



Consumer Data Industry Association
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CDIAONLINE.ORG

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Catherine Zacharias
Counsel
State of Missouri State Courts Administrator
2112 Industrial Drive
Jefferson City, MO 65109

Dear Ms. Zacharias:

Thank you for your attention to our concerns in our initial telephone discussion the other week.

The Consumer Data Industry Association is the voice of the consumer reporting industry, representing consumer reporting agencies including the nationwide credit bureaus, regional and specialized credit bureaus, background check and residential screening companies, and others. Founded in 1906, CDIA promotes the responsible use of consumer data to help consumers achieve their financial goals, and to help businesses, governments and volunteer organizations avoid fraud and manage risk.

CDIA represents several users of the Missouri Case.Net system that conduct research for background check and other public safety purposes. By our estimate, these organizations conduct an estimated 50,000 searches a week on Case.Net.

Missouri Supreme Court Operating Rule 2.04 limits public access to civil and criminal case subjects' identifying information to a subject's Year of Birth only.¹

The current lack of disclosure of full Date of Birth information in Case.Net under the Court Operating Rule presents a burden to CDIA member users carrying out their positive identification obligations under the Fair Credit Reporting Act. Under the FCRA, a consumer reporting agency "shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates." See 15 USC 1681e (b)

Today, where a consumer's name and year of birth match that of a civil or criminal defendant in Missouri's Case.Net system, the CDIA member user then typically contacts the court of record to confirm if the full date of birth matches against the full date of birth on file with the court. This user-clerk verbal confirmation happens frequently and involves research time and effort by the court clerk in each jurisdiction with a potential match. Sometimes significant court delays result, which can affect the employment and housing tenancy prospects of the consumer.

For consumers with common names, courts' limited name/Year of Birth identifier is an insufficiently precise combination to differentiate a consumer applicant from another consumer with a public civil or criminal history.

Improving access to personal identifiers can help speed background checks on Missouri consumers, further improve their accuracy, and potentially reduce the frequency of inquiries to court clerks.

¹www.courts.mo.gov/courts/ClerkHandbooksP2RulesOnly.nsf/e2aa3309ef5c449186256be20060c329/dc2e80286afa4ad286256ca60051dee2?OpenDocument

Additional public disclosure of a consumer's full Date of Birth can aid identification without compromising privacy expectations. States have lowered privacy expectations for consumer Date of Birth disclosure. As noted in "Identifiers in Public Records Help Put Americans to Work Faster,"² "47 of the 48 states with data breach notification legislation do not classify DOB as an identifier that, if breached, would require notification."

A common solution found in several other statewide court public access search systems is to provide full Date of Birth to the public or to registered users. Here are a select few examples; others are available on request:

- Pennsylvania's Unified Judicial System provides full Date of Birth identifiers by public access along with limited city and state information about the subject.
- Alabama's Alacourt.com provides registered users with a complete Date of Birth, consumer address, and partial SSN information to aid positive identification.
- Wisconsin's Circuit Court Access Program provides full Date of Birth and complete defendant address identifiers to registered users, and limited Month and Year of Birth identifiers to the general public.

CDIA respectfully requests that the Committees specifically provide a method for Case.Net public access users to obtain full Date of Birth information in their Case.Net query results. This may require a modification to Supreme Court Operating Rule 2.04.

In so doing, the Committees will remove current hurdles to job qualification that Missouri consumers applying for job and contractor roles and for housing tenancy face as a result of current limited Year of Birth disclosure practices in Case.Net.

We appreciate this opportunity to provide initial information on our concerns and proposed peer solutions. CDIA is available to meet to discuss the particulars and potential solutions in more detail at your convenience. Questions on this matter may be directed to my attention at the contact information below.

Sincerely,

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cc: Committee on Court Automation Chairman, Representative Bruce DeGroot
State Judicial records committee Chairwoman, Betsy AuBuchon

²Sorenson, [Morning Consult](https://morningconsult.com/opinions/identifiers-in-public-records-help-put-americans-to-work-faster/), Sept. 26, 2019, <https://morningconsult.com/opinions/identifiers-in-public-records-help-put-americans-to-work-faster/>