

July 2006

NATIONAL SEX OFFENDER REGISTRY

New Hires Data Has Potential for Updating Addresses of Convicted Sex Offenders



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Abbreviations

DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FPLS	Federal Parent Locator Service
HHS	Department of Health and Human Services
NDNH	National Directory of New Hires
NSOR	National Sex Offender Registry
OCSE	Office of Child Support Enforcement
SSA	Social Security Administration

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United States Government Accountability Office
Washington, DC 20548

July 31, 2006

The Honorable Wally Herger
Chairman
Subcommittee on Human Resources
Committee on Ways and Means
House of Representatives

The Honorable Jim Ramstad
Chairman
Subcommittee on Oversight
Committee on Ways and Means
House of Representatives

The Honorable Mark Foley
House of Representatives

In the 1990s, several heinous crimes put the issue of the sexual abuse of children onto the nation's policy agenda. Sexual crimes against children and adults are often perpetrated by individuals known to their victims and these crimes devastate families and communities. To safeguard children and their families, Congress enacted a series of laws between 1994 and 2003 that required sex offenders to register their addresses with law enforcement agencies.¹ The laws also required that states, in order to be eligible to receive certain federal funds, establish sex offender registries, and the Department of Justice (DOJ) establish a national sex offender registry. The National Sex Offender Registry (NSOR) is maintained by the Federal Bureau of Investigation (FBI) within DOJ. It is a nationwide database compiled from information in individual state sex offender registries and it currently lists over 400,000 convicted sex offenders.² The

¹ Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. No. 103-322 (1994); Megan's Law, Pub. L. No. 104-145 (1996); Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Pub. L. No. 104-236 (1996); Campus Sex Crimes Protection Act, Pub. L. No. 106-386 (2000); and PROTECT Act, Pub. L. No. 108-21 (2003).

²In addition to individuals convicted of sex offenses, sex offender registries include individuals convicted of the non-sexual offenses of non-parental kidnapping of a minor and false imprisonment of a minor. State sex offender registries can contain information that is not contained in the national registry.

system requires convicted sex offenders to register with law enforcement agencies upon release from prison and to update their address information whenever they move or change addresses. Law enforcement agencies rely on information in sex offender registries to track the location and movement of convicted sex offenders; however, GAO and others have raised concerns about the accuracy of the information contained in the registries because many offenders fail to update their address information as required.³

To help track the location of sex offenders, law enforcement officials have turned to other sources of information, such as state departments of motor vehicles and commercial databases. Previous GAO work suggests that the National Directory of New Hires (NDNH) has been useful for the purposes of verifying eligibility for federal benefit programs and collecting debt owed to the federal government, and is a timely source of information.⁴ The NDNH is a database maintained by the Office of Child Support Enforcement (OCSE) within the Department of Health and Human Services (HHS). The NDNH is a repository of approximately 1.35 billion individual employment, unemployment insurance, and wage data records from state directories of new hires, state workforce agencies, and federal agencies.⁵ It contains information for most of the nation's workforce, including both residential and employer addresses, and is updated at least quarterly.⁶ The NDNH is used primarily to assist state child support agencies in locating parents and enforcing child support orders. Currently, DOJ has access to NDNH information for cases involving the abduction of a child or for enforcing child custody determinations. A memorandum of

³GAO, *Long Term Care Facilities: Information on Residents Who Are Registered Sex Offenders or Are Paroled for Other Crimes*, GAO-06-326 (Washington, D.C.: March 2006). This report addresses concerns about the comprehensiveness of the NSOR, finding that a significant percentage of convicted sex offenders are not included in the NSOR because they are noncompliant with registration requirements or because of difficulties some states have had submitting their full state registries to the NSOR. We recommended that the FBI assess the completeness of the NSOR and evaluate options to make it a more comprehensive database.

⁴ See GAO, *Disability Insurance: SSA Should Strengthen Its Efforts to Detect and Prevent Overpayments*, GAO-04-929 (Washington, D.C.: September 2004); and *Benefit and Loan Programs: Improved Data Sharing Could Enhance Program Integrity*, GAO/HEHS-00-119 (Washington, D.C.: September 2000).

⁵ By design, the NDNH can contain multiple records for some individuals.

⁶ The three data components of the NDNH provide either an employee or employer address, or both addresses.

understanding between HHS and DOJ governs the data exchange between OCSE and DOJ, and is required for all agencies that have access to NDNH data.

In order to determine the feasibility of updating information in sex offender registries with information contained in the NDNH, we examined: (1) whether there is the potential to help law enforcement agencies locate convicted sex offenders by using information contained in the NDNH and approaches that could be taken for doing so, and (2) the potential advantages and limitations associated with these approaches.

To determine whether NDNH data could be used to help law enforcement agencies locate convicted sex offenders, we reviewed relevant laws, memoranda of understanding, and agency guidance to identify legal and other barriers that might prevent law enforcement officials from receiving NDNH information. This information was also used to identify approaches for using NDNH information to update sex offender registries.

Additionally, we obtained and analyzed information about the contents of the NSOR and NDNH to determine whether the systems share unique identifiers that would permit matching information in the two databases. Additionally, we assessed the reliability of NDNH and NSOR data through interviews with key officials from both HHS and the FBI to identify the various controls used to ensure reliability of the databases, and reviewed documents pertaining to both systems. We determined the data to be reliable for the purposes of this report. We also interviewed managers of four state sex offender registries—Arizona, Florida, Massachusetts, and Ohio—to obtain information on the accuracy of their state registries. These states were selected to include geographic dispersion.

To determine the potential advantages and limitations associated with different approaches to using the NDNH to update the NSOR, we interviewed key HHS, DOJ, and selected state officials about the potential benefits of sharing information and how this could be accomplished. We also discussed potential obstacles to sharing data between the two systems and any concerns they might have about privacy, data safeguards, and other issues. Further, we obtained information from HHS officials about the financial costs associated with receiving and matching NSOR data with NDNH data. The list of advantages and limitations of various approaches to using NDNH data in this report is not exhaustive. With further review and analysis, other advantages and limitations may become clear. We conducted our work in accordance with generally accepted government auditing standards between February 2006 and July 2006.

On June 23, 2006, we briefed your staff on the results of our work using the briefing slides we include in appendix I. The purpose of this letter is to formally transmit the briefing slides and to officially notify cognizant agency officials about our matters for congressional consideration.

Summary of Findings

While current law does not authorize DOJ to receive NDNH data to use in locating convicted sex offenders, Congress has granted other federal agencies the authority to receive NDNH data for use in verifying individuals' eligibility for federal benefits and other purposes not related to child support enforcement. Three basic approaches for accessing the NDNH database could potentially be used to help locate convicted sex offenders: individual case inquiries, computerized database matching, and a hybrid approach that would allow states to generate discrete lists of offenders for computerized database matching. The different approaches have both common and distinct advantages and limitations. Some of the benefits and costs associated with these three approaches are uncertain. For example, computerized database matching of the NDNH and the entire NSOR offers an opportunity to update sex offender addresses in much greater volume than individual case inquiries, but the cost of following up on the resulting volume of mismatches might exceed state resources for such follow-up and increase privacy risks.

In this report, we are suggesting that Congress consider granting the authority to HHS to share information contained in the NDNH with the FBI for the purposes of locating convicted sex offenders who are being actively sought by law enforcement officials but whose addresses in the NSOR are incorrect, out-of-date, or missing. Further, we are suggesting that Congress consider directing HHS and the FBI to conduct a test match of the information contained in the NDNH and NSOR to determine the actual costs and benefits that may be derived from matching information in the two databases, including an assessment of the validity of the matches.

NDNH Data Could Be Used to Help Locate Sex Offenders, but Change in Law Would Be Required

The NDNH contains address information that has the potential to help law enforcement agencies locate sex offenders on a case-by-case basis or through computerized matching; however, a change of law would be required to authorize its use for this purpose. In order to safeguard the data and to ensure privacy, section 453 of the Social Security Act restricts NDNH access to authorized persons and only for authorized purposes. Therefore, an amendment to this law would be required to share NDNH data with law enforcement officials. To obtain addresses for individual

convicted offenders, FBI officials could ask OCSE staff to query the NDNH on a case-by-case basis or the FBI could be granted the authority to access the NDNH directly. To obtain address information for as many records as possible, FBI officials could provide the entire NSOR database to OCSE staff who would match records between the two systems. Alternatively, states could develop discrete lists of convicted sex offenders for computerized database matching—a hybrid approach. Under all three approaches, records for which the NDNH address did not match the NSOR address would be given to the states for follow-up to determine the convicted sex offender’s actual address. Once the state determined the convicted offenders’ correct address, the state would transmit this information to the FBI for inclusion in the NSOR.

Approaches for Using NDNH Data Have Advantages and Limitations

Approaches to using NDNH data for locating convicted sex offenders have both common and distinct advantages and limitations. NDNH data is updated at least quarterly, thus providing the potential for more frequent updates of addresses than is currently required under NSOR, regardless of the approach to using the NDNH data. Additionally, regardless of the approach, for convicted sex offenders who do not comply with registration requirements and are employed, the NDNH could provide missing information on the sex offender’s current home and employer addresses. On the other hand, wider access to the NDNH could jeopardize the security and confidentiality of the information it contains. The benefits and costs associated with the various approaches to obtaining address information from the NDNH present some uncertainties as well. For example, obtaining information for individual convicted sex offenders on a case-by-case basis may be less costly than matching all of the records from the NSOR with corresponding records from the NDNH, but the extent to which it would contribute to the updating of sex offender registries could be small. Also, the benefits of matching information from the two databases cannot be determined without conducting an actual match. This is especially true because successful matching requires an accurate social security number (SSN) for each convicted sex offender and the FBI does not verify the SSNs of sex offenders listed in its registry. It is estimated that approximately 21 percent of records in the NSOR do not have SSNs.

Conclusion

Keeping law enforcement agencies and the public informed of the location of convicted sex offenders, and keeping the public—especially children—from being the victims of convicted sex offenders is of the utmost importance to lawmakers. National and state sex offender registries are the primary means used by law enforcement agencies for tracking the

location of sex offenders; however, the accuracy of registry data is largely dependent on convicted sex offenders self reporting updated address information. While most convicted sex offenders are registered when they are released from prison, some fail to update their registration information on a timely basis, as required by law.

There are several potential approaches for using NDNH data to help law enforcement agencies locate convicted sex offenders and update offenders' addresses in the registries; however, current law does not authorize its use for these purposes. But, there is precedent for using the NDNH for purposes other than child support enforcement. In addition to a lack of legal authority to use NDNH data to help in locating convicted sex offenders, approaches for obtaining updated address information from the NDNH involve both common and distinct advantages and limitations. Without a discussion among stakeholders and program managers, and without conducting an actual test match, the benefits, costs, and challenges of employing each of the approaches to matching data within the two databases will remain uncertain.

Matters for Congressional Consideration

To help law enforcement officials track the location of convicted sex offenders using updated address information, Congress should consider:

- granting HHS the authority to share with the FBI address information from the NDNH for convicted sex offenders who are being actively sought by law enforcement officials, and
- directing the FBI to work with HHS to conduct a test match of information from the NSOR and NDNH to determine the actual benefits and costs that may be derived from matching information in the two databases, including an assessment of the validity of the matches.

Agency Comments and Our Evaluation

We provided a draft of this report to HHS and DOJ for review and comment. HHS generally agreed with the contents of the report, but expressed concerns about the privacy and security risks associated with authorizing wider access to NDNH data. HHS noted that use of NDNH data for the purpose of updating address information in the NSOR is different in nature from other authorized uses and that the potential ramifications of wrongful use of NDNH data should be considered carefully. We believe HHS' concerns are valid and have recognized these concerns in the report. Further, we believe that, if authorized, any discussions regarding the use of NDNH data should include a discussion of privacy and security considerations before conducting a test match of

information in the two databases. Both HHS and DOJ provided technical comments, which we have incorporated where appropriate. HHS' written comments are reproduced in appendix II.

As agreed with your staff, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days after its issue date. At that time, we will send copies of this report to the Secretaries of HHS and DOJ, relevant congressional committees and other interested parties. We will make copies available to others upon request. In addition, this report will be available at no charge on GAO's Web site at www.gao.gov. If you or your staff have any questions about this report, please contact me at (202) 512-8403 or ashbyc@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report.

Cornelia M. Ashby

Cornelia M. Ashby
Director, Education, Workforce,
and Income Security Issues

Appendix I: Briefing Slides



National Sex Offender Registry

New Hires Data Has Potential for Updating Addresses of Convicted Sex Offenders



Introduction

- Currently, there are over 400,000 convicted offenders listed in the National Sex Offender Registry (NSOR).
 - Concerns have been raised about the accuracy of data in the registry.
 - The national registry depends on data in individual state registries.
 - Individual state registries, in turn, depend on convicted sex offenders to update their address information whenever they move or change addresses and many offenders fail to meet this requirement.
 - State officials have turned to other sources of information, such as state departments of motor vehicles and commercial databases, to help them locate convicted sex offenders.
-

(2)



Introduction cont.

Previous GAO work suggests that the National Directory of New Hires (NDNH) has been useful for verifying eligibility for federal benefit programs and collecting debt owed to the federal government, and is a timely source of information. The NDNH is a database that includes:

- approximately 1.35 billion individual records furnished by 54 states and territories, and federal agencies;¹ and
- wage information that is submitted on at least a quarterly basis, new hire information that is obtained from income tax withholding forms (W-4s) and submitted to the NDNH within 30 days of hire, and unemployment insurance data that is submitted monthly.²

¹By design, the NDNH can contain multiple records for some individuals.

²The three data components of the NDNH provide either an employee or employer address, or both addresses.



Objectives:

In order to determine the feasibility of updating information in sex offender registries with information contained in the NDNH, we examined:

- whether there is potential to help law enforcement agencies locate convicted sex offenders by using information contained in the NDNH, and approaches that could be taken for doing so, and
- the potential advantages and limitations associated with these approaches.

(4)



Scope and Methodology

To determine whether there is potential to help law enforcement agencies locate sex offenders by using information contained in the NDNH and approaches that could be taken for doing so, we:

- analyzed information about the content of the NSOR and the NDNH to determine whether the systems share unique identifiers that would permit matching of information;
- assessed the reliability of NSOR and NDNH data by conducting interviews with key officials from the Department of Justice (DOJ) and HHS regarding controls used to ensure reliability of the databases, and reviewed documents pertaining to both systems; and
- interviewed managers of state sex offender registries in four states—Arizona, Florida, Massachusetts, and Ohio—to obtain information on the accuracy of their state registries and how they might use NDNH data to update their registries.

(5)



Scope and Methodology cont.

To analyze the advantages and limitations of the various approaches, we:

- interviewed key FBI and HHS officials about the potential benefits of, and any barriers to, sharing information between the two systems and any concerns they might have about privacy, data safeguards, and other issues;
- reviewed relevant laws, memoranda of understanding, and HHS documents to identify legal and other barriers that might prevent law enforcement officials from receiving NDNH information; and
- obtained information from HHS officials about the financial costs associated with accessing NDNH data or conducting computerized matches using NSOR and NDNH data.

(6)



Summary of Findings:

Key findings:

- (1) Current law does not authorize the use of NDNH data to locate sex offenders; however, if the law were changed, the database would have potential for doing so using three basic approaches.

- (2) The different approaches have both common and distinct advantages and limitations; however, the potential costs and benefits associated with the approaches are uncertain.

(7)



Background

To safeguard children and their families, Congress passed several laws related to sex offenders between 1994 and 2003.

(1) Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. No. 103-322 (1994)

- required individuals convicted of crimes against a minor or sexually violent offenses, and sexually violent predators to register their current addresses with a state agency that maintains a sex offender registration program;
- established a 10-year minimum length of registration;
- required state agencies to verify addresses annually for convicted sex offenders and every 90 days for sexually violent predators. Typically, addresses are verified by mailing a non-forwardable verification form to the last reported address of the convicted sex offender;
- required states to establish sex offender registration programs to be eligible for certain federal funds; and
- allowed, but did not require, information in sex offender registries to be released to the public.

(8)



Background cont.

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- (2) Megan's Law, Pub. L. No. 104-145 (1996)
 - mandated public release of certain sex offender registry information necessary to protect communities from convicted sex offenders.
 - (3) Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Pub. L. No. 104-236 (1996)
 - directed DOJ to establish a national database of registered sex offenders at the Federal Bureau of Investigation (FBI); and
 - extended the required length of registration to the life of the offender for sexually violent predators, offenders with more than one conviction, and offenders convicted of aggravated offenses.
 - (4) Campus Sex Crimes Protection Act, Pub. L. No. 106-386 (2000)
 - required convicted sex offenders to provide notice to institutions of higher education at which the offender is employed or is a student.
 - (5) PROTECT Act, Pub. L. No. 108-21 (2003)
 - required registration of child pornographers in the NSOR;
 - required states to establish websites with information concerning convicted sex offenders; and
 - required DOJ to create a national website that links state websites.

(9)



Background cont.

- The NDNH is a central repository of employment, unemployment insurance, and wage data from state directories of new hires, state workforce agencies, and federal agencies.
 - The NDNH contains social security numbers, residential and employer addresses, and employment information for most of the nation's workforce, and is updated on at least a quarterly basis.
 - The NDNH is part of the Federal Parent Locator Service (FPLS), a national location system operated by the Office of Child Support Enforcement (OCSE) within the Department of Health and Human Services (HHS).
 - The primary purpose of the FPLS is to assist state child support agencies in establishing child support obligations and enforcing orders for child support, custody, and visitation.
-

(10)

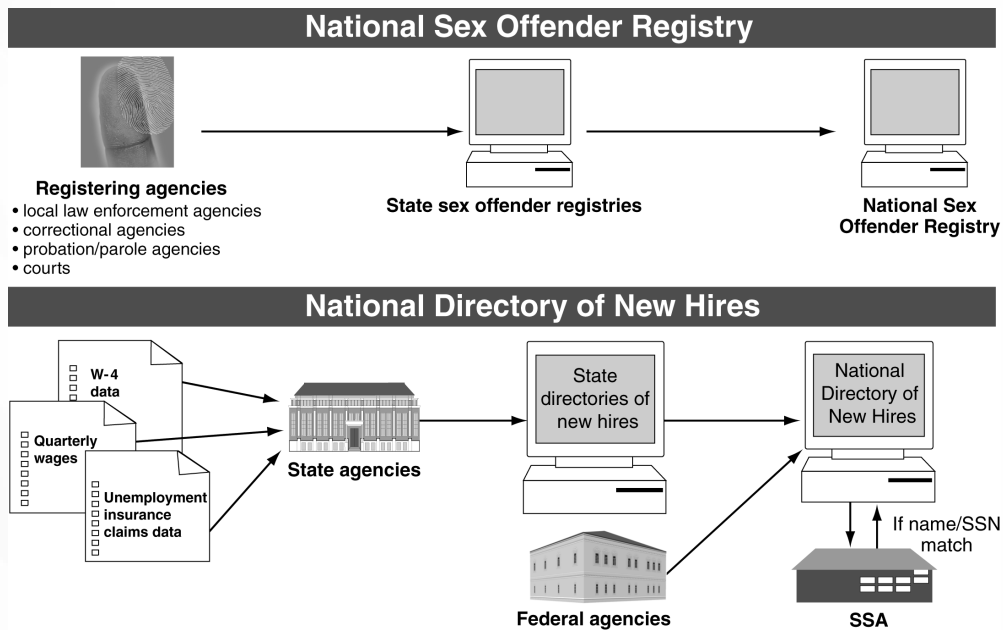


Background cont.

- Currently, DOJ has access to the FPLS for cases involving the abduction of a child or child custody determinations.³
- A memorandum of understanding between HHS and DOJ governs the data exchange between OCSE and DOJ and is required for all agencies that have access to NDNH data.

³Requests to locate missing children are submitted to HHS by the National Center for Missing and Exploited Children as an agent for DOJ.

Background cont.—Process for Obtaining and Updating Information in the NSOR and NDNH



Source: GAO and Art Explosion.



Current Law Does Not Authorize Use of NDNH for Locating Sex Offenders

- When the NDNH was established in 1996, data could primarily be used for:
 - establishing paternity;
 - establishing, setting the amount of, or modifying child support obligations; and
 - enforcing child support obligations.
- In the last several years, Congress has permitted some expanded use of NDNH data for other purposes including:
 - debt collection from individuals who defaulted on student loans;
 - income verification for individuals participating in certain housing programs; and
 - eligibility verification for state workforce agencies' Unemployment Insurance programs.

(13)



Potential Approaches for Helping Law Enforcement Locate Sex Offenders

There are three basic approaches to using the NDNH for address information:

- indirect or direct law enforcement access for individual cases;
- national computerized database matching; and
- a hybrid approach that would allow states to generate discreet lists of convicted sex offenders for computerized database matching.

For each approach, state officials would investigate address discrepancies and report confirmed information to the NSOR.

(14)



Approach 1: Indirect and Direct Case Inquiries

Indirect - FBI would make inquiries through HHS's OCSE to access the NDNH for the purposes of locating convicted sex offenders on a case-by-case basis. FBI might make inquiries through OCSE on behalf of local law enforcement, either for a specific offender or to pursue an investigation in a particular region.

Direct - FBI would have direct access to the NDNH. FBI might query the NDNH directly, either for a specific offender or to pursue an investigation in a particular region.

(15)



Approach 2: Computerized Database Matching

National level

Address data in the NSOR could be compared with address information in the NDNH by conducting computerized matches of the two databases.

(16)



Approach 3: Hybrid Approach

States could generate discreet lists of convicted sex offenders they want to locate and FBI would submit names for matching on behalf of the states, for example:

- those who have not complied with address verification requirements; or
- convicted sex offenders whose crimes predate creation of the state sex offender registry.

(17)



All Approaches Share Some Advantages and Limitations

Advantages

- access to both residential and employer addresses,
- a means for law enforcement agencies to locate convicted sex offenders who have failed to register or update their addresses, and
- allows states to identify non-compliant convicted sex offenders regardless of where they live in the United States.

(18)



All Approaches Share Some Advantages and Limitations cont.

Limitations

- approximately 21 percent of records in the NSOR do not have social security numbers;⁴
- additional state resources for address verification may be needed;
- national and state new hires databases do not include independent contractors, service personnel, and some self-employed individuals; and
- wider access to the NDNH could jeopardize the security and confidentiality of the information it contains.

⁴An accurate social security number would be required in both databases for a successful match. These data are as of January 27, 2006.



Approach 1: Indirect Access for Individual Case Inquiries—Advantages and Limitations

(FBI sends individual inquiries to OCSE)

Advantages

- there is a pre-existing memorandum of understanding that allows DOJ to query OCSE for information from its FPLS database, which includes NDNH data as well as data from other sources;
- this procedure may be less costly and resource intensive than a computerized matching approach; and
- OCSE would retain sole control of NDNH data.

Limitations

- records would be updated individually; and
 - there is little way to predict the volume of inquiries or the effort required to respond to them.
-

(20)



Approach 1: Direct Access for Individual Case Inquiries—Advantages and Limitations

(FBI would have direct access to the NDNH)

Advantages

- may be faster and less dependent on OCSE staff resources than indirect access.

Limitations

- presents a more substantial change to current method used to share NDNH data with other federal agencies; and
- there is little way to predict the volume of inquiries, the effort required to respond to them, and the expenses associated with developing a direct access infrastructure.

(21)



Approach 2: National Computerized Database Matching—Advantages

Advantages:

- opportunity to update convicted sex offender addresses in much greater volume and frequency;⁵
- could provide updated addresses for convicted sex offenders for whom states have not had the time or resources necessary to verify addresses;
- may afford the opportunity to correct social security numbers in the sex offender registries; and
- precedent exists for conducting computer matches with the NDNH:
 - Department of Housing and Urban Development database to verify income for housing assistance,
 - Department of Education database to collect student loan debt,
 - Social Security Administration to establish eligibility for Supplemental Security Income, and
 - Department of Labor to establish eligibility for Unemployment Insurance.

⁵NDNH data are reported quarterly by employers in contrast to NSOR data, which are reported by convicted sex offenders and verified only annually with more frequent verification for those considered sexual predators.



Approach 2: National Computerized Database Matching—Limitations

Limitations

- start-up and on-going costs are uncertain;
- some convicted sex offenders may have registered with inaccurate, falsified, or stolen social security numbers; and
- resource needs could exceed what states have available for follow-up investigations.

(23)



Approach 3: Hybrid Approach—Advantages and Limitations

Advantages

- less costly than matching entire databases; and
- allows states to be pro-active, concentrating resources where needed.

Limitations

- all states might not develop discreet lists to share with FBI.

(24)



Potential Costs of Data Matching Are Uncertain

Starting Point:

- Federal law requires that a state or federal agency must reimburse OCSE for the costs associated with receiving NDNH data.
- OCSE bases its fees for database matches on:
 - an overall access fee that is uniformly distributed among all data users;
 - frequency of matches; and
 - the direct costs for performing each match.
- A national computerized match, conducted quarterly with approximately 350,000 records in 2006 would have cost between approximately \$1 million to \$1.5 million.⁶

Uncertain:

- Volume of records, approach, and frequency of matches not yet determined.

⁶This estimate was provided by OCSE and based on the number of convicted sex offenders whose records include at least one social security number.



Conclusions

-
- There is potential for improving the ability of law enforcement to locate convicted sex offenders although current law does not authorize the use of the NDNH for this purpose.
 - Use of the NDNH for tracking convicted sex offenders can be undertaken through a variety of approaches.
 - Each approach carries common and distinct advantages and limitations; however, the potential costs and benefits are uncertain.
 - In order to determine the costs and benefits of data matching, testing and discussion among program managers and stakeholders should occur.

(26)



Matters for Congressional Consideration

To help law enforcement track the location of convicted sex offenders and to update address information contained in the National Sex Offender Registry, Congress should consider:

- granting HHS the authority to share with FBI information from the NDNH for purposes of locating convicted sex offenders who are being actively sought by law enforcement officials, and
- directing FBI to work with HHS to conduct a test match of information from the NSOR and NDNH to determine the actual costs and benefits that may be derived from matching information in the two databases, including an assessment of the validity of the matches.

(27)

Appendix II: Comments from the Department of Health and Human Services



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Inspector General

Washington, D.C. 20201

JUL 19 2006

Ms. Cornelia M. Ashby
Director, Education, Workforce,
And Income Security Issues
U.S. Government Accountability Office
Washington, DC 20548

Dear Ms. Ashby:

Enclosed are the Department's comments on the U.S. Government Accountability Office's (GAO) draft report entitled, "NATIONAL SEX OFFENDER REGISTRY: New Hires Data Has Potential for Updating Addresses of Convicted Sex Offenders" (GAO-06-766), before its publication. These comments represent the tentative position of the Department and are subject to reevaluation when the final version of this report is received.

The Department provided several technical comments directly to your staff.

The Department appreciates the opportunity to comment on this draft report before its publication.

Sincerely,

A handwritten signature in cursive script that reads "Daniel R. Levinson".

Daniel R. Levinson
Inspector General

Enclosure

The Office of Inspector General (OIG) is transmitting the Department's response to this draft report in our capacity as the Department's designated focal point and coordinator for U.S. Government Accountability Office reports. OIG has not conducted an independent assessment of these comments and therefore expresses no opinion on them.

**COMMENTS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
ON THE U.S. GOVERNMENT ACCOUNTABILITY OFFICE'S DRAFT
REPORT ENTITLED, "NATIONAL SEX OFFENDER REGISTRY: NEW HIRES
DATA HAS POTENTIAL FOR UPDATING ADDRESSES OF CONVICTED SEX
OFFENDERS" (GAO-06-766)**

The Department of Health and Human Services (HHS) appreciates the opportunity to comment on the U.S. Government Accountability Office's (GAO) draft report.

General Comments

The draft report touches on the privacy and security risks associated with the proposed disclosure of the National Directory of New Hires (NDNH) data. These risks should be analyzed in greater depth.

In addition, the report should be clear about the purposes for which NDNH data are proposed to be used. While the bulk of the report focuses on the need to update the addresses maintained on the State Sex Offender Registries, and thus, the National Sex Offender Registry (NSOR), Page 22, Slide 15, indicates that one very broadly stated purpose for receiving NDNH data may be "to pursue an investigation in a particular region."

Moreover, the proposed use of NDNH data for law enforcement purposes of updating addresses of sex offenders maintained on the NSOR is different in nature from the primary child support purposes served by the NDNH. This is the case to a greater degree than other authorized purposes for which NDNH data may be requested and used, including those eligibility verification and debt collection purposes addressed in the prior GAO reports (i.e., "DISABILITY INSURANCE: SSA Should Strengthen Its Efforts to Detect and Prevent Overpayments" (GAO-04-929) and "BENEFIT AND LOAN PROGRAM: Improved Data Sharing Could Enhance Program Integrity", GAO/HEHS-00-119 as cited in footnote 4 of the report). Most of these currently authorized purposes for receiving NDNH data have a nexus to enhancing the self-sufficiency of individuals in need.

The proposed use of NDNH data would move the use of NDNH into law enforcement, an entirely new direction, and might tend to increase the risk of privacy and confidentiality breaches. The potential ramifications of wrongful use of NDNH data, as well as inaccurate or outdated addresses, should be considered carefully.

The report also contains potentially contradictory information about who may receive NDNH information directly, with most of the report focused on the Federal Bureau of Investigation; yet other portions of the report suggest that local law enforcement personnel may access the data. Limitations on the number of potential authorized users will enhance ACF's Office of Child Support Enforcement's (OCSE) ability to verify a

user's authorization to request NDNH data and ensure compliance with security measures and safeguarding requirements. Thus, if legislation authorizes use of the NDNH for the proposed purpose, OCSE prefers that the legislation specify with particularity who may submit such reports (i.e., the Office of the Attorney General).

Specification of the clear purposes for which NDNH data is proposed to be used and clarification of the individuals who would have access to NDNH data, in turn, will enhance the likelihood of tailoring an appropriate approach to receiving NDNH data, along with commensurate security and safeguarding measures.

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Cornelia M. Ashby (202) 512-7215 or ashbyc@gao.gov

Acknowledgments

David Lehrer (Assistant Director), Ramona L. Burton (Analyst-in-Charge), Ellen Soltow (Senior Analyst), Sue Bernstein, Terry Richardson, and Daniel Schwimer also made significant contributions to this report.

Related GAO Products

Immigration Benefits: Circumstances Under Which a Petitioner's Sex Offenses May Be Disclosed to a Beneficiary. [GAO-06-735](#). Washington, D.C.: June 2006.

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