



Henry McMaster  
Governor

Kevin A. Shwedo  
Executive Director

# State of South Carolina

## Department of Motor Vehicles

September 22, 2021

The Honorable Wm. Weston J. Newton  
Chairman, House Legislative Oversight Committee  
Post Office Box 11867  
Columbia, South Carolina 29211

Via Email: [HCommLegOv@schouse.gov](mailto:HCommLegOv@schouse.gov); [CathyGreer@schouse.gov](mailto:CathyGreer@schouse.gov)

Dear Chairman Newton:

The Department of Motor Vehicles (DMV) is in receipt of your letter dated August 31, 2021 in which you inquired about the status of the DMV's collaboration with the State Election Commission (SEC) to assist in removing deceased voters from the state's active voter roll.

As DMV staff members and I stated in our testimony on June 30, 2021, the DMV contacted the Social Security Administration (SSA) on July 7, 2021 to ask if the agency may re-disclose information it obtains via the Social Security Online Verification (SSOLV) system with the end goal of being in compliance with South Carolina Code of Laws §7-3-70(b). This method will not ensure total compliance with the statute because SSOLV does not provide the agency with the date of death, yet, if allowed by the SSA, the DMV could produce a report with SSOLV information for the SEC that contains a person's name, social security number, and date of birth and will indicate if that person was reported as being "deceased."

I have enclosed the email exchanges on this topic. As you can see in the July 14, 2021 email between Brooks Hansen with the SSA and Lauren Phillips with the DMV, a response to our request to re-disclose SSOLV information from the SSA may take up to ten weeks.

Further, the agency and the SSA recently signed the new SSOLV contract that takes effect October 1, 2021. This contract contains similar language to the current contract regarding re-disclosure.

In that regard, it may be more efficient for the SEC to contract with the SSA directly to obtain death information. From our research into the topic, the SSA produces a Death Master File that may be beneficial to the SEC. If the SEC contracted directly with the SSA for a report containing the information desired in §7-3-70(b), the DMV could be left out of the transmission completely (granted, an amendment to the statute would be warranted). The DMV would no longer be a pass-through agency for information needed by the SEC that it could get without this agency's involvement. It would likely create efficiencies in SEC processes versus relying on the DMV.

Upon your review of the emails, I am happy to answer any additional questions.

Respectfully,

Kevin A. Shwedo  
Executive Director, DMV

Post Office Box 1498, Blythewood, South Carolina 29016

*I would like to make this as painless as possible for all concerned, but really believe that SSA will not consent to sharing info. We will pursue a sharing agreement until directed to stop.*

## Phillips, Lauren H

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**From:** Phillips, Lauren H  
**Sent:** Monday, August 16, 2021 1:41 PM  
**To:** Hansen, Brooks; Bailes, Robert L; Baum, Michael R; Valenta, Val; Mangels, Deborah K  
**Cc:** Bradley, Connie R.; Dawkins, Heather D.; Guzman, Mairiz; Brant, Harrison  
**Subject:** RE: Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Death Information

Good afternoon, everyone:

Thank you for your patience in gathering responses to the questions below. Please see responses highlighted.

Lauren

### Lauren Phillips

*Deputy Director, Legislative Affairs*  
803.896.5527 (office) | 803.240.9560 (mobile)



### South Carolina

#### Department of Motor Vehicles

PO Box 1498  
Blythewood, SC 29016

**From:** Phillips, Lauren H  
**Sent:** Wednesday, July 21, 2021 4:13 PM  
**To:** Hansen, Brooks <Brooks.Hansen@ssa.gov>; Bailes, Robert L <Robert.Bailes@scdmv.net>; Baum, Michael R <Michael.Baum@scdmv.net>; Valenta, Val <Val.Valenta@scdmv.net>; Mangels, Deborah K <Deborah.Mangels@scdmv.net>  
**Cc:** Bradley, Connie R. <Connie.R.Bradley@ssa.gov>; Dawkins, Heather D. <Heather.D.Dawkins@ssa.gov>; Guzman, Mairiz <Mairiz.Guzman@ssa.gov>  
**Subject:** RE: Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Death Information

Dear Brooks and others:

Thank you for the feedback. Let us comb through these questions and work on a response. Some of these *may* be best suited for the SEC. We will partner with them as necessary and report back as soon as we have information.

Lauren

### Lauren Phillips

*Deputy Director, Legislative Affairs*  
803.896.5527 (office) | 803.240.9560 (mobile)



South Carolina  
Department of Motor Vehicles  
PO Box 1498  
Blythewood, SC 29016

**From:** Hansen, Brooks <[Brooks.Hansen@ssa.gov](mailto:Brooks.Hansen@ssa.gov)>

**Sent:** Tuesday, July 20, 2021 6:26 PM

**To:** Phillips, Lauren H <[Lauren.Phillips@scdmv.net](mailto:Lauren.Phillips@scdmv.net)>; Bailes, Robert L <[Robert.Bailes@scdmv.net](mailto:Robert.Bailes@scdmv.net)>; Baum, Michael R <[Michael.Baum@scdmv.net](mailto:Michael.Baum@scdmv.net)>; Valenta, Val <[Val.Valenta@scdmv.net](mailto:Val.Valenta@scdmv.net)>; Mangels, Deborah K <[Deborah.Mangels@scdmv.net](mailto:Deborah.Mangels@scdmv.net)>

**Cc:** Bradley, Connie R. <[Connie.R.Bradley@ssa.gov](mailto:Connie.R.Bradley@ssa.gov)>; Dawkins, Heather D. <[Heather.D.Dawkins@ssa.gov](mailto:Heather.D.Dawkins@ssa.gov)>; Guzman, Mairiz <[Mairiz.Guzman@ssa.gov](mailto:Mairiz.Guzman@ssa.gov)>

**Subject:** FW: Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Death Information

**CAUTION: EXTERNAL EMAIL!** Ensure you trust this sender and validate attachments or links before opening them.

Good afternoon, Lauren!

Please see the initial feedback and request for additional information and clarification from SSA's Office of Privacy and Disclosure on your request. Can you provide a written response to Lindsay's questions below and return your reply to me? Let me know if you have any questions.

Thanks,

**Brooks Hansen**  
**IT Specialist | ATL Region Data Exchange**  
Center for Automation, Security and Integrity  
205.801.1819 (office) | 205.530.1515 (cell)



**From:** Momberger, Lindsay

**Sent:** Tuesday, July 20, 2021 4:12 PM

**To:** Hansen, Brooks

**Cc:** Maldonado, Sheila

**Subject:** RE: Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Death Information

Good afternoon,

I am assigned to review this request for OPD. We need some additional information to assess this request.

Thank you for providing information regarding South Carolina Code of Laws Section 7-3-70(b). While the state law requires the SC Department of Motor Vehicles (DMV) to disclose information to the SC State Election Commission (SEC), we need to determine if SSA has legal authority to authorize redislosure of the data provided to SCDMV under the

SSOLV agreement. As SCDMV noted, part IV.A.4. of the agreement states that SSA will not approve redisclosure “unless: (1) the disclosure is in compliance with the Federal Privacy Act (5 USC Section 552a) and other applicable Federal laws and regulations; and (2) the disclosure is required by law or is essential to the matching activity.” SSA is not typically bound by state laws that require disclosure. SCDMV stated that it “currently shares a significant amount of information with the SEC to comply with various state and federal laws.” Is there any other legal authority related to the requested redisclosure?

**There is no additional legal authority related to the requested redisclosure.**

We are also seeking more information about the reasons for the requested redisclosure. We understand that the request is to redisclose information regarding deceased individuals and, as you noted, Privacy Act rights end at death. Because SSA provides the data to SCDMV for a specific purpose under an agreement, the redisclosure must be in accordance with the terms of the agreement. Part IV.A.1. of the SSOLV agreement states “SCDMV will use and access the SSN verification information and the records created by the data exchange under this Agreement only for the purpose of administering, and to the extent necessary to administer, their driver’s license and/or identification card programs.” How will the data be used by SEC? Does the redisclosure to SEC involve the administration of the driver’s license or ID card programs?

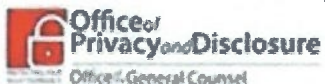
**The SCDMV asked the SEC to answer, “How will the data be used by SEC?” The SEC responded, “We would actually use this data to make voters inactive-deceased if the name, SSN, and DOB matched an active voter record.” The SEC does not administer the state’s driver’s license or ID card programs in any capacity. Those functions are the responsibility of the SCDMV.**

In addition, part II.B.4. of the agreement states “SCDMV acknowledges that SSA’s positive (“match”) verification of an SSN only establishes that the data it submitted matches the data contained in SSA records, subject to the tolerances established in SSA’s matching routines. The verification does not authenticate the identity of the individual or conclusively prove that the individual submitting the information is who he or she claims to be.” The request states “When any of those individuals 18 years old or older return from SSOLV as being “deceased,” the SCDMV is requesting permission to disclose their names, social security numbers, and dates of birth to the South Carolina State Election Commission (SEC).” Will SEC perform any additional verification of the information before redisclosing it to SEC? We note concerns that any errors in the data or death indicator could lead to disclosing information about living individuals to SEC.

**The SCDMV understands that there is a typo in the above question and that it should ask, “Will SCDMV perform any additional verification of the information before redisclosing it to SEC?” The answer to that amended question is no, the SCDMV will not do any additional verification of the information before redisclosing it to the SEC. The SCDMV has noted the concerns of the SSA, and the SCDMV will ensure that any agreement with the SEC that facilitates the redisclosure of SSOLV information enumerates this concern.**

Thank you,

Lindsay Momberger  
Government Information Specialist



Social Security Administration  
Office of the General Counsel  
Office of Privacy and Disclosure

**From:** Hansen, Brooks <[Brooks.Hansen@ssa.gov](mailto:Brooks.Hansen@ssa.gov)>  
**Sent:** Wednesday, July 07, 2021 2:18 PM  
**To:** ^OGC OPD Controls  
**Cc:** ^ORDP Data Exchange; Bangs, Thomas; Makell, Cory K.; Gilmore, Teresa; Steele, Melanie; Ford, Antoinette T.; Raitt, Rachel E.; Bradley, Connie R.  
**Subject:** Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Death Information

OPD,

Please see the request from SCDMV below requesting permission to redisclose death received via their SSOLV exchange with SSA. After a brief discussion with my regional Privacy Coordinator, I do not see an issue with SCDMV disclosing death information, but I wanted to pass this by you first before advising the state.

Under both the Freedom of Information Act and the Privacy Act, privacy rights end at death. Therefore, with the exceptions noted in [GN 03315.010B.2](#) (i.e., living individual affected by the disclosure), we may disclose any non-tax return information from our records about a deceased individual to any party. This includes the SSN as well as the date of death.

I've attached their SSOLV agreement for reference just in case. If you have any questions that I need to relay to SCDMV, please let me know. Thanks,

**Brooks Hansen**  
**IT Specialist | ATL Region Data Exchange**  
Center for Automation, Security and Integrity  
205.801.1819 (office) | 205.530.1515 (cell)



**From:** Phillips, Lauren H <[Lauren.Phillips@scdmv.net](mailto:Lauren.Phillips@scdmv.net)>  
**Sent:** Wednesday, July 07, 2021 11:49 AM  
**To:** Hansen, Brooks <[Brooks.Hansen@ssa.gov](mailto:Brooks.Hansen@ssa.gov)>  
**Cc:** Bailes, Robert L <[Robert.Bailes@scdmv.net](mailto:Robert.Bailes@scdmv.net)>; Baum, Michael R <[Michael.Baum@scdmv.net](mailto:Michael.Baum@scdmv.net)>; Valenta, Val <[Val.Valenta@scdmv.net](mailto:Val.Valenta@scdmv.net)>; Mangels, Deborah K <[Deborah.Mangels@scdmv.net](mailto:Deborah.Mangels@scdmv.net)>  
**Subject:** [EXTERNAL] Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Information

Dear Brooks:

Our current SSOLV agreement (effective October 1, 2016 through September 30, 2021) states in IV.A.4. that the

“SCDMV will not create any other file that consists of the verification information from SSA for redislosure, duplication, or dissemination within or outside SCDMV without advance written approval of SSA. SSA will not grant such approval unless: (1) the disclosure is in compliance with the Federal Privacy Act (5 USC Section 552a) and other applicable Federal laws and regulations; and (2) the disclosure is required by law or is essential to the matching activity. To request SSA’s

advance written approval for redisclosure, duplication, or dissemination, SCDMV must specify in writing what file is being disclosed, to whom it is being disclosed, and the reasons that justify such redisclosure.”

Please accept this email as the SCDMV’s written request to disseminate information received from the SSA pursuant to this section of the contract.

The SCDMV completes an SSOLV check on the following types of South Carolinians:

- (a) A person who is within 30-40 days of having an expired driver’s license or identification card who does not have an already verified SSN on file with the SCDMV, and whose SCDMV record shows a date of birth, a sex of either male or female, and an SSN where the last four digits are numerical characters;
- (b) A person who brings identity documents to an SCDMV branch and does not have a verified SSN (this could be a customer who is new to the state and is obtaining his or her first South Carolina license or ID);
- (c) A person who has a current driver’s license or ID issued today who does not already have a verified SSN (this could be a customer who is renewing his or her license or ID);
- (d) A person who is obtaining a REAL ID or commercial learner permit or driver’s license in our branch office.

When any of those individuals 18 years old or older return from SSOLV as being “deceased,” the SCDMV is requesting permission to disclose their names, social security numbers, and dates of birth to the South Carolina State Election Commission (SEC).

South Carolina Code of Laws Section 7-3-70(b) states:

“The Department of Motor Vehicles must furnish the executive director [of the SEC] a monthly report of all persons eighteen years of age or older who were reported as deceased by Social Security Administration. All reports must contain the name, social security number, date of birth, and date of death. The department must provide this information at no charge.”

While the statute says the SCDMV must provide the SEC the “date of death,” we understand that SSOLV does not return this information. We have reported this to the South Carolina House Legislative Oversight Committee as well, yet we are still interested in pursuing the redisclosure of the SSOLV information without this piece of information.

The SCDMV currently shares a significant amount of information with the SEC to comply with various state and federal laws. The agency provides this information to the SEC via an SFTP connection. Pending the SSA’s approval, the SSOLV information would be shared the same way to comply with the state law mentioned above.

I look forward to hearing your response. Please let me know if you have any additional questions for myself or any individuals on the “cc” line of this email.

Regards,

**Lauren Phillips**

*Deputy Director, Legislative Affairs*

803.896.5527 (office) | 803.240.9560 (mobile)



**South Carolina**

**Department of Motor Vehicles**

PO Box 1498

Blythewood, SC 29016

Visit <http://www.scdmvonline.com/Driver-Services/Drivers-License/REAL-ID> for more information on REAL ID.

## Phillips, Lauren H

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**From:** Phillips, Lauren H  
**Sent:** Thursday, July 15, 2021 2:37 PM  
**To:** Hansen, Brooks  
**Subject:** Re: [EXTERNAL] FW: Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Information

Thank you for the update, Brooks. I'll keep my eyes open for any progress.

Lauren Phillips  
Deputy Director, Legislative Affairs  
SCDMV  
803-240-9560

---

**From:** Hansen, Brooks <Brooks.Hansen@ssa.gov>  
**Sent:** Wednesday, July 14, 2021 9:22:05 AM  
**To:** Phillips, Lauren H <Lauren.Phillips@scdmv.net>  
**Subject:** RE: [EXTERNAL] FW: Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Information

**CAUTION: EXTERNAL EMAIL!** Ensure you trust this sender and validate attachments or links before opening them.

Hey Lauren,

Yes. I received the email from you last week.

This request has to be reviewed by SSA's Office of Privacy and Disclosure and Office of General Law. I have already referred this to both offices for their review and feedback.

And just to be totally transparent, there are some requests that can take up to 10 weeks for feedback from OPD and OGL. Both operate on a first-in, first-out basis. It's possible that they may also come back to me for clarification from SC DMV. I will make sure that you are updated ASAP once I do hear back from them, though.

Please let me know if you have any other questions. Thanks,

**Brooks Hansen**  
**IT Specialist | ATL Region Data Exchange**  
Center for Automation, Security and Integrity  
205.801.1819 (office) | 205.530.1515 (cell)





**From:** Phillips, Lauren H <Lauren.Phillips@scdmv.net>

**Sent:** Wednesday, July 14, 2021 8:04 AM

**To:** Hansen, Brooks <Brooks.Hansen@ssa.gov>

**Subject:** [EXTERNAL] FW: Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Information

Dear Brooks:

Can you confirm receipt of the email below?

**Lauren Phillips**

*Deputy Director, Legislative Affairs*

803.896.5527 (office) | 803.240.9560 (mobile)



**South Carolina**

**Department of Motor Vehicles**

PO Box 1498

Blythewood, SC 29016

**From:** Phillips, Lauren H

**Sent:** Wednesday, July 7, 2021 12:49 PM

**To:** [Brooks.Hansen@ssa.gov](mailto:Brooks.Hansen@ssa.gov)

**Cc:** Bailes, Robert L <[Robert.Bailes@scdmv.net](mailto:Robert.Bailes@scdmv.net)>; Baum, Michael R <[Michael.Baum@scdmv.net](mailto:Michael.Baum@scdmv.net)>; Valenta, Val <[Val.Valenta@scdmv.net](mailto:Val.Valenta@scdmv.net)>; Mangels, Deborah K <[Deborah.Mangels@scdmv.net](mailto:Deborah.Mangels@scdmv.net)>

**Subject:** Request from the SCDMV for SSA Approval to Redisclose, Duplicate, or Disseminate SSOLV Information

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- (b) A person who brings identity documents to an SCDMV branch and does not have a verified SSN (this could be a customer who is new to the state and is obtaining his or her first South Carolina license or ID);
- (c) A person who has a current driver’s license or ID issued today who does not already have a verified SSN (this could be a customer who is renewing his or her license or ID);
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I look forward to hearing your response. Please let me know if you have any additional questions for myself or any individuals on the “cc” line of this email.

Regards,

**Lauren Phillips**

*Deputy Director, Legislative Affairs*

803.896.5527 (office) | 803.240.9560 (mobile)



**South Carolina**

**Department of Motor Vehicles**

PO Box 1498

Blythewood, SC 29016

Visit <http://www.scdmvonline.com/Driver-Services/Drivers-License/REAL-ID> for more information on REAL ID.