



Office of the Inspector General

SOCIAL SECURITY ADMINISTRATION

MEMORANDUM

Date: June 11, 2021

To: Andrew Saul
Commissioner of Social Security

From: Gail Ennis
Inspector General

Subject: Follow-up on Personally Identifiable Information Made Available to the Public Via the Death Master File (A-06-18-50708)

The attached final report presents the results of the Office of Audit's review. Our objective was to determine whether actions the Social Security Administration has taken since our March 2011 report, *Follow-up: Personally Identifiable Information Made Available to the Public Via the Death Master File (A-06-10-20173)*, effectively mitigated PII breaches.

If you wish to discuss the final report, please call me or have your staff contact Michelle L. Anderson, Assistant Inspector General for Audit, at 410-965-9700.

Gail S. Ennis

cc: Trae Sommer
Attachment

Follow-up on Personally Identifiable Information Made Available to the Public Via the Death Master File (A-06-18-50708)

In 2008 and 2011, we reported¹ that, from January 2004 through April 2010, the Social Security Administration (SSA) deleted approximately 83,000 numberholders' death entries from the Death Master File (DMF);² publication of the public DMF resulted in the erroneous disclosure of at least 35,000 living individuals'³ personally identifiable information (PII); and SSA's attempts to mitigate these PII breaches did not always remove the PII from the public domain. In both reports, we recommended SSA implement a risk-based approach for distributing public DMF information by delaying the release of file updates for public customers by a number of months to give itself time to correct erroneous death entries. We also recommended SSA limit information included in the public file to the minimum required and to explore alternatives to including decedents' full Social Security numbers (SSN).

To accomplish this review, we obtained data that identified 63,910 instances where SSA removed death entries from the DMF between January 2013 and December 2019.⁴ Although SSA disagreed with our recommendations, we found that subsequent events, including actions SSA took, have mitigated the risk that publication of the public DMF could result in a breach of living individuals' PII. See [Appendix 1](#) for information on our scope and methodology.

STATE DEATH RECORDS REMOVED FROM THE PUBLIC FILE

In November 2011, SSA interpreted provisions of section 205(r) of the *Social Security Act*⁵ to prohibit disclosure of State death information, including the fact of an individual's death, if

¹ SSA, OIG, *Personally Identifiable Information Made Available to the General Public Via the Death Master File*, A-06-08-18042, June 2008, and *Follow-up: Personally Identifiable Information Made Available to the Public Via the Death Master File (Limited Distribution)*, A-06-10-20173, March 2011.

² As a result of a *Freedom of Information Act* lawsuit, *Perholtz v. Ross*, Civ. Nos. 78-2385 and 78-2386 (U.S. District Court for the District of Columbia 1980), SSA maintains a record of reported deaths. SSA creates a full file of death information that includes all death data in its records, including State death data. SSA provides the full file to Federal benefit-paying agencies to help prevent payments after death. As of September 2019, the full file contained approximately 126 million records. SSA also creates a public DMF, or public file of death information, which is an extract of the full file that excludes State death records. SSA provides the public DMF to the Department of Commerce's National Technical Information Service (NTIS), which, in turn, sells the data to public and private subscribers. As of September 2019, there were approximately 101 million records in the public DMF.

³ SSA issued payments to the individuals after it deleted their death entries, indicating the Agency determined they were alive.

⁴ We did not determine whether these individuals were alive at the time of our review. However, 22,401 individuals whose death entries were removed through December 2018 were in current payment status as of January 2019, indicating SSA determined they were alive.

⁵ *Social Security Act*, 42 U.S.C. § 405(r)(6) (govinfo.gov 2018).

SSA's only source of death information is a State. Since that time, SSA has excluded approximately 25 million of the 126 million death records in its full file of death information from the public DMF provided to NTIS and sold to its DMF subscribers. While prior audit work⁶ indicated death information that SSA received from States was the source of less than 3 percent of death-reporting errors, this action eliminates the possibility that any death-reporting errors among the 25 million excluded records result in publication of living individuals' PII in the public DMF.

BIPARTISAN BUDGET ACT OF 2013

The *Bipartisan Budget Act of 2013*⁷ (Act) revised limits on discretionary appropriations for Fiscal Years 2014 and 2015. The Act also changed programs not funded through annual appropriations, including how the Department of Commerce distributes the public DMF, which has reduced the potential exposure of living individuals' PII erroneously included in the file. One provision prohibits the Secretary of Commerce from disclosing DMF information during the 3-calendar-year period following an individual's death, unless the requestor was certified to access that information, and prescribes penalties for unauthorized disclosure. As a result, the Department of Commerce established a certification program requiring that public DMF subscribers demonstrate a legitimate fraud-prevention interest or business purpose before NTIS sells them the limited-access version of the public DMF.⁸ Since NTIS implemented the certification program, the number of public DMF subscribers has plummeted from approximately 1,500 in 2013 to 207 in January 2020.

As part of the certification program, NTIS prohibits subscribers from posting public DMF information on the Internet or making the data available via the Internet or other gateway. In 2008, we reported the PII of 28 percent of sampled living numberholders remained available for viewing on at least one public Website months or years after SSA removed the death entries from the DMF. In 2011, that number declined to 6 percent. For this review, we determined less than 3 percent of sampled living numberholders' PII remained available on at least one public Website,⁹ and no PII was available for viewing on the Websites for any of the 167 beneficiaries in our sample whose death information SSA removed from the DMF after January 2015.

⁶ SSA, OIG, *Sources of Erroneous Death Entries Input into the Death Master File*, A-06-09-29095, February 2009.

⁷ Pub. L. No. 113-67, 127 Stat. 1165.

⁸ NTIS is authorized to sell to non-certified subscribers a version of the public DMF that excludes death entries during the 3-year period following an individual's death. However, NTIS officials informed us it sells only the limited-access file.

⁹ We randomly selected 250 of the 22,401 individuals with erroneous death entries that SSA removed from the DMF from January 2013 through December 2018 who were in current payment status as of January 2019. We determined whether the individuals' PII was viewable via Internet searches on either Ancestry.com or Familysearch.org.

EXPANDED USE OF ELECTRONIC DEATH REGISTRATION

Expanded use of the Electronic Death Registration (EDR) has increased the accuracy of SSA's death information and reduced death-reporting errors. EDR allows SSA to provide States with online, real-time verification of the decedent's SSN and allows States to provide faster and more accurate death information for SSA to use in its data-matching programs. Since October 2011, the number of States reporting death information to SSA via EDR has increased from 31 to 46. During approximately the same time, the number of erroneous death entries SSA removed from the DMF declined by approximately 45 percent.¹⁰ However, in most States that have implemented EDR, its use is voluntary. As a result, not all deaths are reported to SSA via EDR. In a 2017 report,¹¹ we identified 31 States that had implemented EDR for at least 3 years and found those States reported approximately 77 percent of deaths to SSA via EDR. As the number of States using EDR and the volume of death reports those States process through EDR increase, the corresponding number of erroneous death reports should continue to decline.

Because SSA does not have oversight authority of EDR in the States, we made no recommendations. SSA's comments are included in [Appendix 2](#).

¹⁰ During our 2011 audit period (May 2007 through April 2010), SSA averaged 12,539 death entry deletions per year. During Calendar Year 2019, SSA deleted 6,873 death entries—a 45.2 percent reduction.

¹¹ SSA, OIG, *State Use of Electronic Death Registration Reporting*, A-09-15-50023, July 2017.

SCOPE AND METHODOLOGY

To accomplish our objective, we:

- Reviewed applicable sections of Federal laws and the Social Security Administration's (SSA) regulations, rules, policies, and procedures.
- Assessed the Agency's actions in response to recommendations in our March 2011 report, *Follow-up: Personally Identifiable Information Made Available to the Public Via the Death Master File* (A-06-10-20173), which reported the status of SSA's corrective actions to address recommendations in our June 2008 report, *Personally Identifiable Information Made Available to the General Public Via the Death Master File* (A-06-08-18042).
- Identified 63,910 instances where the Agency removed death entries from the Death Master File between January 2013 and December 2019. We did not verify these individuals were alive at the time of our review. However, we determined 22,401 numberholders whose death entries the Agency removed through December 2018 were in current payment status as of January 2019, indicating SSA determined they were alive. We tested the data and determined they were sufficiently reliable to meet our audit objective. We randomly selected 250 of the 22,401 current pay numberholders and determined whether their personally identifiable information could still be viewed on either Ancestry.com or Familysearch.org.

We conducted our audit between June 2019 and October 2020 in Dallas, Texas. We determined the data used for this audit were sufficiently reliable to meet our audit objective. The entity audited was the Office of the Deputy Commissioner for Operations. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

AGENCY COMMENTS



SOCIAL SECURITY

MEMORANDUM

Date: May 26, 2021 Refer To: TQA-1

To: Gail S. Ennis
Inspector General

A handwritten signature in blue ink, appearing to read "Scott Frey".

From: Scott Frey
Chief of Staff

Subject: Office of the Inspector General Memorandum Draft Report, "Follow-up on Personally Identifiable Information Made Available to the Public Via the Death Master File"
(A-16-18-50708) -- INFORMATION

Thank you for the opportunity to review the draft report. We are pleased that OIG found that we successfully mitigated the risk of exposing living individuals' personally identifiable information in the public death master file.

Please let me know if I can be of further assistance. You may direct staff inquiries to Trae Sommer at (410) 965-9102.