

# **Privacy Impact Assessment for the**

## *NC State Board of Elections Voter Records*

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# Overview

*Describe the project and its purpose.*

Secretum Technologies<sup>1</sup> is a privacy consulting firm. We have been retained by a privacy philanthropist, who wishes to be anonymous at this time. We aim to make a case for stronger legal privacy protection for North Carolina residents by analyzing the state's publicly available voting records, provided by the North Carolina State Board of Elections (NCSBE). The following Privacy Impact Assessment (PIA) was inspired by the US Department of Homeland Security and Federal Trade Commission PIA Templates [1], [2].

*What legal authority allows for the collection, maintenance, or dissemination of information for this project?*

The information in this system is collected, maintained, and disseminated pursuant to the North Carolina Public Records Law, which allows the release of public voting records. According to Section 132-1.10 of the North Carolina General Statutes, "all public records shall open to inspection and examination by any person at reasonable times, unless otherwise specifically provided by law" [3].

Additionally, with the exception of North Dakota, all states are required by the Federal Help America Vote Act (HAVA) of 2002 to create a centralized and computerized voter registration list. The database must include the registration details and names of all legally registered voters within the state [4]. However, HAVA doesn't explicitly outline what additional information each state should collect for each voter [5].

## Data Type, Sources, and Use

*Specify the types of Personally Identifiable Information (PII) that are collected in the project.*

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<sup>1</sup>Secretum Technologies is not a real privacy consulting firm and is a fictional name created for the purposes of this project.

According to the National Institute of Standards of Technology (NIST), PII is information that could be used to find someone's identity, either by itself or combined with other records [6].

*What is the purpose for collecting the information above?*

It is the state's responsibility to formulate methods that maintain the integrity of our elections. Voter records are generally kept public to establish transparency between the government and its citizens, and to prevent election fraud [7].

Voter records are especially useful for political campaigns, pollsters, academic researchers and journalists. These individuals use voter records for analyzing election trends and voter behavior. Notably, insights from voter files help facilitate voter outreach efforts by political campaigns and non-profit organizations [8].

*What are the sources of information in the project? How is this information collected?*

<input checked="" type="checkbox"/> Full Name	<input type="checkbox"/> Audio Recordings
<input type="checkbox"/> Date of Birth	<input type="checkbox"/> Photographic Identifiers
<input checked="" type="checkbox"/> Home Address	<input type="checkbox"/> Certificates
<input checked="" type="checkbox"/> Phone Number(s)	<input type="checkbox"/> Legal Documents, Records, Notes
<input checked="" type="checkbox"/> Place of Birth	<input type="checkbox"/> Vehicle Identifiers
<input checked="" type="checkbox"/> Age	<input type="checkbox"/> Financial Information
<input checked="" type="checkbox"/> Race/ethnicity	<input type="checkbox"/> Geolocation Information
<input type="checkbox"/> Alias	<input type="checkbox"/> Passport Number
<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> User ID
<input type="checkbox"/> Email Address	<input type="checkbox"/> Internet Cookie Containing PII
<input type="checkbox"/> Work Address	<input type="checkbox"/> Employment Status, History, or Information
<input type="checkbox"/> Taxpayer ID	<input type="checkbox"/> Employee Identification Number
<input type="checkbox"/> Credit Card Number	<input type="checkbox"/> Salary
<input type="checkbox"/> Facsimile Number	<input type="checkbox"/> Military Status/Records/ID number
<input type="checkbox"/> Medical Information	<input type="checkbox"/> IP/mAC Address
<input type="checkbox"/> Education Records	<input type="checkbox"/> Investigation Report or Database
<input type="checkbox"/> Social Security Number	<input type="checkbox"/> Driver's License/State ID Number
<input type="checkbox"/> Mother's Maiden Name	
<input type="checkbox"/> Biometric Identifiers	

Sources of the information derive from voter registration applications. Eligible voters can either register with the DMV or by filling out the application by mail [9]. The information is collected directly from individuals [10].

<u>Source</u>	<u>Data element</u>	<u>Sink</u>
Voter Registration Form	Full legal name	Voter registration database
Voter Registration Form	End of year age + year of birth	Voter registration database
Voter Registration Form	Birth State/Country	Voter registration database
Voter Registration Form	Residential + Mailing Address	Voter registration database
Voter Registration Form	Phone Number	Voter registration database
Voter Registration Form	Race/Ethnicity	Voter registration database
Voter Registration Form	Gender	Voter registration database
Voter Registration Form	Political Party Affiliation	Voter registration database
Voter Registration Database	Phone Number + Email	Campaigns

## Data Access and Sharing

### *Who can access voter registration records?*

Any person is able to access the voter registration records for North Carolina. These records can be directly downloaded with no fee from the North Carolina State Board of Elections website [11]. This differs from some states such as Maryland, where only registered voters of the state are able to access the database, or Delaware where only certain political entities are able to access the registration records for free [12].

### *How are individuals notified prior to the collection of their PII?*

In the phone number section of the voter registration form, individuals are warned that their phone number may become public record [10]. However, there is no such warning that other parts of the form will also be publicly available. The voter registration form seems to depend on the implicit understanding that the voting registration records of many states are publicly available.

*What opportunities are available for individuals to consent to uses or decline to provide information?*

Voters are not required to provide all the information presented on the voter registration form. Required information includes: Name, date of birth, residential address, and mailing address. Registrants do not have the option to decline to provide this information. However, registrants can choose whether to provide their phone number, email address, driver's license number, last 4 digits of social security, race, gender, ethnicity, and political party affiliation [10].

*How can individuals redact some of their PII?*

In cases where voters believe their personal safety would be in danger if their address were to be publicly available, individuals can submit a request to redact their address from the publicly available voting records. However, they must have "either 1) a copy of a 50B protective order; 2) a restraining order; or 3) a current and valid Address Confidentiality Program authorization card issued, according to the provisions of Chapter 15C of the General Statutes" [13]. Furthermore, they must also write a signed statement expressing that either their or their family member's physical safety would be threatened if their address were publicly available.

*Are individuals able to access their PII?*

As discussed earlier, North Carolina voting registration records are publicly available to everyone. Individuals can view their personal information by downloading and looking through the voting records or by using the Voter Search available at the North Carolina State Board of Elections website.

*Can individuals correct inaccurate information?*

North Carolina Division of Motor Vehicles customers are able to update their address and party affiliation through an online voter registration application. Additionally, all North Carolina residents are able to update their name, address, and party affiliation by mail [14].

## Data Accuracy and Security

*Are there procedures in place to ensure that the information maintained is accurate, complete, and up-to-date?*

There are several processes that the NCSBE conducts to ensure that the information in the voter database is accurate.

One of these processes includes a Biennial List Maintenance. If a county board has not had contact with a voter for two federal election cycles, and the voter has not voted, an address confirmation will be sent in the mail [15]. If the voter does not return the mailing, then the voter will be marked inactive [15]. If the voter shows up to vote, their status will be updated [15]. If there has been no contact after four election cycles, then the voter is removed from the registration list [15].

The North Carolina State Board provides the county boards of elections with change of address data from the U.S Postal Service [15]. County boards are responsible to send voters a mailing to the new address to confirm whether they have an unreported change of address [15]. This is an opportunity to allow voters to update their information within a county, or notify the county that they have moved outside of that county [15].

*Are there administrative procedures and technical safeguards in place to protect the data in the project?*

The State Board of Elections provides a set of cybersecurity policies that align with the North Carolina Department of Information Technology. According to the Department's Data Classification and Handling Policy, publicly available records do not contain data that would be classified as high risk [16] .

There are a number of additional measures that the State Board of Elections take to ensure the security of its systems. Regular security assessments are conducted to identify vulnerabilities and mitigate them before attackers can exploit them [17]. Infrastructure system patching is conducted on a regular basis [17]. The NCBES Cybersecurity team implements incident response planning, tabletop exercises, and awareness training [17]. The Cybersecurity team ensures that they are alert of potential attacks and informed about the latest preventative cybersecurity methods.

*How long is data retained in the system/project? What procedures are there for disposing of this data?*

Voter registration data is regularly removed from the current voter registration records. There are a variety of ways that a voter's information gets removed from the current records. Voters that move to different states are removed from their previous state's records. This is usually discovered through data sharing agreements that North Carolina counties have with different states [18].

Voters who have passed are routinely removed from the voter database [15]. This information is shared from the NC Department of Health and Human Services [15]. The NC Department of Public Safety and US attorney's offices provide information to remove felons from the voter database [15]. Furthermore, registered voters are removed from the database if they haven't voted in more than ten years [11]. Finally, voters are also able to directly cancel their registration.

Previous voter registration records are permanently available through the North Carolina State Board of Elections website. "Snapshots" of the voting registration records for a given year can be accessed going back to 2005. Thus, omitted/removed data from the current records will remain publicly available.

## Auditing and Accountability

*How does the project ensure that the information is used in accordance with stated practices in this PIA?*

Certain states prohibit the use of voter registration data for non-election purposes. For example, the New York State Board of Elections provides a notice of NYS Election Law Sec 3-103.5 against the misuse of voter registration information with the resulting consequence being a misdemeanor [19]. This notice appears on a form that must be submitted to access their voter registration data. A requester is required to provide their name, address, and email which leaves an audit trail if a requester is found guilty of data misuse [20]. In contrast, North Carolina doesn't have equivalent notification and legislation to prevent misuse of information [21].



# Privacy Risks and Recommendations

*Considering the PII collected, what privacy risks have been identified and how have they been addressed?*

One of the most pressing privacy concerns regarding voter registration data for North Carolina is the lack of control over who can view the data. Because the data can be directly downloaded from a website without providing any user information, there is no way to track potential misuses of this data. Therefore, there is no way to revoke access to voter registration records for parties that have maliciously used the data. Another identified privacy risk is the public availability of sensitive information such as residential addresses and phone numbers. Moreover, registrants cannot decline to provide an address. This is significant because they are required to provide sensitive information which is then published for anyone to see.

## *Threat and Risk Analysis*

A prevalent issue that the United States is currently dealing with is a widespread outbreak of domestic violence. In North Carolina, 35.2% of women and 30.3% of men face the trauma of physical or sexual violence by an intimate partner at some point in their lives [22]. Stalking is a substantial contributor to the crisis as 1 in 7 women and 1 in 18 men in the U.S. will experience stalking [7]. The inclusion of an individual's name and residential address exposes victims of domestic and sexual abuse. While North Carolina has implemented an Address Confidentiality Program (ACP) that allows victims to redact their residential address, the approval process is difficult and does not guarantee privacy for victims. As previously discussed, to apply for North Carolina's ACP, individuals must obtain a protective order that specifies the risk of their physical safety if their personal address is publicly available and submit it to the local county board of elections [13]. However, an approved applicant may still face unwanted exposure due to the availability of other personal information in the public domain. Victims of domestic violence could also face the issue of not having any official records against their attackers. Furthermore, being able to request redaction of their personal information is a retroactive measure, not preventative, and could still enable stalkers to target other victims. Thus, making this information available to the public still poses a risk to individuals, despite allowing some individuals to redact their information.

Another noteworthy threat is identity theft. Attackers only need as little information as a zip code to steal identities, carry out scams, and engage in other fraudulent activities [23]. Subsequently, the inclusion of name, address, income level, and ethnicity makes

North Carolina's publicly available voter registration data an easy access resource for thieves.

## *Recommendations*

In the case that the state prefers to keep voter information publicly available, the eligibility criteria to redact addresses should require a lower burden of proof for applicants. This reform would reduce registrants exposure to threats, particularly for individuals with high privacy risk.

A more aggressive approach to protecting voter privacy involves making voter registration records accessible only to campaigns, political parties, and entities deemed appropriate by the state. This is how Massachusetts handles their voter records [7]. To increase security, North Carolina could require the requester of the data to disclose certain information before accessing the voter list. For instance, in California individuals who wish to obtain voter registration data must provide their name, address, telephone number, driver's license number, group affiliation, and a statement of the intended use [7]. By obtaining this information, the government would have a clearer understanding of who has access to this critical data and could potentially stop wrongful usage and access.

Our final recommendation is to mandate that voter records only be used for non-commercial purposes. Entities that are granted access to the data should not be allowed to sell it to companies or use it for non-electoral reasons. Presenting consequences for illegal use of voter data would deter exploitation. New York's Law Sec 3-103.5 could be an effective guide [19].

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