



October 10, 2019

***Via Electronic Mail***

Laura N. Train  
Chief Data Officer and Associate Commissioner  
Office of Data Exchange, Policy Publications and International Negotiations  
U.S. Social Security Administration

Dear Associate Commissioner Train:

On behalf of our member firms, representing leading payments companies, consumer data providers and thousands of financial institution in the United States, we write regarding the Social Security Administration's (SSA) ongoing efforts to implement Section 215 of S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act (P.L. 115-174). We sincerely appreciate the productive dialogue our organizations have enjoyed thus far with you and numerous officials throughout the SSA.

As you know, SSA reached a milestone recently with the announcement of the firms selected to participate in the initial rollout of eCBSV. This step also sets in motion the process of meeting the statutory funding requirements necessary before development of eCBSV can formally begin. As such, we would like to take this opportunity to share with you the most critical issues our members – the future users of eCBSV – feel must be addressed. These issues directly impact the perceived viability of the system and, if not resolved without delay, may raise the question of whether our members wish to continue in the initial or expanded rollouts.

**Consent Language**

SSA intends to provide rollout participants with “Privacy Act-compliant template language” that is to be used in an “electronic process consistent with the permitted entity’s existing business process.”<sup>1</sup> This language will be designed in accordance with the E-SIGN Act. However, SSA has stated this language will likely be given to industry participants as part of the User Agreement, which must first pass through the OMB/OIRA review process. SSA estimates this will not be completed and ready for distribution before March, 2020. This timeline makes it unlikely that any financial institution will be ready to operationally use the system for the June rollout.

- Financial institutions require significant lead time to implement the changes SSA is likely to require, even if those changes fit within existing processes.

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<sup>1</sup> See eCBSV FAQs 3.01 and 3.02.

- Our members often operate on predetermined IT development cycles, with seemingly simple changes requiring six months or more to push out across different consumer credit product lines and channels.
- Financial Institutions consent language is highly regulated. Any proposed language will need to be closely reviewed to ensure it does not interfere with existing language and may also require regulator review further delaying deployment.

Therefore:

- We request SSA provide industry with placeholder consent language and initial guidance on any process requirements to allow firms, especially those selected for the initial rollout, to begin preparations before the end of the year.
- We encourage SSA to de-couple consent language and any other consent-related process requirements from additional material requiring submission to OMB/OIRA and fast-track the submission of this to OMB/OIRA as quickly as possible.
- Please let us know if and when you will be able to provide us draft/placeholder language, with the understanding it may change, and if you believe de-coupling the consent language and fast-tracking the submission is feasible.
- Further, while we appreciate the stated intent to allow consent to be captured via existing processes and procedures, we want to re-emphasize and caution against introducing a new and additional “opt-in” mechanism specific to eCBSV consent. Financial institutions already have rigorous standards to follow on gaining consumer consent from their regulators. Offering an “opt-in” choice for an eCBSV verification to those seeking to commit fraud is counter-intuitive and harmful to the Congressionally stated goal of fighting fraud.

### **System Availability and Uptime**

In describing service level expectations for the eCBSV system, SSA has stated that it expects to provide users with the same availability or better than that provided by the existing CBSV system.<sup>2</sup> However, we are concerned these expectations fall short of meeting Congressional intent. Congress was clear in the text of Section 215 that eCBSV should “...be scalable and accommodate reasonably anticipated volumes of verification requests from permitted entities with commercially reasonable uptime and availability.”

Our members currently accept and process consumer credit applications 24 hours a day, 365 days a year. For a system to achieve commercially reasonable uptime and be available to operate in line with critical moments of the customer lifecycle, it needs to be accessible 24/7/365 with 99.99% reliability. If it does not, the eCBSV system cannot be seamlessly integrated into the financial services workflow and thus may not be used or may be used too late to protect against fraud.

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<sup>2</sup> See FAQ 9.02

Therefore:

- Please confirm SSA will deliver an eCBSV system that will satisfy Congressional intent by planning to build a system that will deliver at least 99.99% availability, with response time, as measured by request initiation to message receipt, appropriate to meet the system's real-time objectives ( i.e., a target response time of <250ms with 99.9% of all transactions delivered in <400ms).
- If the minimum viable product initial delivery does not envision meeting these requirements, please identify what the expected performance requirements are and what is a planned upgrade path to the necessary 24/7/365/99.99% performance.
- Our members recognize that any changes to the system requirements may have an impact on the program start-up costs. Please let us know if you would be willing to engage in additional collaboration and exchange of ideas to identify the best approaches to reaching this critical objective.

### **Fuzzy Logic/More Detailed Responses**

Like the legacy CBSV, SSA has stated that eCBSV will return a match verification of "Yes" or "No." While a binary response is helpful, an eCBSV system that does not provide additional context into the logic behind such responses may inadvertently deliver results that will preclude millions of legitimate credit applications from moving forward.

For example, someone named "William" might apply for an account as "Will," or someone might accidentally transpose two numbers in their SSN. In both of these situations, an eCBSV system that only provides a Yes/No answer could lead to a rejected credit application – while an eCBSV system that provides additional granularity into the reasons a response was rejected (i.e. "Yes match on SSN, No match on name, Yes match on DOB") would provide permitted entities the opportunity to perform additional fraud and identity checks with the customer, while not impacting SSA compliance with the Privacy Act.

The ability of eCBSV to go beyond a simple Yes/No answer and also incorporate modestly more sophisticated logic into its core functionality would provide users of the system significantly more valuable data with which to fight identity thieves, and also help ensure that legitimate credit applications are not rejected. Such capability would be directly in line with Congressional expectations for a sophisticated fraud-fighting system and would greatly enhance the match engine accuracy of the eCBSV.

Therefore:

- Our members would appreciate the opportunity to pursue a dialogue with SSA on this topic in order to share best practices and explore opportunities to ensure approximate string matching and textual similarity learning techniques, colloquially referred to as "fuzzy logic," are made part of the eCBSV once fully implemented.
- It is essential that our members understand the capabilities of the system and know whether, for example, colloquial names such as John for Johnathon or Bill for

William will return match errors. This will have a tremendous effect on how the system is used and how usable it is. Please let us know whether the system will, as one example, accept and match colloquial names if all other fields are correct.

- We understand there is reluctance to share the details regarding any matching algorithms or proprietary logic that SSA currently employs. Please let us know if there is any way to share this information with industry through a non-disclosure or other approach. If not, we would appreciate knowing what law or policy is causing this restriction so that we can better understand the issue and chart an appropriate path forward.

Thank you in advance for your consideration. Recognizing that several of these information requests are time sensitive and that the answers received may impact a firm's willingness or ability to participate in the initial rollout, we would greatly appreciate a response to these as soon as you possibly can. We look forward to working with you and your colleagues to address these priorities to ensure the development of eCBSV and implementation of Section 215 is a success.

Sincerely,

American Bankers Association

Better Identity Coalition

Consumer Bankers Association

Consumer Data Industry Association

Consumer First Coalition

U.S. Chamber of Commerce