

Closing Death Records: “Silver Bullet” or Dead End?

Frederick E. Moss, B.A., J.D., LL.M.
access@fgs.org
www.fgs.org/rpac

The threat of Identity Theft has prompted over a thousand legislative proposals at the Federal, state or local level in recent years impacting access to vital records, the vast majority of which had the effect of limiting that access for genealogical and other purposes. The rationale used to justify these measures suggests an almost reflexive belief that the best or only way to prevent the fraudulent use of such data by identity thieves is to close the records thieves might have used. This logic carries with it the unstated assumption that no harm or costs result from closing records.

We will review an on-going case study of the most dramatic modern example of this approach at the Federal level where a statute has limited access to and the content of the SSA Death Master File. Preliminary results suggest closure does much more harm than good.

Questions addressed:

1. Is the best or only way to fight Identity Thieves to close the records they might have used?
2. Can access to vital records or the Death Master File be closed (or limited) without harm or cost?
3. Is it impossible for legislators to believe that more effective alternatives to closure can be found?
4. What can we do to help our decision-makers do a better job?

How did we get here?

- A. <http://www.fgs.org/rpac/2012/01/28/ssdi-house-ways-means-committee-hearing-2-february-2012/>
- B. <http://www.fgs.org/rpac/2012/02/12/ssdi-their-vision-of-our-future/>

- C. <http://www.fgs.org/rpac/2012/02/19/submissions-for-the-record-social-security-subcommittee-of-house-ways-means-2-feb-hearing/>
- D. <http://www.fgs.org/rpac/2012/03/27/ssdi-update-rpac-recomendation/>
- E. <http://www.fgs.org/rpac/2012/04/02/ssdi-statement-for-the-record-senate-finance-subcommittee-hearing-20-march-2012/>
- F. <http://www.fgs.org/rpac/2012/11/30/house-oversight-committee-29-feb-hearing-id-theft-and-tax-fraud/>
- G. <http://www.fgs.org/rpac/2013/05/05/senate-finance-committee-16-april-hearing-update-pending/>
- H. <http://www.fgs.org/rpac/2013/12/11/budget-bill-includes-the-access-limitations-for-death-master-filessdi/>
- I. <http://www.fgs.org/rpac/2013/12/12/budget-bill-passes-house-floor-vote/>
- J. <http://www.fgs.org/rpac/2013/12/18/dmfssdi-senate-passes-bipartisan-budget-agreement/>
- K. <http://www.fgs.org/rpac/2013/12/22/death-master-file-ssdi-comes-out-of-obscurity/>
- L. <http://www.fgs.org/rpac/2014/01/29/senate-finance-committee-tax-administration-discussion-drafts/>
- M. <http://www.fgs.org/rpac/2014/02/09/commerce-certification-program-weve-only-just-begun/>
- N. <http://www.fgs.org/rpac/2014/04/18/first-review-of-the-new-limited-access-death-master-file/>
- O. <http://www.fgs.org/rpac/2014/04/28/commerce-certification-program-request-for-information-public-hearing/>
- P. <http://www.fgs.org/rpac/2014/10/06/combating-irs-refund-fraud-the-next-profile-in-courage/>
- Q. <http://www.fgs.org/rpac/2014/12/29/death-master-file-request-for-comments-on-proposed-final-rule/>
- R. <http://www.fgs.org/rpac/2015/03/06/part-4-dmf-paradigm-analysis-begins/>
- S. <http://www.fgs.org/rpac/2015/04/01/dmf-comment-period-on-proposed-final-rule-closed-30-march/>

- T. <http://www.fgs.org/rpac/2015/07/05/id360-closing-death-records-silver-bullet-or-detour-a-case-study/>
- U. <http://www.fgs.org/rpac/2015/08/19/august-is-the-right-time-to-tell-your-senators-about-your-record-access-concerns/>

Possible Updates:

As these syllabus materials are being assembled in late November 2015, we anticipate the possibility of some significant developments before our presentation in March. Please check the RPAC Blog at www.fgs.org/rpac for possible updates.