume and type of public records that would be available on their Web sites. Currently, congressional lawmakers are considering legislation to curtail such exposures, looking at both public and private sector uses.

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<sup>6</sup>This provision is found at 5 U.S.C. 552a(note).

<sup>7</sup>For more information on the prior study and on the Privacy Act see [GAO-02-352](#).

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Not all records held by government or public agents are “public” in terms of their availability to any inquiring person. Governments hold many records that are not generally available and other records that are protected from public access. For example, adoption records are generally sealed. Personnel records are often not readily available to the public, although newspapers may publish the salaries of high, elected officials. Furthermore, governments may release portions of records but protect sensitive information within them, which includes Social Security numbers. Treatment of similar types of records varies among federal, state, and local governments. Furthermore, there is no common definition of public records. For this report, however, we refer to public records as those records generally made available to the public in their entirety for inspection by a federal, state, or local government agency. Such documents are typically accessed in a public reading room, clerk’s office, or on the Internet.

In our previous review of government use of SSNs, we found that they are prevalent in records held by government agencies, some of which were available to the public.<sup>8</sup> We also learned that courts at all three levels of government maintain public records containing SSNs, such as divorce decrees, child support orders, and bankruptcy cases. At that time, some officials who maintained these records told us their primary responsibility was to preserve the integrity of these records rather than protect the privacy of the individual SSN holder. However, we also found that some agencies were trying to better safeguard the SSN by using innovative approaches, such as by modifying their processes or their forms. Some agencies and courts also reported limiting the practice of placing public records containing SSNs on Web sites. The most far-reaching efforts we identified took place in states that had established statewide policies and procedures. However, this research focused, in general, on how and why governments use SSNs, and did not examine in detail, the extent to which SSNs are exposed to the general public and potentially available for misuse.

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<sup>8</sup>See [GAO-02-352](#).

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## SSNs Are Widely Exposed in a Variety of Public Records Held by States, Local Jurisdictions, and Courts, but Less Exposed in Federal Records

We found that SSNs are widely exposed to public view in state and local records, but less so in federally held records. Specifically, 41 states and the District of Columbia reported displaying SSNs in public records, and we estimate that over three-quarters of counties do so as well. The number and type of records in which SSNs are displayed varies greatly for both states and counties, but they are most often found in court records and local property records. For federal executive branch agencies, records are covered by the Privacy Act of 1974, which generally prohibits disclosure of SSNs and other personal information. However, we found that SSNs are available in some federal court records.

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## Most States Display SSNs in at Least Some Public Records, but the Types of Records Vary

According to our survey, most states maintain at least one type of public record that reveals individual SSNs. Agencies in 41 states as well as the District of Columbia reported holding at least one type of public record that shows the SSN. This may understate their exposure, however, given that we received responses from only 62 percent of the state agencies we surveyed. Nevertheless, we received responses from agencies in every state. The number of these reported records ranged from 1 to 9 for most states, but was much higher for a few states. (See table 1.) (Appendix III provides a complete list of state and state function response rates<sup>9</sup>).

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<sup>9</sup>The overall response rate for the state survey was 62 percent. In 37 states and D.C., we received responses from more than half of the agencies surveyed. We received responses from about half or fewer of the states in three functions: law enforcement, cosmetology licensing, and notary public licensing. For the judiciary, human services, and health services and vital statistics, three functions that we believe are most likely to maintain records impacting large proportions of residents, the response rates were 61 percent, 69 percent, and 60 percent, respectively.

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**Table 1: Availability of Public Records Containing SSNs by Number of States**

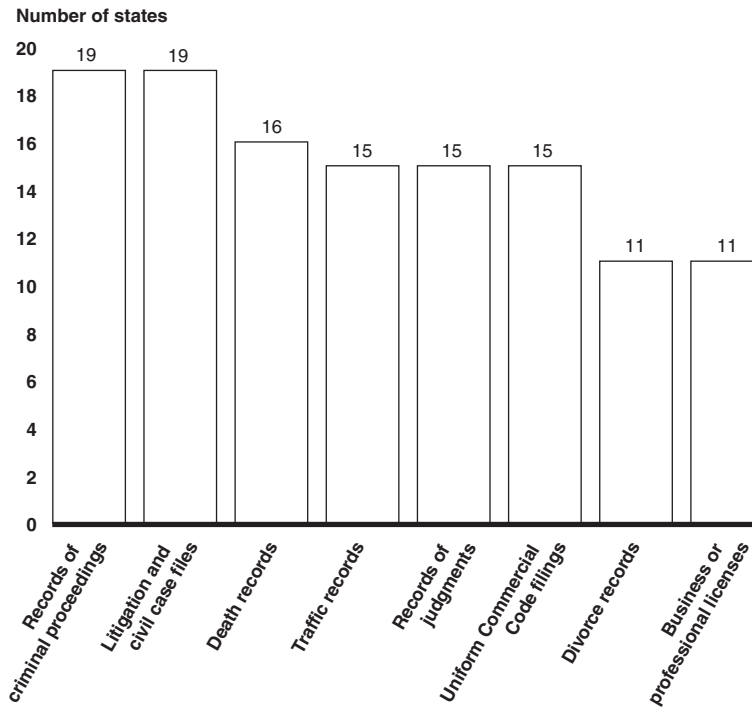
<b>In this many states</b>	<b>This many types of public records contain SSNs</b>
24	1 - 4
11	5 - 9
6	10 - 19
1	20 or more

Source: GAO survey of state agencies.

Note: Out of 338 agencies that responded to our survey, 90 have at least one type of public record in which SSNs are openly displayed. Our responses also show that in 9 states, SSNs are not shown in any public records. However, since we did not receive responses from all state agencies we surveyed, SSNs could be available through public records in these 9 states.

Among the types of records reported by the 338 state agencies responding, we found no one public record in which the SSN was always displayed. The most frequently cited, however, were those held by state courts. These ranged from criminal proceedings and litigation and civil case files to traffic records and records of judgments. (See fig. 1.) Appendix IV shows how state agencies responded to our question on whether SSNs are displayed in public records.

**Figure 1: Types of Public Records Displaying SSNs Most Often Cited by State Offices**



Source: GAO survey of state agencies.

Note: Results based on responses from 90 agencies in 41 states and the District of Columbia that have at least one type of public record in which SSNs are openly displayed, out of 338 total responses.

## More Than 75 Percent of U.S. Counties Hold Some Public Records That Display SSNs

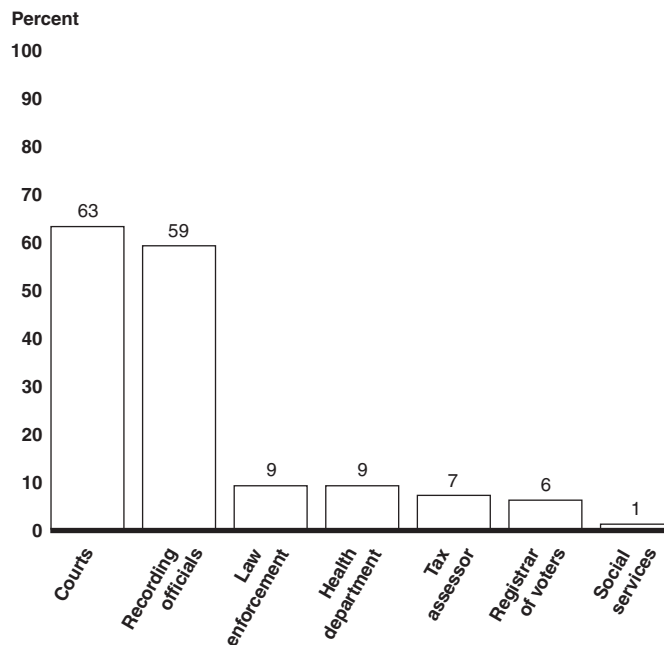
We estimate that individuals' SSNs are displayed in some public records in 80 to 94 percent of U.S. counties. While not everyone would be identified in such records, we estimate that this exposure could potentially affect any one of the estimated 91 to 97 percent of the U.S. population that lives in these counties.<sup>10</sup>

According to our survey, the county records in which SSNs are most often revealed are those held by recorders and court clerks. (For a description of the types of records held by each program area see app. V.) Specifically, we estimate that 58 to 68 percent of records held by courts and 50 to 68

<sup>10</sup>Population estimates are based on July 1, 2002, Census Bureau estimates of the entire county population, adults and children.

percent held by recording offices contain publicly accessible SSNs, while only 5 to 9 percent of records held by all other functions included in our survey contain SSNs.<sup>11</sup> Figure 2 shows our estimates of the percent of records that display SSNs to the public held by different types of local government offices.

**Figure 2: Percent of Local Government Records with SSNs Available to the Public, by Function**



Source: GAO survey to local governments.

Note: The 95 percent confidence interval is within +/- 6 percent, except for recording officials, for which it is +/- 9 percent.

Courts and recording offices hold a substantial variety of records. For example, courts hold criminal proceedings, civil cases files, and traffic records, among others. Recorders also maintain a variety of records, including many concerning property ownership. We estimate that 80 to 94 percent of U.S. counties have publicly available court or property

<sup>11</sup>The county survey results were estimated based on a sample allowing us to generalize to the population of U.S. counties. We are 95 percent confident that when sampling error is considered, the results we obtained for the county survey are within +/- 7 percentage points unless otherwise indicated.



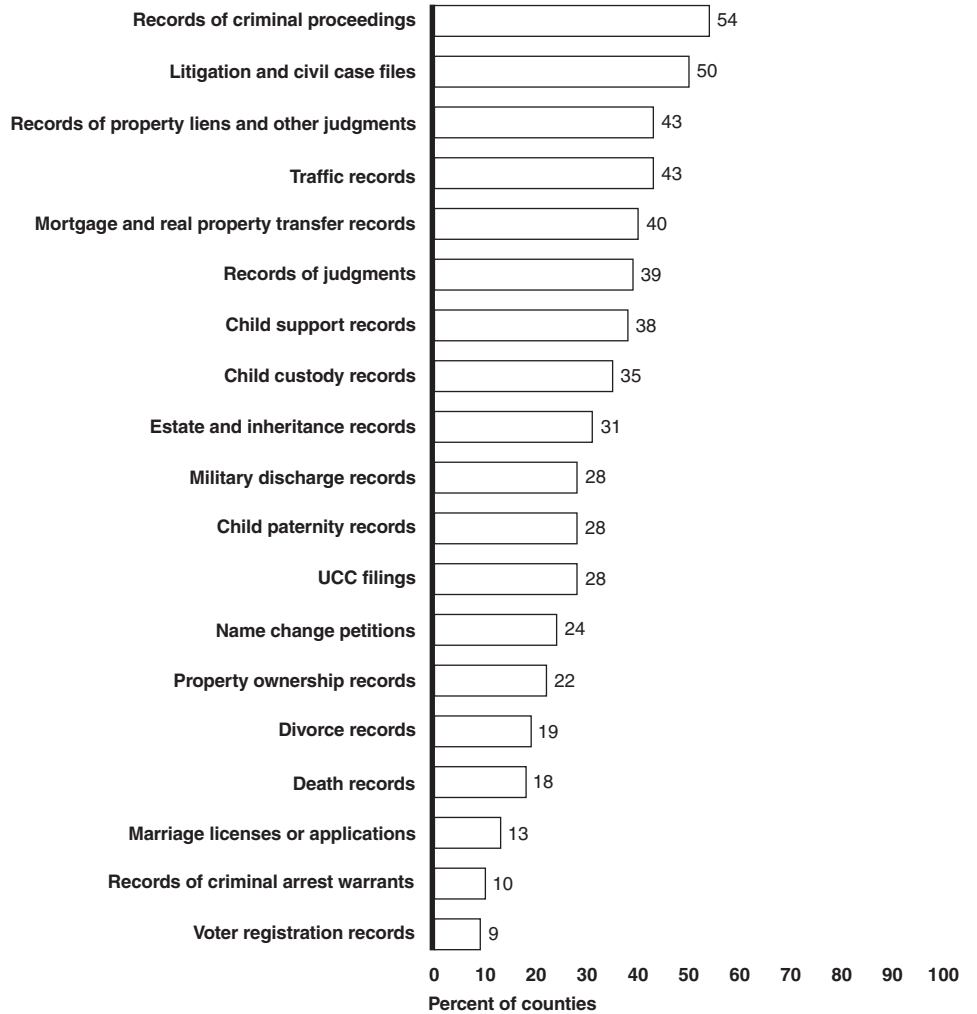
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ownership records with SSNs. Specifically, SSNs are available to the public in records of criminal proceedings in 44 to 64 percent of counties and in divorce records in 12 to 26 percent of counties—two kinds of records that are often held by courts. SSNs are also displayed in some other types of records—including, military discharge records and Uniform Commercial Code (UCC) filings.<sup>12</sup> Figure 3 shows the percent of counties in which specific types of records display SSNs to the public.

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<sup>12</sup>The UCC addresses commercial transactions (including sales and leasing of goods, transfer of funds, commercial paper, bank deposits and collections, letters of credit, bulk transfers, investment securities, and secured transactions). As used in this report, a UCC filing—or financing statement—is a document stating that a person (secured party) has a claim (security interest) in certain property (collateral) financed for someone else (debtor). UCC recordings are filed either at the state or local level, according to state law. Typically, a person would not file a UCC financing statement unless they are engaged in some form of commercial transaction that involves a debtor and a secured party.

**Figure 3: Percent of Counties in Which Specific Publicly Available Records Contain SSNs**



Source: GAO survey of local governments.

Note: The 95 percent confidence interval is within +/- 10 percent.

While we know of no particular type of record relevant to all individuals in a given county, there are some records that may pertain to a large number of residents. These would be records that document activities or transactions many people engage in—for instance, home mortgage records or voter registrations.

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To illustrate the potential for an individual's SSN to be identified in a public record, we have estimated the percent of the population that lives in counties in which SSNs are available in certain types of records. For instance, we estimate that 27 to 41 percent of the population lives in counties in which SSNs are available to the public in traffic records. Further, from 49 to 63 percent of the population lives in counties in which SSNs are available in mortgage and real property transfer records, and from 16 to 28 percent lives in counties in which SSNs are available in divorce records.

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### Under the Law, SSNs Are Generally Not Available to the Public in Federal Executive Records, but They Can Be Viewed in Some Federal Court Records

While the federal government compiles a wide range of information on individuals that often includes SSNs, the Privacy Act of 1974 may prohibit their disclosure, along with other personal information, without the consent of the individual.<sup>13</sup> Specifically, SSNs in record systems—specific groups of records—held by federal executive agencies are generally not available to the public.<sup>14</sup> SSNs that are not held in a system of records, however, may not be governed by any other law or regulation and, therefore, may be exposed on a limited basis. However, there was no way to ascertain where they might be or the degree of any public access. Nevertheless, officials we interviewed in 5 selected agencies reported that they were not aware of any records maintained by their agencies—in a system or otherwise—that display SSNs to the public.

Federal court records are generally available to the public, but the courts have supervisory power to withhold certain information from public examination.<sup>15</sup> Statutes also require records disclosure in some instances.<sup>16</sup> Social Security numbers are sometimes found in these records.<sup>17</sup> According to officials of the Administrative Office of the U.S. Courts, SSNs are available in certain types of records because the SSNs are required by

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<sup>13</sup>The Privacy Act applies to records about individuals maintained by agencies in the executive branch of the federal government. For a fuller discussion of the Privacy Act see [GAO-02-352](#).

<sup>14</sup>The act applies to records only if they are in a “system of records,” which means that they are retrieved by an individual's name, SSN, or some other personal identifier.

<sup>15</sup>See *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978).

<sup>16</sup>11 U.S.C. §107(a).

<sup>17</sup>The Privacy Act does not apply to Congress, the federal courts, and other nonexecutive branch agencies (see §§ 551(1), 552(f)(1) and 552 (a)(1)). However, it is the policy of the Administrative Office that the intent of the Privacy Act be followed in the judicial branch.

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law. Occasionally, but not routinely, SSNs are available in other files throughout the federal court system when attorneys of record include this information in documents filed with the court. In the last 2 years, however, the Judicial Conference of the United States, which establishes policy for the federal judiciary, revised federal policy in bankruptcy cases so that only the last four digits of any SSN will be visible to the general public in new record entries.<sup>18</sup>

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## Identity Verification Is the Most Common Use of SSNs in Public Records

State and local government respondents to our survey reported frequently using SSNs in public records to verify identities or to meet state legal requirements, but some agencies said they had no need for them.<sup>19</sup> For state agencies, the second most frequently cited purpose for using SSNs was to match information in other records or databases. Among local government agencies the second most frequently cited reason was to comply with state law or regulations. However, some state and local offices reported that they had no specific use for the SSNs in certain records, although they were often contained in documents submitted to their offices. The federal courts reported routinely collecting SSNs to ascertain the identities and holdings of debtors involved in bankruptcy filings. Courts also reported routinely collecting SSNs for Social Security claims cases.

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## In State Public Records the SSN is Most Often Collected or Used for Identity Verification

Identity verification was the most frequent reason given by our state survey respondents for collecting or using SSNs that are shown in public records. Fifty-four state agencies representing 30 states cited this reason. Ten agencies, representing 8 states, indicated there was no specific reason for collecting or using the SSN in a particular type of public record. Table 2 shows the reasons cited for collecting or using SSNs in public records and the number of state agencies that gave each reason.

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<sup>18</sup>The Judicial Conference of the United States was created by federal law and establishes policies for the judicial branch. The Administrative Office of the United States Courts is the administrative arm of the federal Judiciary charged with implementing Conference policies.

<sup>19</sup>Survey respondents were asked to provide reasons for collecting or using SSNs in public records. They were provided a list of responses and asked to check all that apply for each record type. See appendix II for a complete list of the survey questions and possible responses.

**Table 2: Reasons Reported by State Agencies for Collecting or Using SSNs That Are Displayed in Public Records**

Reasons for collecting or using SSN	Number of state agencies
Identify verification	54
Matching with other records or data	40
Directed by state law or regulation	36
Data exchange or sharing	26
Directed by federal law or regulation	21
Used as file or record number	13
Benefit coordination or credit check	13
Other	30
No specific use	10

Source: GAO survey of state agencies.

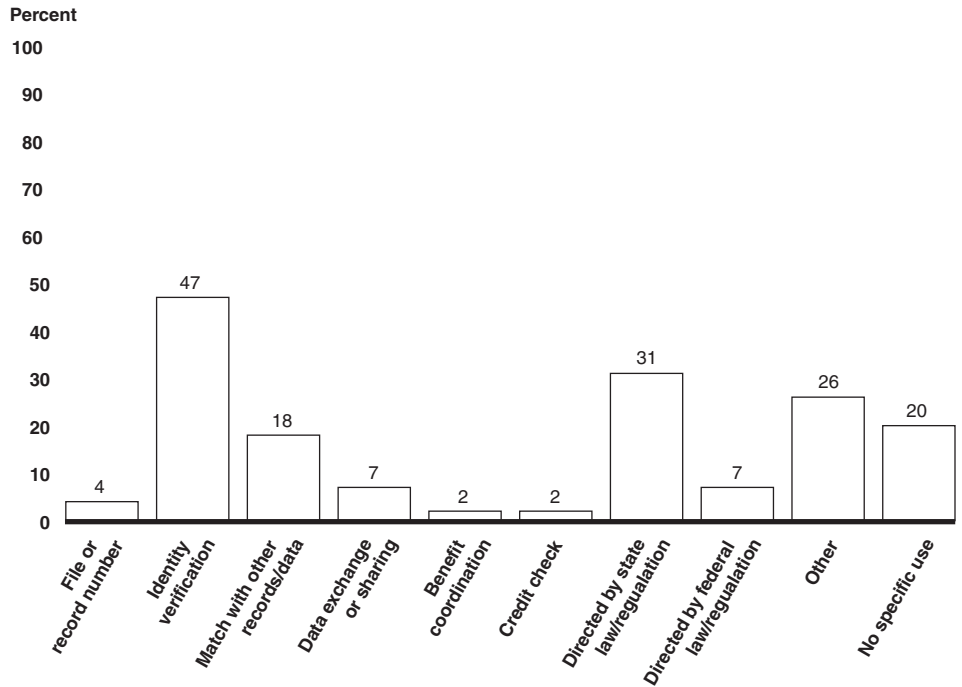
Note: Out of 90 state agencies that provided responses to our question on reasons and uses for collecting SSNs. Respondents were asked to provide reasons for each record type they maintained and were allowed to check more than one reason or use for each record type.

Other reasons state agencies gave were primarily to collect fines, fees, or judgments, and because the SSNs were already included in documents that became part of the public records. Some of these respondents gave specific examples of how the SSN is used for identify verification or benefits determination. Three respondents noted that SSNs are used to facilitate investigations of wrongdoing.

**SSNs in Local Government Public Records Are Most Often Used for Identity Verification, but Many Recording Offices Receive Records with SSNs They Do Not Need**

SSNs in local government public records are most often collected or used for identity verification. After identity verification, other common reasons include complying with state laws and regulations and matching with other records. Additionally, quite a few offices maintain public records that contain SSNs for which they have no use. Figure 4 shows reasons that SSNs are in local public records and our estimates for the percent of such records that contain SSNS for each purpose.

**Figure 4: Percent of Local Government Records with SSNs, by Reason for Collecting or Using SSNs**



Source: GAO survey of local governments.

Note: The 95 percent confidence interval is within +/- 7 percent. Respondents were asked to provide reasons for each record type they maintained and were allowed to check more than one reason or use for each record type.

Reasons for collecting SSNs in public records varied across different functional areas at the county level. Among local courts, identity verification is the single most common use of SSNs in public records, while recording offices collect or use SSNs in public records to comply with state laws or regulations more often than any other specific purpose. Among all other functions, SSNs are most frequently used for identity verification, matching with other records, and complying with state laws or regulations. Recorders also frequently maintain records that contain SSNs for which they have no use. On the basis of our survey, we estimate that 25 to 51 percent of records with SSNs held by recording offices contain the number for no specific purpose. In addition, the survey responses of some recording officials indicated that SSNs are not required or requested by their offices, but they may appear in records filed in their offices nonetheless. Some respondents indicated that their job is to maintain the record only—they cannot amend or change it. Table 3 is a

sample of responses from those who checked the “other” option to the question asking why SSNs are collected or used in specific types of public records. (For the complete survey question and response categories, see appendix II.)

**Table 3: A Sample of Responses from County Officials Who Selected “Other” in Response to “Why does your office collect or use SSNs” for Specific Types of Records**

Form	Function	Survey response
Records of criminal proceedings	Court clerk	It is provided to us; we don't ask for it.
Records of criminal proceedings	Court clerk	We don't want them – they just put them on.
Records of criminal proceedings	Court clerk	Other agencies provide – the court does not collect.
Litigation and civil case files	Court clerk	Attorney places # on complaint & is not used by court in any way.
Litigation and civil case files	Court clerk	SSNs are part of records file with us by parties to the action.
Estate and inheritance records	Court clerk	We do not screen public records for SSNs & remove. If there, we leave them.
Estate and inheritance records	Court clerk	We do not request the information, attorneys add it to some forms.
Mortgage and real property transfer records	Recorder	Not required in Maine, but listed on some documents prepared out of state.
Mortgage and real property transfer records	Recorder	SSNs are added by the mortgage companies.
Mortgage and real property transfer records	Recorder	Documents are presented for recording with the # on them. We are not authorized to change.
Mortgage and real property transfer records	Recorder	We do not use or collect. The lender chooses to put the SSN on the document.
Records of property liens and other judgments	Recorder	We do not require SSNs for our purposes.
Records of property liens and other judgments	Court clerk	Must record as presented.
Records of property liens and other judgments	Recorder	We do not collect SSN. If they are on the document they are recorded.
Records of property liens and other judgments	Recorder	Preparer of instrument does not want to remove the # from the instrument.
Records of property liens and other judgments	Court clerk	Documents are received with SSN and we cannot alter or change any document.
Military discharge records	Recorder	The SSN is on the document when it comes into the office.
Military discharge records	Recorder	Already on record when presented.
Military discharge records	Recorder	We do not use or collect SSNs – they are put on document by government.
Child paternity records	Court clerk	Included in petition filed by attorney.
Child paternity records	Court clerk	We have no control over the information people want to disclose in pleadings.
Divorce records	Court clerk	Documents are submitted that way.

Source: GAO survey of local governments.

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## Federal Executive and Judicial Branches Collect and Use SSNs for Purposes Required or Permitted by Law

Federal agencies engage in a wide range of required or permitted uses of SSNs, such as electronic matching of information in databases. Various federal laws and regulations require or permit federal agencies to collect and use SSNs when administering federal programs. However, as noted above, due to Privacy Act provisions, in most cases these SSNs are not available to the public. Concerning the federal judiciary, SSNs are generally required for bankruptcy and Social Security claims cases. SSNs are generally not required with regard to other civil or criminal cases.

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## Public Documents with SSNs Are Stored in a Multiplicity of Formats, but Hard Copy Is Still the Most Widely Available Form of Public Access

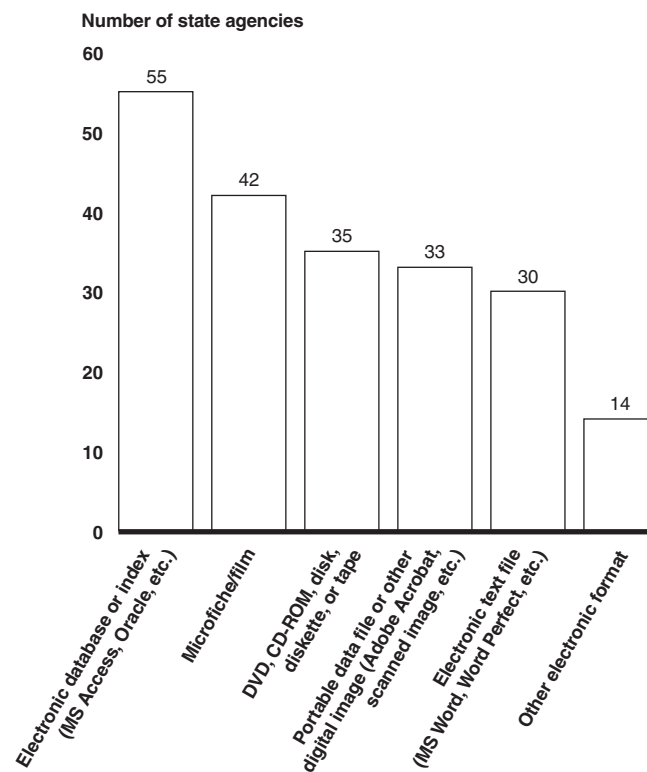
Storage methods and forms of public access to records with SSNs vary somewhat among the different levels of government, but hard copy is the most common form of access for the public, and some agencies have begun to reduce SSN exposure. State government offices tend to store such records electronically, while most such local government records are stored on microfiche or microfilm. However, for both these levels of government, inspection of paper copies is the most commonly available method for public access to such records. Few state agencies make them available on the Internet. In counties, however, we estimate that offices in as many as 15 to 28 percent—several hundred—do so. For the future, however, few state or local offices reported any plans to place additional records on the Internet. Some state and local offices reported that in recent years they had begun to restrict access to SSNs in public records. At the federal level, the National Archives stores many federal agency documents, with access restricted by law. For its part, the federal court system has recently taken action to restrict access to SSNs in its public bankruptcy records, including those on the Internet.



**While State Public Records Containing SSNs Tend to be Stored Electronically, Public Access Is Usually Limited to Hard Copies**

State agencies responding to our survey generally store public records that display SSNs electronically. Electronic databases or indexes was the most frequently cited storage method. Microfiche or microfilm and computer usable media such as DVDs, CD-ROMs, diskettes, or tapes were also frequently cited. Figure 5 shows the number of state agencies using each storage method we asked about in our survey.

**Figure 5: State Agency Practices for Storing Public Records That Display SSNs**



Source: GAO survey of state agencies.

Note: Respondents could check more than one storage method for each record type they maintain. Based on responses from 90 state agencies that reported SSNs are available in public records they maintain out of 338 total survey respondents.

Other electronic formats cited were primarily references to agency or function specific data systems and general references to digital imaging. Some respondents to this option also noted that records were only maintained in paper formats.

Many state offices also use more than one method to store the same type of records. This pattern could be due to retention of older records in noncomputerized formats such as microfiche/film and placement of newer records into computerized formats, rather than having a single record available in multiple formats. Table 4 shows the extent of this practice.

**Table 4: State Office Use of Multiple Storage Methods for Specific Types of Records Containing SSNs**

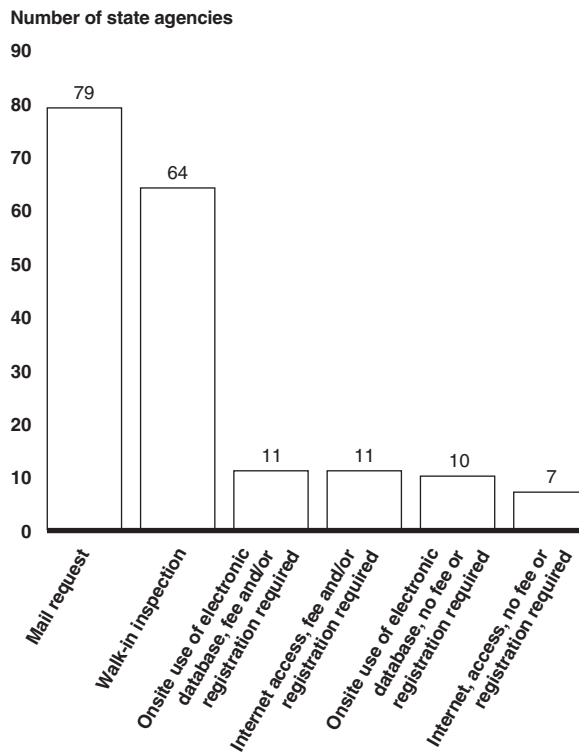
Type of public record	Number of state agencies				
	1 storage method	2 storage methods	3 storage methods	4 storage methods	5 or more storage methods
Records of criminal proceedings	5	2	4	2	5
Litigation and civil case files	7	1	4	2	3
Traffic records	5	2	2	1	3
Records of judgments	4	1	3	0	3
Records of property liens and other judgments	3	1	3	2	1
UCC filings	5	2	5	2	1
Death records	3	5	6	0	1
Divorce records	4	1	4	1	2
Business or professional licenses	2	4	3	1	0

Source: GAO survey of state agencies.

Note: Based on responses from 90 state agencies that reported SSNs are available in public records they maintain—out of 338 total survey respondents.

While state agencies generally store most public records displaying SSNs electronically, in most cases, members of the public are not able to access the records electronically. Despite reliance on electronic storage methods, based on our survey responses, walk-in inspection of paper copies and mail requests are the most commonly available forms of access to state public records containing SSNs. Fifty-four state agencies—out of 90 where public records display SSNs—reported these were the only way for the public to access such records. Comparatively few state agencies responding to our survey provided Internet access to records containing SSNs. In most offices where it is available, a fee or user registration is required. Of those offices that make records available on the Internet, more reported making court records and UCC filings available than any other type of record. Figure 6 compares the extent of Internet access with walk-in inspections and on site electronic databases.

**Figure 6: Methods of Access to State Public Records Containing SSNs**



Source: GAO survey of state agencies.

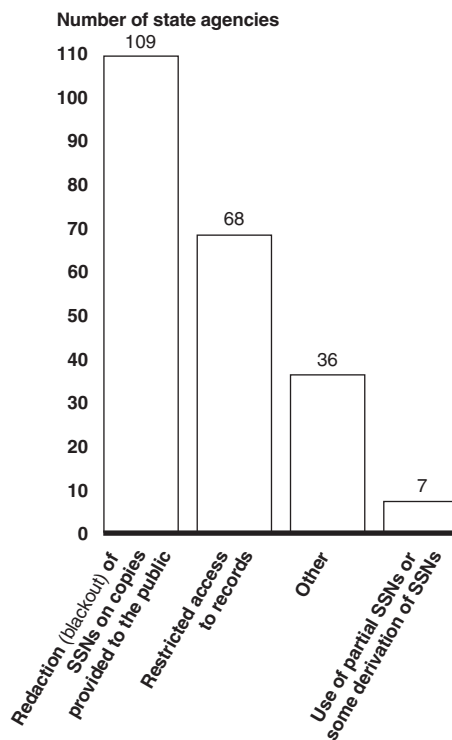
Note: Based on responses from 90 state agencies that reported SSNs are available in public records they maintain—out of 338 total respondents. Respondents could check more than one access method for each record type they maintain.

Based on their responses to our survey, state agencies are not planning to significantly expand Internet access to public records that show SSNs. Only 4 state agencies indicated plans to make such records available on the Internet, and one agency plans to remove them from Internet access. Three agencies plan changes in Internet access. One said that a state law, with limited exceptions, barred the release of SSNs held by any state government entity. Another agency plans to charge a fee for Internet access to records it maintains. The third agency plans to remove SSNs and place records on the Internet

Our survey results show that state offices have recently taken some measures to change the way they display or share SSNs in public records. Again, because of the number of nonrespondents, the results may not account for all such measures. As figure 7 shows, state agencies most

often have either redacted—covered or otherwise hidden from view—SSNs from public versions of records or restricted access.

**Figure 7: Number of State Agencies Citing Each Change to SSN Access for at Least One Record Type**



Source: GAO survey of state agencies.

Note: Based on responses from all 338 agencies that completed the survey. Of that number, 275 agencies responded that no changes were made for at least one record type they maintain. Total counts exceed 338 because some agencies provided responses for more than one record type. Therefore, some agencies that responded no change for one record type may have indicated a change for another record type. Respondents could check more than one change for each record type they maintained.

Specific restrictions and other actions state agencies reported taking included blocking or removing SSNs from electronic versions of records, allowing individuals identified in records to keep their SSNs out of publicly available versions, replacing SSNs with alternative identifiers, and restricting access only to individuals identified in the records. A number of state agencies also described broader policy changes taken by their state

governments in the last 2 years.<sup>20</sup> According to survey respondents, at least 8 states have enacted new laws to restrict public disclosure of SSNs. These states, with brief descriptions of the newly enacted laws are listed in table 5.

**Table 5: Recent State Laws Restricting Public Disclosure of SSNs Cited by Survey Respondents**

Florida	In October 2002, a law took effect making SSNs held by state agencies, employees, or contractors confidential and exempt from disclosure under the state's public records law and constitutional right of access to public records. The same law also barred the inclusion of SSNs on any document filed with a county recorder in the state.
Nebraska	In 2002, a provision was added to the state's public records law allowing state and local government entities to withhold the disclosure of SSNs in the release of public records unless they are disclosed in open court or administrative proceedings or open meetings, or by a government entity in the course of its duties.
North Dakota	In 2003, the state added a provision to its public records law making SSNs held by public entities confidential. They may only be disclosed pursuant to other provisions of law.
Oregon	In 2003, two statutory provisions were enacted. The first limited the re-disclosure by other state agencies of SSNs obtained from motor vehicle records; the second requires the state court system to develop a system preventing the disclosure of the SSNs of individuals involved in divorce proceedings to the general public.
Tennessee	In 2002, the state enacted a statutory provision barring state entities from publicly disclosing the SSNs of citizens of the state, unless given permission by an individual citizen or required by other provisions of state or federal law.
Texas	Numerous statutory changes were made since 2003: SSNs that are maintained in voter registration records, marriage license applications, or the state's central criminal history database may not be disclosed. Individuals may have their SSNs removed from real property records before they are filed with county clerks. SSNs of persons employed in law enforcement in Texas cannot be disclosed, with the exception of documents filed with county or district clerks. However, this law also states that county clerks may not reject any documents that do not contain SSNs for recording.
Virginia	In 2003, the state added two provisions to its law on the disclosure or display of SSNs: The first bars the display of full SSNs on agency-issued identification cards, student identification cards, or license certificates issued or replaced on or after July 1, 2003; the second bars state and local courts from posting any document containing SSNs on court-controlled Web sites. This provision expires in July, 2005
West Virginia	In early 2004, the state enacted two new laws affecting SSN disclosure: The first restricted the circumstances under which SSNs maintained in motor vehicle records could be disclosed to other parties; the second barred state executive branch agencies from disclosing SSNs in any records subject to the state's public records law, and barred all state entities from disclosing to nongovernmental entities SSNs of state employees and their dependents under the state's public records law.

Source: GAO survey of state agencies and review of associated state statutes.

We previously reported that Washington and Minnesota had enacted comprehensive policies to restrict the display of SSNs.<sup>21</sup> Minnesota's law—

<sup>20</sup>The survey asked agencies to indicate actions taken in the last 2 years prior to administration of the survey in February/March, 2004.

<sup>21</sup>[GAO-02-352](#).

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the Minnesota Government Data Practices Act—among other provisions specifically classifies SSNs collected by state and local government agencies as nonpublic. Washington’s policy was implemented through an executive order signed by the governor in April 2000. In response, state agencies removed SSNs from forms and documents where their display was found to be not vital to the business of the agency. They also changed the format of certain public records to limit disclosure of SSNs, such as recording SSNs on portions of forms or duplicate forms that are not released to the public.

In October 2002, the Conference of Chief Justices and the Conference of State Court Administrators issued a report (CCJ/COSCA Guidelines)<sup>22</sup> for state court systems regarding public access to court records, which recommended that courts take various means to protect SSNs within the court records they maintain. One strategy discussed in the Guidelines would be for courts to have SSNs be available in records only when viewed at a court facility. Such records might be available electronically, but only through workstations in a court facility. The Guidelines also suggest that parties to a case or individuals identified in records be allowed to request additional restrictions for good cause. Finally, the Guidelines advise state court systems not to disclose SSNs protected by any state or federal law.

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### Local Government Records with SSNs Are Most Often Stored on Microfiche or Microfilm, but Are also Posted to the Internet

Overall, microfiche or microfilm are the most commonly used methods of storing local government public records that contain SSNs—38 to 52 percent of such records are stored in these manners. To a lesser degree, county offices use DVDs and CD-ROMs, electronic text files, portable data files, and electronic databases. We found no real variation in the storage methods used by different functions.

Overall, the predominant methods for gaining access to local government public records containing SSNs are by visiting an office in person to inspect paper copies or requesting a copy through the mail. Records containing SSNs are available in onsite electronic databases in 49 to 68 percent of counties. According to our survey, the Internet is the least common form of access, although records with SSNs are accessible on the

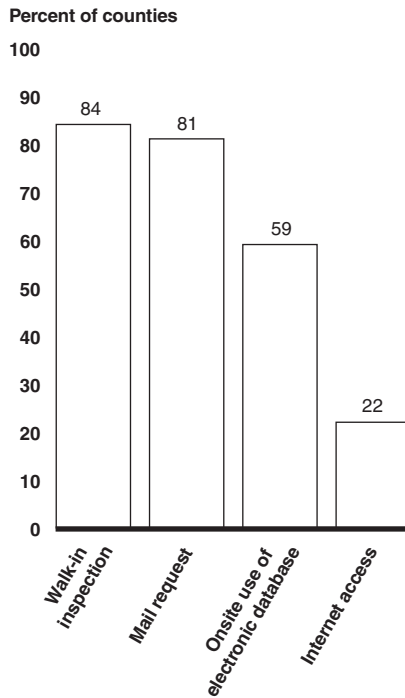
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<sup>22</sup>*Developing CCJ/COSCA Guidelines for Public Access to Court Records: A National Project to Assist State Courts*, the National Center for State Courts and the Justice Management Institute, (Oct. 18, 2002) ([www.courtaccess.org/modelpolicy/](http://www.courtaccess.org/modelpolicy/)).

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Internet in 15 to 28 percent of U.S. counties. We estimate that 34 to 48 percent of the population lives in these counties. Figure 8 shows the estimates for the percent of counties in which different methods can be used to access public records with SSNs.

**Figure 8: Percent of Counties Giving Access to Public Records Displaying SSNs, by Method of Access**



Source: GAO survey of local governments.

Note: The 95 percent confidence interval is within +/- 10 percent.

According to our survey, few or no offices other than courts or recording offices currently make records containing SSNs available via the Internet. With regard to future plans, while we estimate that offices in only 2 to 8 percent of counties plan to introduce Internet access to records containing SSNs, this may have consequences for the 13 to 25 percent of the U.S. population that lives in those counties.

In the past 2 years, the vast majority of local government offices have not made changes to the way they display or share SSNs in particular records. However, we estimate that offices in 13 to 27 percent of counties have begun redacting SSNs on copies of records provided to the public and offices in 12 to 26 percent of counties have begun restricting access to records containing SSNs. Some offices also have begun using partial SSNs in public records.



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## Access to Many Federal Records Is Restricted, and Federal Courts Are Removing SSNs from Their Web Sites

Federal agencies transfer paper records containing SSNs to records centers operated by the National Archives and Records Administration (NARA) for storage.<sup>23</sup> Access to these records remains under the legal authority of the transferring agencies, which, as noted previously, generally do not make SSNs accessible to the public. According to NARA officials, NARA is considering adding electronic records storage services to the records center program, but the same rules of access would apply to those records.

At the end of the period in which the agency records are expected to be needed, those that have continuing value are transferred into the National Archives and NARA's legal custody. NARA provides public access to archival records unless the records have access restrictions. Some records are subject to restrictions prescribed by statute, executive order, or by restrictions specified in writing in accordance with 44 U.S.C. 2108 by the agency that transferred the records to the National Archives of the United States. Additionally, the Archivist of the United States imposes general restrictions to certain kinds of information or classes of records.

NARA has many series of federal agency records in its legal custody that contain SSNs. NARA officials told us that it has two broad categories of archival records with SSNs: (1) name retrievable records and (2) operations records that are not name retrievable.<sup>24</sup> NARA is unable to screen the latter records for SSNs unless the records must be screened for another restriction. In response to requests for name retrievable records made under the Freedom of Information Act, NARA screens the records and redacts SSNs (if the individual is not deceased) prior to public disclosure or release. NARA also masks the SSNs of living individuals in archival databases that NARA makes available to the public on its Internet Web site.

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<sup>23</sup>Some of the major series of federal agency records that contain SSNs stored in NARA records centers include alien case files, court cases, employee medical folders, investigative files (including Offices of Inspectors General), Medicare claims folders, official civilian personnel folders, official military personnel folders, Social Security Administration claims and litigation folders, tax returns, and folders pertaining to deceased veterans and their dependents.

<sup>24</sup>The largest major series of name retrievable records in the National Archives of the United States that contain SSNs include Navy and Marine Corps muster rolls, 1971-76, and three Department of Defense combat casualty databases, 1961-2002. SSNs also may be dispersed among operations records such as Navy deck logs of nuclear ships and Department of Justice case files.

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We discussed Judicial Conference policies and procedures pertaining to privacy and SSNs with officials from the Administrative Office of the U.S. Courts. They told us that the Conference has taken a number of actions in recent years to increase privacy and reduce Internet access to SSNs that are in federal court documents. These actions include (1) implementing a rule for bankruptcy cases, effective December 1, 2003, that requires SSNs, except for the last four digits, to be redacted from electronically available (Internet) documents accessible to the public; (2) issuing a “model local rule” for criminal cases that eliminates SSNs from documents filed with the court, unless necessary, and includes only the last four digits of SSNs in publicly available paper and electronic versions of such documents; and (3) issuing privacy policy guidance for electronically available court documents in civil cases. Citing its bankruptcy case rule and model local rule for criminal cases, the Conference also advises attorneys for parties filing court documents to include only the last four digits of SSNs. In its report, the committee that developed the policy noted that there should be “consistent, nationwide policies in federal courts in order to ensure that similar privacy protections and access presumptions apply regardless of which federal court is the custodian of a particular case file.”<sup>25</sup>

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## Millions of Federal Health Insurance and Identity Cards Display the SSN

Although they are not displayed in public records en masse, we found that millions of SSNs are still subject to exposure on individual identity cards issued under federal auspices. Although some agencies are taking action to address this display of the SSN, we found that, currently, an estimated 42 million Medicare cards display entire nine-digit SSNs, as do some Department of Defense insurance cards and approximately 8 million identification cards, as well as 7 million Department of Veterans Affairs (VA) beneficiary cards. In addition, approximately 830,000 federal employees carry health insurance cards issued through Federal Employees Health Benefits Program that display the bearer’s full SSN. Such cards are used at the point of service – at pharmacies, medical offices, or merely to enter buildings – and are usually carried almost everywhere, circulating through many hands and even photocopiers, increasing opportunities for the card and the SSN on it to be stolen, copied, or even lost.

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<sup>25</sup>Report of the Judicial Conference Committee on Court Administration and Case Management on Privacy and Public Access to Electronic Case Files, <http://www.privacy.uscourts.gov/Policy.htm>.

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Three of four federal agencies have begun taking action to remove SSNs from such health insurance or identification cards issued under their auspices. In 2003, the federal Office of Personnel Management, which handles personnel for executive branch agencies, directed all health insurance carriers affiliated with the Federal Employee Health Benefit Program to eliminate SSNs from insurance cards as soon as it is operationally and financially practical. As of August 2004, about 57 percent of these insurers were using numbers others than SSNs on their cards—this represents over 79 percent of the subscribers in the FEHBP. The office projected that by the end of 2005 only 3.7 percent of FEHBP subscribers will have their SSNs on their health insurance cards, as more insurance companies have signaled their intention to replace the SSN. Meanwhile, VA is eliminating SSNs from 7 million VA identification cards and is replacing cards with SSNs or issuing new cards without SSNs from 2004 through 2009, until all such cards have been replaced. In 2004, the Department of Defense (DoD) began replacing approximately 6 million health insurance cards that display SSNs with cards that do not display the bearer’s SSN, but continues to include SSNs on approximately 8 million military identification cards.<sup>26</sup> In addition, the Centers for Medicare and Medicaid Services (CMS), with the largest number of cards displaying the entire nine-digit SSN, does not plan to remove the SSN from Medicare identification cards. During 2003, CMS’s Office of Financial Management, Program Integrity Group conducted a study of identity theft issues, during which they considered the possibility of removing SSNs from Medicare cards. CMS officials who served on the workgroup told us that the group had concluded that eliminating SSNs from 40 million Medicare cards would be cost prohibitive.

The Social Security Administration (SSA), which is the issuer of Social Security cards (displaying the bearer’s SSN), addresses this vulnerability differently than the other agencies. SSA recommends that cards be kept in a safe place and that a person “not carry” it with them unless it is needed “to show it to an employer or service provider.”<sup>27</sup> In contrast, CMS

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<sup>26</sup>The Geneva Accord requires all military personnel and civilian personnel accompanying the Armed Forces to have an identification card showing the owner’s serial number. DoD has employed the SSN as the serial number. According to DoD, to remove this SSN from identification cards would require a change to the Geneva Accord or a change to the serial number that DoD currently employs. Of the 8 million DoD identification cards that display SSNs, approximately 2.5 million meet the requirements of the Geneva Accord.

<sup>27</sup>Social Security Administration, *Your Social Security Number And Card*, Electronic Leaflet, SSA Publication No. 05-10002, July 2004.

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instructs Medicare participants to show the card whenever medical care is provided, and to carry the card when traveling, but to keep the number as safe as they would a credit card number.

While the Social Security Administration advises individuals to avoid exposure of their SSN card, we found no federal policy regarding its display on identity and insurance cards. Specifically, there is no presidential executive order, federal law, or common federal policy in effect. Although SSA has authority to issue policies and procedures over the Social Security cards that it issues, it does not have authority over how other federal agencies use and display SSNs. While the Office of Management and Budget has issued guidance for managing federal information resources and protecting records on individuals, it has not provided guidance for the display of SSNs on cards. Rather, the Centers for Medicare and Medicaid Services, the Office of Personnel Management, VA, and DoD each have their own policies for the cards issued under their authority.

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## Conclusions

Today, the SSN has become a universal identifier; as such, it offers government as well as the private sector an efficient way to verify the identity and the qualifications of people for programs or activities ranging from taxes to health benefits to worker's compensation payments. As a single, unique number assigned to one person, the SSN also allows for tracking that individual through more than one database and comparing information for a variety of uses, including police work.

In short, SSNs are a lynchpin to other personal information held in a variety of records. The extent to which they are exposed to public view, of course, increases the likelihood that they will be misused for inappropriate mining of personal information, violation of privacy, and identity theft. The increased use of SSNs in both the public and private sectors means that SSNs are more widely circulated and more likely to appear in public records that document common life events and transactions, such as marriages and home purchases.

The continued visibility of SSNs in public records in virtually every corner of the country presents continued risk of widespread, albeit small-scale, identity theft. Since the public usually obtains such records in individual hard copies, the risk of SSN theft in large volume from public records may be small. Indeed, a variety of government agencies and oversight bodies appear to be taking steps to eliminate the open display of SSNs, but there is no uniform practice or policy at the federal, state, or local level to

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protect them. Such initiatives to protect the SSN may slow its misuse, but the absence of uniform and comprehensive policy is likely to leave many individuals vulnerable. For example, the 15 to 28 percent of counties that we estimate post some records with SSNs on the Internet creates a broad vulnerability that, together with the lack of uniform protections, makes it difficult for any one individual to mitigate. In one of our previous reports, we recommended that a representative group of federal, state, and local officials develop a unified approach to safeguarding SSNs used in all levels of government and particularly those displayed in public records. We still believe such an approach would be constructive.

On another front, there is jeopardy in the display of SSNs on identity and eligibility cards issued under government auspices. The cardholder is usually required to use his or her card at the point of service—which means a practical need to carry and display it often—thus increasing the likelihood for accidental loss, theft, or visual exposure. The risk this poses has been both recognized and addressed by, among other things, prohibitions against using SSNs as student identification numbers and policy changes concerning use of SSNs on drivers' licenses. While we did not examine the phenomenon of SSN display on identification cards across all federal programs, it is clear that the lack of a broad, uniform policy allows for inconsistent, but persistent exposure.

To address the overall problem of exposure for the SSN, congressional lawmakers are considering legislation that would, among other things, curtail display of SSNs in both the private and public sectors. For its part, the public sector has already demonstrated that it is possible, for example, to substitute another number for the SSN on displayable cards, and link it to actual SSNs in a protected database. Given the size of federal programs, the lack of such safeguards across all agencies currently leaves millions of people unprotected.

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## Recommendation

To address this potential vulnerability, we recommend that the Director, Office of Management and Budget, identify all those federal activities that require or engage in the display of nine-digit SSNs on health insurance, identification, or any other cards issued to federal government personnel or program beneficiaries, and devise a governmentwide policy to ensure a consistent approach to this type of display.

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## Agency Comments and Our Evaluation

We provided a draft of this report to the Administrative Office of the United States Courts, the Centers for Medicare and Medicaid Services, the Department of Defense, the National Archives and Records Administration, the Office of Management and Budget, the Office of Personnel Management, the Social Security Administration, and the Department of Veterans Affairs for comment. Officials at each agency confirmed that they had reviewed the draft and generally agreed with its findings and recommendation. Officials from the Administrative Office of the United States Courts, the Department of Defense, and the Office of Personnel Management provided us with technical comments, which we have incorporated into the report as appropriate. We received formal comments from officials from the Department of Defense, the Office of Personnel Management, and the Social Security Administration; those comments are included in appendixes VI through VIII. We did not receive formal written comments for this report from the Centers for Medicare and Medicaid Services, the National Archives and Records Administration, or the Department of Veterans Affairs, though officials from each confirmed that they generally agreed. Additionally, OMB did not provide formal written comments, but officials from OMB's Office of General Counsel and Office of Information and Regulatory Affairs confirmed that they generally agreed with the report and that they would take our recommendation into consideration for future action.

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We are sending copies of this report to the Director of the Administrative Office of the U.S. Courts, the Administrator of the Centers for Medicare and Medicaid Services, the Secretary of Defense, the Archivist of the National Archives and Records Administration, the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, the Commissioner of the Social Security Administration, and the Secretary of Veterans Affairs, and appropriate congressional committees, and other interested parties. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov/>.

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If you have any questions concerning this report, please contact Barbara Bovbjerg at (202) 512-7215. See appendix IX for other contacts and staff acknowledgments.

Sincerely yours,

A handwritten signature in black ink that reads "Barbara D. Bovbjerg". The signature is written in a cursive style with a large, prominent "B" at the beginning.

Barbara D. Bovbjerg  
Director, Education, Workforce  
and Income Security Issues

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# Appendix I: Objectives, Scope, and Methodology

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To complete the objectives for this assignment, we collected original information at the federal, state, and local government levels. We reviewed previous GAO reports on Social Security numbers (SSN), identity theft, data mining, information security, record linkage and privacy, and related topics. In addition we reviewed various studies of state SSN use, privacy laws such as the Information Technology Management Reform Act of 1996 (Clinger-Cohen Act), the Privacy Act of 1974, the Freedom of Information Act, the Family Educational Rights and Privacy Act of 1974, Health Insurance Portability and Accountability Act of 1996, the Computer Matching and Privacy Protection Act of 1988, the Identity Theft and Assumption Deterrence Act of 1998, several memoranda from the Office of Management and Budget (OMB), and other related documents. We used different methods for selecting units of study and for collecting data for each of the three levels of government reviewed for this engagement. The methods used in the three studies are detailed in the following sections.

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## Federal Level

We conducted personal interviews with officials of 10 federal agencies: the Administrative Office of the United States Courts, the Centers for Medicare and Medicaid Services, the Department of Defense, the National Archives and Records Administration, the Office of Management and Budget, the Office of Personnel Management, the President's Council on Integrity and Efficiency, the Social Security Administration, the Department of Agriculture, and the Department of Veterans Affairs. We selected these agencies because they have responsibility for implementing the Privacy Act, the Freedom of Information Act, or programs that are generally known to include SSNs.

We obtained information from six federal agencies using an interview guide based on federal privacy laws and OMB's general and/or agency-specific disclosure criteria. The interview guide also addressed each agency's own privacy regulations and practices. Additional queries dovetailed with questions asked at the state and local levels: public access to the agencies' public records that contain SSNs, availability of these records on the Internet, privacy and protecting records about individuals and other issues unique to the agency. The interview guide has face validity and was used as a talking point instrument.

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## Survey Development

To gather information about public records that contain SSNs and whether they are made available to the public at the state and local levels, we surveyed state and local government officials in program areas that were determined likely to maintain or collect public records. We developed a



list of questions to be used for both surveys, although the state survey was Web-based and the county survey was administered by mail.

The survey was designed to address questions about multiple public records while allowing for analysis on specific types of records. To this end, we developed a standardized two-page questionnaire, which could be replicated for various types of public records and could be used at both the state and the county level. In addition, the survey design allowed for specific groupings of different types of records to be sent to different respondents. For instance, court clerks were sent forms concerning types of records different from those sent to public health officials. The questionnaire include such items as accessibility of records displaying SSNs to the public; reasons for collecting or using SSNs in the record; formats for storing records with SSNs; plans for changing those formats; methods by which the public can access or view records with SSNs, including Internet usage and changes the office has made in the past 2 years in the way records with SSNs are displayed to the public.

We selected 35 different types of public records for our review. We developed the list based on research we conducted on public records, the results of a prior GAO survey concerning government use of SSNs,<sup>1</sup> expert reviewers, and pretesting of the survey instrument. These records can be grouped in the following major categories: court records (e.g., records of criminal proceedings, child support/child custody, divorce, etc); law enforcement records (e.g., criminal arrest warrants, prison records); motor vehicle records; lien and security interest records; vital records (birth, death, and marriage); health records (immunizations and communicable diseases); and “other” category which includes professional licensing, military discharge records, and social service records among others. Appendix V includes a full list of the 35 record types.

For the development of both the list of records types and the survey questions, we obtained assistance from both internal and external expert reviewers.

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<sup>1</sup>[GAO-02-352](#).

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## State Level

Data gathering for the state level consisted of a Web-based survey to state officials in previously identified program areas or functions in all 50 states and the District of Columbia. These program areas, identified in our previous work on government use of SSNs as likely to maintain public records containing SSNs, included: (1) courts/judiciary, (2) law enforcement, (3) human services, (4) health and vital statistics, (5) selected professional licensing offices, (6) labor, (7) corrections, and (8) public safety. Several steps were involved in the preparation of and conduct of the survey. We obtained the names and e-mail addresses of state officials in these offices from a list used for our earlier work and updated names, telephone numbers, and Web addresses using the “Yellow Book Leadership Directories” provided in our Intranet. Two contractors made telephone calls to verify the titles and names and to obtain the e-mail address of each of the entries.

We sent a notification e-mail to each of the department heads of the selected state agencies informing them about the survey. Within 2 weeks of the notification, we sent an activation e-mail with the instructions on how to access and complete the survey, including a survey link, and a unique username and password to each selected state official.

To increase the response rate, we sent a reminder e-mail after the activation email to those department heads that had not responded; about 2 weeks later, we sent a second e-mail to nonrespondents. Contractors followed-up nonrespondents with telephone calls about 2 weeks after the second reminder e-mail. The survey was available on line from February 23, 2004, to July 31, 2004.

We surveyed 542 officials in the 50 states and the District of Columbia. We received responses from 338 state agencies out of 542. In 12 states, we received responses from half or fewer of the agencies surveyed. For three of the program areas, we received responses from about half or fewer of the states with agencies serving those functions. The response rates for three program areas that we believe are most likely to maintain records with information about large proportions of state residents (though not necessarily a majority of residents) are: Courts/Judiciary–61 percent; human services–69 percent; health services and vital statistics–60 percent. These compare with our overall response rate of 62 percent.

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## County Level

We administered a questionnaire by mail to the study population of local government officials in a two-stage probability sample designed to reflect the population of U.S. counties. This allowed us to estimate to the entire

population of U.S. counties and to develop population-based estimates. The program areas were: (1) courts, (2) law enforcement, (3) public health, (4) recorders, (5) social services, (6) tax assessment, and (7) voter registration. We developed a list of contact information with addresses for local government officials using address lists obtained from the National Association of Counties (NACO) and BRB Publications, Inc., as well as the Yellowbook leadership directory and information obtained from state and local government websites. Address collection was done between November 2003 and February 2004. To identify incumbent government officials in a sample of counties, we used address lists of county government officials purchased from BRB Publications and NACO and supplemented them with the name and address list used in our prior work and by searching Web sites and making telephone calls.

We sent out packets of questionnaires to 1996 officials in 200 counties (including minor civil divisions in 24 counties). The number or type of records mailed to each official depended on the research team's judgment of the type of records each official would be likely to maintain given his or her function. For example, we sent immunization and communicable disease questionnaires to public health directors. We provided for an "Other" type of record that respondents could fill out for records they maintained and for which we did not supply a questionnaire.

A few weeks after the initial survey was mailed, we sent a reminder letter without replacement questionnaires. A week after the first reminder letter, we began sending a second wave of reminder letters with replacement questionnaires. While we received a completed survey from at least one program area in each county, the response rates within each county varied from 1 program area in a county to all program areas. The overall response rate for the county survey was 81 percent. Response rates for each program area were courts (79 percent), health departments (79 percent), law enforcement (80 percent), recording officials (88 percent), social services (79 percent), tax assessors (85 percent), and voter registrars (86 percent).

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## Local Government Sample Design

We developed a U.S. county sample that would reflect the U.S. population and allow making estimates related to persons. The probability sample of 200 counties included 35 counties with the largest populations with certainty and the remaining counties selected using probability proportional to size of the population. The measure of size used for sampling was the square root of the 2002 estimated population; use of the square root function dampens some of the variability in county-level

population sizes (from ~100 to ~ 10,000,000). To avoid having a sparsely populated county having large influence on population-related estimates, two counties with 2002 estimated populations less than 150 are combined with neighboring counties, using geographic information from the U.S. Bureau of the Census’s TIGER system; this is the one situation where sampling units are not individual counties.

We determined that for the sampled counties in some states (24 total: Connecticut (2), Maine (2), Massachusetts (2), Michigan (9), New Hampshire (1), New Jersey (3), Wisconsin (5)), it was appropriate to survey local government officials within subcounty units called “Minor Civil Divisions” (MCD) because either county governments do not exist (e.g., Connecticut and Massachusetts) or the MCD governments perform many functions that usually are performed by county governments in other areas. This second stage probability sample consisted of 59 MCDs from the specified set of counties, consisting of the 11 MCDs that have 2002 estimated populations of 100,000 or more, and 48 MCDs (2 from each of the 24 counties), selected using probability proportional to the size of the population.

During the implementation of the survey, we identified respondents who were not in the target population. Table 6 provides a summary of the reasons for these out of sample respondents.

**Table 6: Out of Sample Respondents and Reasons for County Government Survey**

Reason out of sample	Number
Duplicate address	4
Office closed	2
Duplicate because 1 official performs 2 functions	3
<b>Total out of sample</b>	<b>9</b>

Source: GAO survey of local governments.

In implementing our survey, we also had many respondents who completed surveys on behalf of several offices. For instance, in some counties and states where courts are centrally administered, we received just one completed survey on behalf of all courts in a county or in a state. In addition, in some states certain functions, such as social services, are state government programs, but are administered by local or regional offices. In some of these cases, we received one completed survey from a state official on behalf of some or all local or regional program offices.

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## Estimation and Sampling Error

The results of the county survey were weighted to make the results generalizable to the entire population of U.S. counties. For each stratum, we formed estimates by weighting the data by the reciprocal of the selection probability. The margins of error for the county survey results varied because we made estimates for different subpopulations. For all the estimates shown here, we are 95 percent confident that when sampling error is considered, the results are within +/- 7 percentage points unless otherwise indicated. All population estimates based on the survey of local government officials are for the target population defined as local government officials in 7 program areas and courts within a sample of 200 U.S. counties.

The survey of local government officials is subject to sampling error. There was no sampling error for the census survey of state officials. The effects of sampling errors, due to the selection of a sample from a larger population, can be expressed as confidence intervals based on statistical theory. Sampling errors occur because we use a sample to draw conclusions about a larger population. As a result, the sample was only one of a large number of samples of counties that might have been drawn. If different samples had been taken, the results might have been different. To recognize the possibility that other samples might have yielded other results, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval.

The 95 percent confidence intervals are expected to include the actual results for 95 percent of samples of this type. We calculated confidence intervals for this sample using methods that are appropriate for the sample design used. For local government survey estimates in this report, we are 95 percent confident that when sampling error is considered, the results we obtained are within +/- 7 percentage points of what we would have obtained if we had surveyed officials in all of the entire study population, unless otherwise noted.

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## Nonsampling Error

In addition to sampling error, other potential sources of errors associated with surveys, such as question misinterpretation, may be present. Nonresponse may also be a source of nonsampling error. We took several steps to reduce these other sources of error. We conducted pretests of the questionnaire using a paper version with 11 incumbents of the functions/roles selected for our review in four different counties in three states to account for differing local government structures and to ensure the questionnaire: (1) was clear and unambiguous, (2) did not place undue burden on individuals completing it, and (3) was independent and

unbiased. In addition, we conducted seven pretests with state officials in 2 states. The first six were conducted using a paper version of the questionnaire and the final test was conducted using the Web version to test for functionality.

After pre-testing we modified the questionnaire as needed for clarity, respondent comprehension, and objectivity. Most of the items in the questionnaire were closed-ended but provided for multiple responses to each question as well as possibility for respondent comments regarding public access to records with SSNs.

We performed our work in Washington, D.C., from March 2003 through September 2004 in accordance with generally accepted government auditing standards.

# Appendix II: State and Local Government Survey Questions

## State and Local Government Survey Questions

### **Introduction**

GAO, an agency of the U.S. Congress, has been asked to study and report on access to Social Security numbers (SSNs) in public records. As part of our review, we are surveying a sample of county and local governments about the use of SSNs in public records. Your office is one of several in your local community that have been selected to participate in the survey.

Your response to our survey is very important. We are only able to contact a sample of counties and thus your response will represent many counties we are not able to contact. To provide the Congress with complete data, we need to hear from all offices in the survey. Feel free to contact others as needed to provide us with the most accurate data possible.

We plan to report the data in summary form for the nation, but may use some data from individual surveys for illustrative purposes.

### **Instructions**

The survey includes this cover page and several forms, one each for the different types of public records maintained at the local level. The complete list of record types is on the back of this cover page. Before you begin, please review the list and check those record types that apply to your office. We ask that you complete one form for each record type that you check. We estimate that it will take just a few minutes to complete each form.

Based on your role in local government, we preselected some types of records for your

office and included forms for those record types. If your office is not responsible for any of the preselected record types, please indicate that by checking the appropriate box in Question 1 on each form. Please return these forms with your response.

We have included a blank form for any record types we may have missed in preselecting record types for your office. Please duplicate the form as often as required to complete and return one form for each of the record types you checked from the list on the back of this cover page.

### *How to Respond*

Please return your completed survey in the enclosed postage-paid return envelope within 2 weeks of receiving it, if possible, to help us avoid costly follow-up. Your response should include (1) this page with the questions on the back completed, (2) one completed form for each record type you checked, and (3) preselected forms that do not apply to your office, with Question 1 completed. If the return envelope is misplaced or missing, the return address is

John Trubey  
U.S. General Accounting Office  
Seattle Field Office  
701 Fifth Avenue, Suite 2700  
Seattle WA 98104

If you have any questions or your survey will be delayed, please call Dennis Gehley at 202-512-7038 (email: [gehleyd@gao.gov](mailto:gehleyd@gao.gov)).

**Appendix II: State and Local Government  
Survey Questions**

**Background Information**

Please provide the following contact information for the person who completes the survey.

Name \_\_\_\_\_

County \_\_\_\_\_

Title \_\_\_\_\_

Phone \_\_\_\_\_

Office \_\_\_\_\_

Email \_\_\_\_\_

Listed below are the types of records included in the survey. Which types of records does your office collect or store? *(Check all that apply.)*

**Court Records**

- 1.  Records of criminal proceedings
- 2.  Litigation and civil case files
- 3.  Jury lists
- 4.  Estate and inheritance records
- 5.  Traffic records
- 6.  Records of judgments

- 17.  Divorce records
- 18.  Death records
- 19.  Marriage licenses or applications
- 20.  Name change petitions

**Lien and Security Interest Records**

- 7.  Mortgage and real property transfer records
- 8.  Records of property liens and other judgments
- 9.  Property ownership records
- 10.  Tax assessment records
- 11.  Uniform Commercial Code (UCC) filings

**Other Types of Public Records**

- 21.  Concealed weapons applications
- 22.  Hunting or fishing licenses
- 23.  Military discharge records
- 24.  Military induction records
- 25.  Business or professional licenses
- 26.  Public utility usage records
- 27.  Social service case files or records
- 28.  Vehicle or vessel registration records
- 29.  Voter registration records
- 30.  Notary commission records
- 31.  Records of communicable diseases
- 32.  Immunization records
- 33.  Records of criminal arrest warrants
- 34.  Prison records
- 35.  Other records or files *(specify)*  
\_\_\_\_\_  
\_\_\_\_\_

**Vital Records**

- 12.  Birth certificates
- 13.  Adoption records
- 14.  Child custody records
- 15.  Child paternity records
- 16.  Child support records

**Please complete one form for each record type checked above. In some instances, a labeled form for that record type will be included in your survey package. In other instances you will need to complete a blank form, filling in the record type.**



**Appendix II: State and Local Government  
Survey Questions**

**Survey Questions**

1. Does your office have responsibility for collecting or storing XXRecordtypeXX? Records may include paper or electronic files, abstracts, indexes, dockets, or databases.

- A.  Yes
- B.  No → Please skip to the next record type for which your office is responsible

2. Do any of the XXRecordtypeXX received by your office include 9-digit SSNs? (Check one.)

- A.  Yes
- B.  No → Please skip to the next record type for which your office is responsible

3. Are any of the XXRecordtypeXX with full SSNs that are collected or stored by your office available to the general public? (Check one.)

- A.  Yes
- B.  Records are available, but SSN is not shown on publicly available copy. → Skip to Question 12
- C.  No; records are not available to public. → Skip to Question 12

4. Why does your office collect or use SSNs in XXRecordtypeXX? (Check all that apply.)

- A.  File or record number
- B.  Identity verification
- C.  Match with other records/data
- D.  Data exchange or sharing
- E.  Benefit coordination
- F.  Credit check
- G.  Directed by state law/regulation
- H.  Directed by federal law/regulation
- I.  Other (Please specify.) \_\_\_\_\_

- J.  No specific use

5. In which, if any, of the following formats are XXRecordtypeXX with full SSNs kept by your office? (Check all that apply.)

- A.  Microfiche or microfilm
- B.  DVD, CD-ROM, disk, diskette, or tape
- C.  Electronic text file (MS Word, WP, etc.)
- D.  Portable data file or other digital image (Adobe Acrobat, scanned image, etc.)
- E.  Electronic database or index (MS Access, Oracle, etc.)
- F.  Other electronic format (Please specify.) \_\_\_\_\_

- G.  None of the above

6. Does your office have any plans for changing the format it uses for storing and maintaining XXRecordtypeXX with full SSNs? (Check one.)

- A.  Yes
- B.  No → Skip to Question 8

7. Which of the following formats does your office plan to use for XXRecordtypeXX with full SSNs in the future? (Check all that apply.)

- A.  Microfiche or microfilm
- B.  DVD, CD-ROM, disk, diskette, or tape
- C.  Electronic text file (MS Word, WP, etc.)
- D.  Portable data file or other digital image (Adobe Acrobat, scanned image, etc.)
- E.  Electronic database or index (MS Access, Oracle, etc.)
- F.  Other electronic format (Please specify.) \_\_\_\_\_

- G.  None of the above

**Appendix II: State and Local Government  
Survey Questions**

8. Which of the following methods can the general public use to obtain or view full SSNs in XXRecordtypeXX? (Check all that apply.)

- A.  Walk-in inspection of paper records
  - (1)  user fee for access required
  - (2)  user fee for copies required
  - (3)  no fee required
- B.  Mail request for copies of records
  - (1)  user fee for copies required
  - (2)  no fee required
- C.  Onsite use of electronic database
  - (1)  user fee for access required
  - (2)  no user fee for access required
  - (3)  user fee for copies required
  - (4)  no user fee for copies required
  - (5)  registration required
  - (6)  registration not required
- D.  Internet access
  - (1)  user fee for access required
  - (2)  no user fee for access required
  - (3)  registration required
  - (4)  registration not required

→ Please provide Internet address / URL

\_\_\_\_\_
- E.  Other (Please specify.)

9. How, if at all, is your office planning to change the general public's Internet access to full SSNs in XXRecordtypeXX? (Check all that apply.)

- A.  Introduce Internet access to records
- B.  Remove Internet access to records
- C.  Change Internet access to records (Please describe changes.)
- D.  No changes planned regarding Internet access to records
- E.  Does not apply / do not know

10. Consider only XXRecordtypeXX with full SSNs. Does your office ever directly share or sell multiple records to any of the following third parties, excluding contractors? (Check all that apply.)

- A.  Share with the federal government
- B.  Share with other state governments
- C.  Share with local governments
- D.  Sell to the federal government
- E.  Sell to other state governments
- F.  Sell to local governments
- G.  Share with private organizations
- H.  Sell to private organizations
- I.  Do not share or sell multiple records → Skip to Question 12

11. Please describe any requirements third parties must comply with before your office will share or sell multiple XXRecordtypeXX with full SSNs.

12. What changes, if any, has your office made in the last two years in the way SSNs in XXRecordtypeXX are displayed to or shared with the public? (Check all that apply.)

- A.  Redaction/black out of SSNs on copies provided to public
- B.  Use of partial SSNs or some derivation of SSNs on records, rather than full SSNs
- C.  Restricted access to records (Please describe.) \_\_\_\_\_
- D.  Other (Please describe.) \_\_\_\_\_
- E.  No Change

13. Please attach any additional comments you may have regarding public access to XXRecordtypeXX containing SSNs.

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The survey of state agencies asked the same questions with one addition: "How does your office transfer <record type> with full SSNs to third parties." As discussed in appendix I, it was administered over the Web. Unlike the county survey, we did not make any determinations about the specific record types each agency might be responsible for collecting and storing. The survey instrument included forms for each record type included in our study. Respondents were first asked to check the record types applicable to their agency then scroll down through the instrument to complete the forms for those record types.

# Appendix III: State Survey Response Rates by Function and State

The overall response rate for the state survey was 62 percent. We received responses from at least one agency in every state. In 37 states and D.C., we received responses from more than half of the agencies surveyed. With regard to the specific functions we surveyed, we received responses from about half or fewer of the states in three functions: law enforcement, cosmetology licensing, and notary public licensing. For 8 of the 12 functions, we received responses from 60 percent or more of the states.

**Table 7: Response Rates for State Functions Surveyed**

<b>Function</b>	<b>Total number of states where function was surveyed</b>	<b>Response rate (percent)</b>
Courts/judiciary	51	61
Law enforcement	44	52
Human services	51	69
Health services and vital statistics	47	60
Labor	50	76
Corrections	48	83
Public safety	30	57
Medical and health professions licensing	45	71
Cosmetology licensing	41	37
Notary public licensing	48	50
Securities profession licensing	45	62
Real estate licensing	42	64

Source: GAO survey of state agencies.

**Appendix III: State Survey Response Rates by Function and State**

**Table 8: State Response Rates**

<b>State</b>	<b>Number of agencies surveyed in state</b>	<b>Response rate (percent)</b>
Alabama	11	91
Alaska	11	45
Arizona	11	55
Arkansas	11	82
California	11	55
Colorado	12	50
Connecticut	10	60
Delaware	10	80
District of Columbia	10	60
Florida	9	89
Georgia	12	75
Hawaii	10	60
Idaho	11	82
Illinois	9	78
Indiana	10	60
Iowa	12	83
Kansas	11	64
Kentucky	11	36
Louisiana	11	45
Maine	12	50
Maryland	11	55
Massachusetts	11	55
Michigan	9	44
Minnesota	8	75
Mississippi	10	50
Missouri	12	58
Montana	11	36
Nebraska	9	67
Nevada	12	50
New Hampshire	12	25
New Jersey	9	67
New Mexico	12	58
New York	11	36
North Carolina	10	60

**Appendix III: State Survey Response Rates by Function and State**

<b>State</b>	<b>Number of agencies surveyed in state</b>	<b>Response rate (percent)</b>
North Dakota	11	55
Ohio	11	55
Oklahoma	11	64
Oregon	11	64
Pennsylvania	11	45
Rhode Island	8	50
South Carolina	10	60
South Dakota	11	91
Tennessee	10	60
Texas	12	83
Utah	11	82
Vermont	11	64
Virginia	12	83
Washington	10	70
West Virginia	11	91
Wisconsin	8	63
Wyoming	11	73

Source: GAO survey of state agencies.

# Appendix IV: Extent of SSN Availability in State Public Records

Record type	Number of states where		
	Records are available to the public and SSNs are shown	Records are available to the public, but SSN is not shown on public version	Records are not available to the public
Records of criminal proceedings	19	17	10
Litigation and civil case files	19	17	12
Jury lists	2	5	6
Estate and inheritance records	8	3	7
Traffic records	15	11	5
Records of judgments	15	12	12
Mortgage and real property transfer records	5	3	7
Records of property liens and other judgments	10	3	8
Property ownership records	3	5	7
Tax assessment records	3	4	15
Uniform Commercial Code (UCC) filings	15	3	0
Birth certificates	1	8	24
Adoption records	1	2	32
Child custody records	8	4	19
Child paternity records	6	6	29
Child support records	5	6	31
Divorce records	11	6	12
Death records	16	7	18
Marriage licenses or applications	3	9	13
Name change petitions	6	7	9
Concealed weapons applications	2	4	10
Hunting or fishing licenses	1	0	0
Military discharge records	2	8	19
Military induction records	1	1	6
Business or professional licenses	11	38	2
Public utility usage records	1	1	1
Social service case files or records	2	5	32
Vehicle or vessel registration records	1	2	6
Voter registration records	2	2	3
Notary commission records	5	7	3
Records of communicable diseases	1	2	15
Immunization records	1	1	20
Records of criminal arrest warrants	8	12	23

**Appendix IV: Extent of SSN Availability in  
State Public Records**

<b>Record type</b>	<b>Number of states where</b>		
	<b>Records are available to the public and SSNs are shown</b>	<b>Records are available to the public, but SSN is not shown on public version</b>	<b>Records are not available to the public</b>
Prison records	6	20	18
Other records or files	16	20	12

Source: GAO survey of state agencies.

Note: Based on responses from 338 of 542 state agencies surveyed.



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# Appendix V: Types of Public Records Held by Local Government Offices

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Because of variation in local governments, each type of record is not always maintained by the same type of office across all counties. Furthermore, program areas that are separate in some counties are combined in others. For instance, in many counties the clerk or recorder performs functions such as voter registration or tax assessment, which operate independently in other counties. Due to these variations, it is not always possible to pinpoint which office within a county maintains a particular type of record.

Unless we had specific information indicating what records are maintained in a specific office within a specific county, in administering our survey to local government officials, we sent the same set of forms (each with the same set of questions, but for a specific type of record) to officials within each program area or function. For example, we sent immunization and communicable disease questionnaires to public health directors. We also provided an “Other” record form that all respondents could fill out for records they maintained and for which we did not supply a questionnaire. Table 9 shows the types of forms that were sent to each program area.

**Appendix V: Types of Public Records Held by  
Local Government Offices**

**Table 9: Record Type Forms Sent to Local Government Officials, by Functional Area**

<b>Function</b>	<b>Court clerks</b>	<b>Health department</b>	<b>Law enforcement</b>	<b>Recording officials</b>	<b>Social services</b>	<b>Tax assessor</b>	<b>Voter registrars</b>
<b>Type of records</b>	Adoption records	Birth certificates	Concealed weapons applications	Business or professional licenses	Social service case files or records	Tax assessment records	Voter registration records
	Child custody records	Death records	Prison records	Hunting or fishing licenses			
	Child paternity records	Immunization records	Records of criminal arrest warrants	Marriage licenses or applications			
	Child support records	Records of communicable diseases		Military discharge records			
	Divorce records			Military induction records			
	Estate and inheritance records			Mortgage and real property transfer records			
	Jury lists			Notary commission records			
	Litigation and civil case files			Property ownership records			
	Name change petitions			Public utility usage records			
	Records of criminal proceedings			Records of property liens and other judgments			
	Records of judgments			Uniform Commercial Code (UCC) filings			
	Traffic records			Vehicle or vessel registration records			

Source: GAO.

Due to the variations mentioned above, we received responses about some types of records from more than one program area. Survey responses concerning the following types of records were most often returned by recording officials, but not infrequently by courts: mortgage and real

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property transfer records, property ownership records, records of property liens and other judgments, Uniform Commercial Code (UCC) filings, divorce records, marriage licenses or applications, hunting and fishing licenses, military discharge and induction records, business or professional licenses, public utility usage records, notary commissions, and vehicle or vessel registrations.

# Appendix VI: Comments from the Department of Defense



PERSONNEL AND  
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

SEP 16 2004



Ms. Barbara D. Bovdjerg  
Director, Education, Workforce, and Income Security Issues  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Ms. Bovdjerg:

This is the Department of Defense (DoD) response to the GAO draft report, "SOCIAL SECURITY NUMBERS: Governments Could do More to Reduce Display in Public Records and Identity Cards," dated September 2, 2004 (GAO Code 130249/GAO-04-1047). Overall, DoD concurs with the report with the following comments:

- a. The report states there are approximately 2 million cards issued to DoD personnel with the individual's Social Security Number (SSN) on the cards. This number does not reflect the numbers the Department previously provided to the GAO. The number provided is approximately eight million, see enclosure.
- b. The Draft Report refers to the DoD as "Defense." Suggest this should be changed to reflect "Department of Defense."
- c. The Geneva Accord requires all military personnel and civilian personnel accompanying the Armed Forces to have an identification card showing the owners serial number. The Department has employed the SSN as the serial number. To remove this SSN from identification cards would require a change to the Geneva Accord or a change to the serial number that the Department currently employs. There are approximately 2.5 million cards issued that meet the requirements of the Geneva Accord.

The Department appreciates the opportunity to comment on the draft report. For questions please contact my action officer Ms. Mary Dixon at (703) 696-7423 or Mike Butler, (703) 696-7395.

Sincerely,

Jeane B. Fites  
Deputy Under Secretary of Defense  
Program Integration

Enclosure:  
As stated



# Appendix VII: Comments from the Office of Personnel Management



OFFICE OF THE DIRECTOR

UNITED STATES  
OFFICE OF PERSONNEL MANAGEMENT  
WASHINGTON, DC 20415-0001

OCT 0 4 2004

Barbara D. Bovbjerg, Director  
Education, Workforce, and Income Security Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Bovbjerg:

I appreciate the opportunity to provide comments to your draft report, GAO-04-1047, "Social Security Numbers: Governments Could do More to Reduce Display in Public Records and Identity Cards."

I am very proud of the Office of Personnel Management's (OPM) administration of the Federal Employees Health Benefits (FEHB) Program. I take seriously our responsibility to protect the privacy of Federal employees, retirees, and their families who are enrolled in the Program. I was, therefore, disappointed to find that the report failed to articulate fully the results we have achieved in moving FEHB carriers away from use of the Social Security number (SSN) as an individual identifier for enrollees. Even though OPM staff provided a complete history of the work we have done in this area, the body of the GAO draft report barely addresses our accomplishments and the "Results in Brief" section has no mention of them at all.

One year ago (September 5, 2003) I authorized instructing health insurance carriers participating in the FEHB Program to discontinue the use of SSNs on member identification cards. While some insurance carriers had already discontinued use of (or never used) SSNs as personal identifiers, most of the larger carriers were doing so at that time. OPM told these carriers to replace membership cards with new ones that do not display the SSN as soon as it was operationally and financially practical to do so. We explained at the time to our insurance carriers that "(t)he [SSN] can serve as a critical link in identity theft cases, identity creation, and other crimes.... OPM is joining the [Social Security Administration] in limiting the use and display of the SSN."

Carrier response has been extremely gratifying. By the end of 2004, all nationwide fee-for-service plans will be using unique identifiers on their health insurance cards, as will many more HMOs. More than 93 percent of all FEHB Program subscribers will have unique identifiers on their insurance cards by the end of this year. By the end of 2005, only 3.7 percent of FEHB Program subscribers will have their SSNs on their health insurance identification cards. That means more than 3.8 million subscribers will have a unique identifier rather than the SSN

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**Appendix VII: Comments from the Office of  
Personnel Management**

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Barbara D. Bovbjerg

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displayed on their identification cards. We will continue to work with the outlying insurance carriers until no FEHB Program subscriber identification card displays an SSN.

We are proud of this important privacy initiative and would be pleased to have GAO credit OPM's accomplishment more fully in your final report. We also have comments or corrections on specific sections of the draft report. Our comments are provided as an enclosure to this letter.

Thank you for the opportunity to provide our comments to your draft report.

Sincerely,



Kay Coles James  
Director

Enclosure

# Appendix VIII: Comments from the Social Security Administration



## SOCIAL SECURITY

The Commissioner

September 24, 2004

Ms. Barbara D. Bovbjerg  
Director, Education, Workforce,  
and Income Security Issues  
Room 5968  
U.S. Government Accountability Office  
Washington, D.C. 20548

Dear Ms. Bovbjerg:

Thank you for the opportunity to review and comment on the draft report "Social Security Numbers: Governments Could do More to Reduce Display in Public Records and Identity Cards" (GAO-04-1047). We agree that as the number of uses of an individual's Social Security number (SSN) increases, so does the potential for misuse.

We appreciate your efforts to determine the extent, and reasons why, an individual's SSN may be visible on government documents and records that are made available to the public. We have worked in the past, and will continue to work in the future, with other agencies - at the Federal, State and local levels - to assist them in making their processes less vulnerable to those who are intent on misusing SSNs. Together we can take action to thwart those who would abuse the SSN and other agencies' records to perpetrate identity crimes that burden Americans and threaten the security of our nation.

With regard to the SSA-specific information, the report accurately describes the guidance we provide to individuals regarding protecting their Social Security cards from unnecessary exposure; i.e., do not carry the card with you and keep the card in a safe place. It also accurately cites the Privacy Act of 1974 as the rule that governs and limits disclosure of the SSN on Federal Executive Branch records.

If you have any questions, please contact Candace Skurnik, Director, Audit Management and Liaison Staff at (410) 965-4636.

Sincerely,

A handwritten signature in cursive script that reads "Jo Anne B. Barnhart".

Jo Anne B. Barnhart

SOCIAL SECURITY ADMINISTRATION BALTIMORE MD 21235-0001

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# Appendix IX: GAO Contacts and Staff Acknowledgments

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## GAO Contacts

Alicia Puente Cackley (202) 512-7022  
Melinda F. Bowman (202) 512-3542

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## Staff Acknowledgments

The following team members contributed to all aspects of this report: Dennis Gehley, Ron La Due Lake, Joel Marus, Nila Garces Osorio, and John Trubey. In addition, Margaret Armen, Susan Bernstein, Carolyn Boyce, Richard Burkard, Stefanie Bzdusek, Melissa Hinton, Catherine Hurley, Chris Moriarity, and Caroline Sallee made contributions to this report.



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