

Department of Commerce Seeks Public Comment on Certification Program for Death Master File Access

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In response to privacy-related concerns about the potential misuse of the Social Security Administration's Death Master File (DMF), Congress restricted access to the DMF in late 2013. Section 203 of the Bipartisan Budget Act of 2013 prohibits disclosure of data contained in the DMF for three calendar years following an individual's death, unless the person or organization seeking the information is certified under a program to be established by the Secretary of Commerce. Persons or organizations will be eligible for certification under Section 203 if they have a legitimate fraud prevention interest or business purpose in accessing the information and if they have procedures in place to safeguard the information. The Secretary of Commerce has delegated the authority to implement Section 203 and develop the certification program to its National Technical Information Service (NTIS). NTIS is now requesting comments from the public regarding the establishment and implementation of a certification program. The accessibility of the DMF is a significant consideration for insurance companies as they establish policies and procedures to comply with state regulations, which require companies to periodically search the DMF and similar databases to identify potentially deceased insureds and unclaimed insurance benefits. NTIS's request for comment seeks information on how to best implement the fee-based certification program, including comments on the following:

- How persons and organizations characterize the basis for their use of the DMF as it relates to the certification criteria set forth in Section 203 (i.e., a legitimate fraud prevention interest or a legitimate business purpose pursuant to law, governmental rule, regulation, or fiduciary duty);
- How persons and organizations would comply with Section 203's requirement that released DMF information be safeguarded and how to ensure the safeguarding of such information;

- Whether persons and organizations prefer to pay a single, larger fee for accessing the DMF at the time of certification or smaller, periodic fees;
- Whether persons' and organizations' current use of DMF information includes use of deceased individuals' names, Social Security numbers, dates of birth, and dates of death; and
- Whether persons and organizations would find it useful to access a DMF that included some information on a deceased individual within the three calendar years following his or her death, but did not include one or more of the following: name, Social Security number, date of birth, or date of death.

Comments are due to NTIS on or before March 18, 2014, 5:00 pm. Eastern time.

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