



---

## COALITION FOR SENSIBLE PUBLIC RECORDS ACCESS

Date: October 13, 2021

To: Members of Michigan Legislature

Re: **HB 5368 Regarding Keeping Date of Birth in Certain Public Records**

### **Who We Are**

The Coalition for Sensible Public Records Access (CSPRA) is a non-profit organization dedicated to promoting the principle of open public record access to ensure individuals, the press, advocates, and businesses the continued freedom to collect and use the information made available in the public record for personal, governmental, commercial, and societal benefit. Members of CSPRA are just a few of the many entities that comprise a vital link in the flow of information for these purposes and provide services that are widely used by constituents in your state. Collectively, CSPRA members alone employ over 40,000 persons across the U.S. The economic and societal activity that relies on entities such as CSPRA members is valued in the trillions of dollars. Our economy and society depend on value-added information and services that includes public record data for many important aspects of our daily lives and work and we work to protect those sensible uses of public records.

### **Summary of Concerns and Recommendations**

Date of birth is a vital identifier that helps to accurately connect public records to the right individual to support a variety of important functions, including to: help prevent fraud by verifying identities, help construct accurate databases used to assist law enforcement with investigations, connect auto related court records to the insurance industry, and help build the database to help find missing and exploited children. Our concerns and recommendations are as follows:

- Many critical and beneficial business and civic functions depend upon access to secondary identifiers beyond name such as date of birth (see attached infographic).
- We are concerned about the need for secondary identifiers where accuracy of identity is essential, multi-state data bases are used for serving government, business, and customer needs, and speed and convenience are expected and needed for success.
- A recent change in court rules that will remove birth date from public records will cause a specific harm to any person with a common or shared name in that they will not be able to be clearly and positively identified and distinguished from others with the same or similar names and whose behavior may be associated with them in error
- Date of birth needs to be preserved to prevent false positive and false negative associations of a person with the facts in a public record
- Birth dates are often self-publicized in many forums and are in such wide black-market circulation such that they are not secret

- Modern cybercrime has moved far, far beyond using simple data elements to perpetrate the vast bulk of thefts and there is no case for blocking this public data to prevent any identity or credit fraud
- Blocking birth dates in public records will cause far more harm than any conceivable and unlikely benefit
- We have attached a short white paper that provides:
  - Analysis on why access to birth date in public records is not how identity theft occurs in the current cybercrime marketplace where full and detailed identities, account numbers, and passwords are for sale on the dark web at less than the cost of a copy of a single public record containing only name and birth date
  - Our recommendations for how to effectively combat identity theft that do not harm legitimate use of public records

### **Truth and Trust Depend on Accurate Identification**

We annually see various proposed laws and rules that remove unique identifiers such as date of birth and other personally identifiable data in accessible public records. These proposals often, intentionally, or not, apply even when there are legitimate and important public or private needs to uniquely identify a person. Since there is no common government system to do this, the public and private sectors have improvised one. Combining full name with unique or distinct data such as date of birth, address, and so on is used to positively identify a person. Such affirmative identification was a formality when most of us lived in rural areas, and everyone knew everybody else who resided there. Now, the accurate identification of millions of Americans who are not our friends and neighbors depend on use of distinct personal identifiers to enable everyday transactions, protect vulnerable populations, prevent fraud, and hold government accountable. The attached white paper and infographic spell out both the benefits of secondary identifiers and the use of public records for personal and societal benefit.

### **Protect Beneficial Uses of Public Records**

Use of accurate public records is essential to our civic, commercial, and personal lives. Without methods to ensure reliable association of the facts of the public records to a specific person, the use of public records for their essential purposes are imperiled. We urge you to address the need for secondary identifiers such as birth date in your rules to protect beneficial uses of public records.

Thank you for your consideration of our input.

***Richard J. Varn***

**Executive Director**

**Coalition for Sensible Public Records Access**

San Antonio, TX

Email: [rvarn@cspra.org](mailto:rvarn@cspra.org)

Cell : (210)236-1282

*A non-profit organization dedicated to promoting the principle of open public records access to ensure individuals, the press, advocates, and businesses the continued freedom to collect and use the information made available in the public record for personal, commercial, and societal benefit.*



## Did You **KNOW?**

### IN A SINGLE YEAR PUBLIC RECORDS PLAY A KEY ROLE IN THE

- Purchase of over 6 million residential homes
- Sale of over 17 million cars
- Notification of nearly 53 million auto recalls
- Issuance of over 21 million passports and travel cards
- Creation of quality-of-care reports protecting over 7 million children (under age 5) in day care and over 8 million adults receiving long-term care
- Detection of fraud and fair underwriting for 291 million life, 167 million health, and 234 million car insurance policies
- Checking the performance, quality, and stability of 6,800 banks, 3,000 credit unions, and 1,000 saving and loan institutions



CSPRA works to inform the public and policy makers about the beneficial commercial uses of public records and promote a balanced discussion of the role of public records in an information-based economy.

This information is provided for illustrative purposes only. All public records data, distributed or otherwise, submitted by CSPRA, members or organizations is in accordance with all applicable laws, rules and regulations.



## Society Benefits from the **LEGITIMATE USE OF PUBLIC RECORDS**



## The Everyday **VALUE** of Public and Private Records **WORKING TOGETHER**

Consumers and government benefit from the combination of public and private records systems. Together, these systems produce value added services, including: protection of children and seniors; lending; oversight of government; child support enforcement; improved newsgathering and economic forecasting. Public and private records systems working alone do not provide an equivalent capacity to enhance public safety, facilitate commerce and reduce government costs and inefficiencies.



# The use of PUBLIC RECORDS in our DAILY LIVES



## BUYING OR SELLING A HOME:

- ✓ Evaluate the mortgage applicant and validate the funds
- ✓ Verify the payment of property taxes
- ✓ Conduct a lien search
- ✓ Provide a clear title
- ✓ Discover any pending litigation against the seller
- ✓ Discover environmental hazards
- ✓ Verify assessments or encroachments
- ✓ Find neighborhood earnings (crime activity, school performance, walkability)

## CHOOSING A CARE PROVIDER

- ✓ Verify provider's credentials, including background check
- ✓ Obtain public health and safety reports
- ✓ Determine available public assistance programs
- ✓ Obtain a care provider report card

## BUYING A CAR:

- ✓ Conduct credit check for a loan
- ✓ Identify recalled vehicles
- ✓ Confirm proper titling
- ✓ Find safety and fuel consumption ratings
- ✓ Reveal crash and repair history
- ✓ Align insurance rates to driver behavior

## ENABLING COMMERCE:

- ✓ Open a bank account
- ✓ Apply for credit
- ✓ Reduce identity theft crime
- ✓ Help consumers avoid when their purchases come from
- ✓ Improve supply chain efficiency for businesses
- ✓ Identify and prevent money laundering
- ✓ Allow investors to better value stocks and bonds

## GETTING A JOB:

- ✓ Perform background check
- ✓ Verify licenses and credentials
- ✓ Confirm work eligibility under the law

## TRAVELING ABROAD:

- ✓ Obtain a passport or travel visa
- ✓ Prove residency
- ✓ Identify country, immigration and public health restrictions
- ✓ Access terrorism and safety alerts

## KEEPING PEOPLE SAFE:

- ✓ Arrest criminals
- ✓ Reduce consumer fraud
- ✓ Improve access to the justice system
- ✓ Publicize known offenders
- ✓ Protect vulnerable people