Privacy Impact Assessment Update
for the

E-Verify RIDE

DHS/USCIS/PIA-030(b)

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Abstract

The United States Citizenship and Immigration Services (USCIS) Verification Division has developed a new enhancement to the E-Verify Program entitled Records and Information from Department of Motor Vehicles for E-Verify (RIDE). RIDE enhances the integrity of the E-Verify Program by verifying information from the most commonly presented identity documents (e.g. employee's driver's license, driver's permit, or state-issued identification (ID) card) for employment authorization, when the issuing state or jurisdiction of those documents has established a Memorandum of Agreement (MOA) with the Department of Homeland Security (DHS) to participate in RIDE.[1] USCIS is conducting this Privacy Impact Assessment (PIA) update to assess the privacy risks and mitigation strategies for this new enhancement.

Introduction

The E-Verify Program (E-Verify) is a free and mostly voluntary Department of Homeland Security (DHS) program implemented by the United States Citizenship and Immigration Services (USCIS) Verification Division and operated in collaboration with the Social Security Administration (SSA) to determine employment authorization. E-Verify utilizes an automated process to compare information provided by employees on the Employment Eligibility Verification, Form I-9, against information in DHS, SSA, and Department of State (DoS) databases. This allows E-Verify to confirm that an employee is authorized to work in the United States because he/she is either a U.S. citizen or is a non-citizen for whom the United States has granted a work authorization. E-Verify is mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and is explained in more detail in the Privacy Impact Assessment (PIA) for E-Verify published May 4, 2010.[2] USCIS is updating the E-Verify PIA to provide transparency into a new enhancement to the program which includes the collection and verification of information related to individuals' driver's licenses, driver's permits, and state-issued identification (ID) cards.

The Records and Information from Department of Motor Vehicles for E-Verify (RIDE) initiative seeks to increase the effectiveness of E-Verify by automating motor vehicle document (e.g. driver's license, driver's permit, or state-issued ID card) verification between state Motor Vehicle Agencies (MVA) and E-Verify employers. In approximately 95% of the more than 12 million employment authorization queries E-Verify received during FY2010, employees used a driver's license, driver's permit, or state-issued ID card to establish their identity. The RIDE initiative enhances E-Verify by providing the ability to validate the information entered by an employer from an employee's driver's license, driver's permit, or state-issued ID card against MVA data. The secure connection provided by

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[1] Initially, RIDE will be released as a pilot, with only the state of Mississippi participating and only driver's licenses and permits being verified. A complete list of states and jurisdictions which are participating in RIDE, and the documents which are being verified is available in Appendix A.

[2] E-Verify Program Privacy Impact Assessment, May 4, 2010, http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_everify.pdf

the American Association of Motor Vehicle Administrators Network Service (AAMVAnet)[3] allows for the completion of this portion of the verification process. AAMVAnet allows E-Verify to connect to the MVA databases electronically for the purposes of RIDE. Further, in order to verify this information, the issuing state or jurisdiction of the driver's license, driver's permit, or state-issued ID card must have established a Memorandum of Agreement (MOA) with DHS USCIS to allow verification of driver's license, driver's permit, or state-issued ID card information for the purpose of RIDE.

Currently, E-Verify collects only limited information about documents presented during the Form I-9 and E-Verify process; however, this is limited to U.S. Passports and documents presented by Non-U.S. citizens. For other documents, E-Verify collects only that the document presented is from list B & C of the Form I-9 Lists of Acceptable Documents.[4]

In addition to whether the document presented is from list B & C of the Form I-9, E-Verify also collects the document type, expiration date, state or jurisdiction of issuance and, in cases where an MOA exists between the issuing state or jurisdiction and DHS USCIS, the document number. E-Verify collects the document expiration date in order to meet the Form I-9 requirement of presenting an unexpired identity document for employment authorization. E-Verify collects the issuing state or jurisdiction of the document to direct its query to the appropriate MVA database for validation of the document's information. E-Verify collects the document type for each case so as to project potential workload as additional states sign MOAs with DHS USCIS to participate in RIDE. E-Verify collects the document number to validate information from the document presented with the issuing MVA and only in cases where the issuing state or jurisdiction has established an MOA with DHS USCIS to do so.

Moreover, while E-Verify primarily uses the information it collects for verification of employment eligibility, including information collected as part of RIDE, the information may also be used to prevent fraud and misuse of E-Verify, discrimination, and employment-based identity theft and for program analysis, monitoring and compliance, program outreach, and customer service purposes. On a case-by-case basis, E-Verify may give law enforcement agencies extracts of information indicating potential fraud, discrimination, or other illegal activities related to the use of E-Verify. USCIS has outlined the uses of information contained in E-Verify in the E-Verify PIA.[5] A description of the RIDE process follows.

The RIDE process begins when an employer indicates in E-Verify that an employee has presented a driver's license, driver's permit, or ID card issued by a U.S. state or jurisdiction as a List B document on the Form I-9. E-Verify will first prompt the employer for the document type (e.g. driver's license, driver's permit, or state-issued ID card) and state of issuance. If E-Verify determines that the state of

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[3] The American Association of Motor Vehicle Administrators Network Service (AAMVAnet) is a conduit that provides access to biographical information collected by state Motor Vehicle Agencies (MVA). The American Association of Motor Vehicle Administrators (AAMVA) operates AAMVAnet. However, the data in the system is owned by the organization that had the original authority to collect the data.

[4] An example of a Form I-9 List B document is a driver's license or state issued identification card. An example of a Form I-9 List C document is a Social Security card or certified birth certificate.

[5] E-Verify Program Privacy Impact Assessment, May 4, 2010,
http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_everify.pdf

issuance and the document type is one that can be validated for RIDE (per the MOA between the MVA and DHS USCIS), E-Verify prompts the employer for: employee name, employee date of birth (DOB), employee Social Security number (SSN), hire date, document number and document expiration date as provided on Form I-9. If E-Verify cannot verify the information provided under RIDE because there is no existing MOA, then E-Verify collects the same information with the exception of the document number, since the document will not be verified against an MVA database.

E-Verify determines if the expiration date of the driver's license, driver's permit, or state-issued ID card as entered by the employer indicates that the employee presented an unexpired document to the employer. If E-Verify determines that an expired document was presented, E-Verify prompts the employer to enter a document that was not expired on the date of hire.

E-Verify compares the expiration date as entered by the employer against the hire date entered by the employer to make sure that the document is unexpired. Due to the fact that employers can now enter hire dates up to 365 days in the future in E-Verify, the document is still acceptable if it is expired on the future date of hire – the day an employee starts work for pay – so long as it is unexpired on the day the case is initiated.

The next step in the RIDE process is SSA validation, which is a standard part of the current E-Verify process. E-Verify sends the SSN, citizenship status, name, and DOB to SSA for validation. If SSA does not validate the case information, E-Verify issues a Tentative Non-confirmation (TNC) at that point and no further transactions occur until the TNC is resolved with SSA.[6]

Once the query successfully passes SSA validation, E-Verify sends relevant license information (DOB, document number) to the state MVA database. The MVA returns a portion of the MVA record relevant to that document to E-Verify[7]. E-Verify compares the MVA information to the information initially entered by the employer to determine if there is a match between the document number and DOB provided by the MVA database and the document number and DOB entered by the employer. The employer does not see the MVA record, and will only see the final response given by E-Verify, which is either Employment Authorized (EA), or TNC if there is no match.

E-Verify will issue an EA response if it determines a match at this step of the process. The employer will not see any additional driver's license or identity information from the MVA or E-Verify, only the resulting response of Employment Authorized (EA), or TNC if there is no match.

If the MVA cannot find a matching record or E-Verify cannot match the document number and DOB based on the record returned by the MVA, E-Verify instructs the employer to check and, if necessary, correct the document number and/or DOB fields and resubmit the information through E-Verify. E-Verify matches the record by document number and DOB only; these fields can be changed only by the employer. There is no name matching in the RIDE process. If after the second attempt there

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[6] A complete description of the E-Verify process, including the validation of information by SSA and associated authorities, is available in the E-Verify Program PIA, published May 4, 2010 at
http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_everify.pdf

[7] Due to discrepancies in MVA databases, variations in data returned to E-Verify by participating MVAs may occur. A complete list of states and jurisdictions which are participating in RIDE, and the documents which are being verified is available in Appendix A.

is still no match, the employer receives notice that the employee was issued a DHS TNC, as described in the E-Verify PIA, dated May 4, 2010.

As with any E-Verify TNC, the employer must share the result with the employee, who has the option to contest. If the employee chooses to contest, the employer prints a referral letter, which provides directions to the employee on how to contest the TNC. This letter instructs the employee that he has eight days to contact E-Verify status verifiers to resolve the discrepancy.[8]

In the case of a TNC generated because of a RIDE mismatch, employees must call a USCIS status verifier and fax a copy of the document (e.g., driver's license) provided to establish identity on Form I-9. Status verifiers review the faxed copy of the document against the information in the MVA's database via the Person Centric Query Service (PCQS). Status verifiers use PCQS to conduct manual queries of databases for status verification; in this case, the MVA database of the issuing state or jurisdiction. As with other TNCs, the status verifier attempts to resolve the TNC within 24 hours. If the status verifier is unable to match the driver's license, the status verifier places the case in continuance and contacts the MVA to determine whether it is a true mismatch or an error in the MVA database. This process ensures that all contested TNCs receive a full examination against the MVA's records in order to avoid issuing a Final Non-confirmation (FNC) because the MVA database was incorrect or because the document contained errors. Once the status verifier has researched the document, he/she enters a response which triggers an update to the case in E-Verify. A response of EA or FNC will be displayed to the employer depending on the resolution. If the employee chooses not to contest the TNC or does not contact a status verifier within eight federal government workdays, E-Verify automatically issues an FNC.

For this initial pilot deployment, only the state of Mississippi has signed an MOA with USCIS to participate in RIDE. Additionally, E-Verify will only validate information from Mississippi driver's licenses and driver's permits. If the driver's license was issued by the state of Mississippi, the employer must specify the document number on the employee data entry form within E-Verify. For query purposes, the MVA matches on the document number only, but E-Verify then matches by document number and DOB. E-Verify could also validate identification cards issued by the state of Mississippi in the future, if an agreement is reached between DHS and the state of Mississippi to validate this information. USCIS is expecting that other states and jurisdictions will participate in RIDE in the future and that each will follow a similar process as described above. While E-Verify will always send DOB and document number to participating MVAs for document validation, variations in data returned to E-Verify by participating MVAs may occur. A complete list of states and jurisdictions which are participating in RIDE, as well as the data elements provided by each, is available in Appendix A.

The addition of the RIDE functionality to E-Verify is an important step in ensuring that individuals do not gain employment authorization through the misuse of state-issued identity documents in E-Verify.

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[8] A complete description of the E-Verify process, including the TNC resolution process is available in the E-Verify Program PIA, published May 4, 2010 at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_everify.pdf

Reason for the PIA Update

USCIS is updating the E-Verify PIA to provide transparency into a new enhancement to E-Verify and to account for the new collection and use of information related to individuals' driver's licenses, driver's permits, and state-issued ID cards.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

Based on the RIDE Initiative, E-Verify may collect the new information from employers:

- Document Type (driver's license, driver's permit, or state-issued ID card);

- State of Issuance; and

- Expiration Date.

For states that have signed an MOA with USCIS to participate in RIDE, the following information is collected:

- Document Number

Uses of the System and the Information

E-Verify will compare the information entered by the employer against information contained in the MVA database to authenticate the identification document. There is risk that E-Verify may receive more information from the MVA than is required for validation of a document's information. The MVA will not return any information for a submitted document number that does not match at the MVA. E-Verify receives nothing from the MVA when there is not a match, thus mitigating this risk.

If the MVA matches a record, E-Verify compares the MVA information to the information initially entered by the employer. E-Verify determines if there is a match between the document number and DOB provided by the MVA database and the document number and DOB entered by the employer. Furthermore, if the MVA matches a record, E-Verify compares the MVA information to the information initially entered by the employer to determine if there is a match between the document number and DOB provided by the MVA database and the document number and DOB entered by the employer.

Regardless of whether or not the information matches, the employer only receives notice that the employee is employment authorized or has received a TNC. The employer sees no other information, thus mitigating the risk that employers may receive information from the MVA that is not required for employment verification.

The RIDE initiative seeks to increase the effectiveness of E-Verify by automating motor vehicle document verification between MVAs and E-Verify, which positively impacts E-Verify. RIDE enhances E-Verify by providing the capability to validate the information entered by an employer from an employee's driver's license, driver's permit, or state-issued ID card against MVA data.

There is also a risk that more individuals, including U.S. citizens, will receive TNCs and FNCs as a result of the new RIDE process. Because of the inevitable problem with data quality and input errors,

E-Verify could inappropriately issue some TNCs and FNCs. However, the ability of status verifiers to examine photocopies of the documents and contact the MVA to identify any system inaccuracies, relevant to the information and documents presented, helps minimize any risk of mistakes leading to an FNC. This process ensures that all contested TNCs receive a full examination against the MVA's records in order to avoid issuing an FNC because the MVA database was incorrect or license-printing errors occurred.

Finally, while E-Verify primarily uses the information it collects for verification of employment eligibility, including information collected as part of RIDE, the information may also be used to prevent fraud and misuse of E-Verify, discrimination, and employment-based identity theft and for program analysis, monitoring and compliance, program outreach, and customer service purposes. USCIS has outlined the uses of information contained in E-Verify in the E-Verify PIA.[9]

Retention

Consistent with the current NARA records retention schedule, NARA approved the retention schedule N1-566-08-7. As of June 5, 2008 the E-Verify Program retains the new information for 10 years from the date of the last transaction.

Internal Sharing and Disclosure

There is no change to internal sharing and disclosure. As described in the May 4, 2010 E-Verify Program PIA, when potential system fraud or misuse is indicated by E-Verify, information relevant to the suspect behavior may be shared, on a case-by-case basis, with DHS internal law enforcement organizations such as Immigration and Customs Enforcement (ICE). E-Verify shares only that information required to pursue an investigation into the potential fraud or misuse of the E-Verify System, or as required by law.

External Sharing and Disclosure

The E-Verify program may share relevant driver's license, driver's permit, or state-issued ID card information (as entered into E-Verify) with state MVAs for verification purposes. E-Verify only collects and shares document numbers for driver's licenses or permits, or state-issued ID cards when the employer enters that the state or jurisdiction of issuance for the document presented has signed an MOA with DHS USCIS to participate in RIDE. E-Verify only shares information with the MVA that issued the document. All other sharing remains as described in the May 4, 2010 E-Verify Program PIA. E-Verify will not share any of the information returned by the MVA with the employer, nor will the MVA retain any of the information contained in any E-Verify query of its database, therefore mitigating the risk that an MVA could retain information from an E-Verify query for a use not outlined in the MOA. E-Verify shares only the relevant license information for querying against the state MVA database. At the request of USCIS, the MVA retains a log of the number of times E-Verify queries their database for the purposes of RIDE. This log does not include any personal information, and only serves to document that E-Verify conducted a query into the database.

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[9] E-Verify Program Privacy Impact Assessment, May 4, 2010,
http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_everify.pdf

E-Verify shares name, document type, and document number with state MVAs for verification of the information on those documents and only in those cases where the issuing jurisdiction has established an MOA with DHS USCIS to allow verification of driver's licenses, driver's permits, or state-issued ID cards. All other sharing remains as described in the E-Verify PIA. There will only be minimal sharing; E-Verify only shares information required for verification of the driver's license, permit or state-issued ID card with the MVA.

Finally, E-Verify information, including information collected as part of RIDE, may also be shared with external law enforcement agencies, such as the Department of Justice, Civil Rights Division, when the information could be used to assist in investigations of discrimination, fraud, or other misuse of E-Verify. USCIS has outlined the uses of information contained in E-Verify in the E-Verify PIA.[10]

Notice

This PIA Update provides notice. The updated E-Verify System of Records Notice, which is published concurrently with this PIA update, informs individuals that the Verification Division collects and uses information for certain purposes and also provides notice of this new process. The Form I-9 requires that the identity documents provided by the employee be reviewed by the employer and the Form I-9 instructions provide additional information about the purpose of the collection and use of the employee's information. Additionally, E-Verify also provides outreach through a website and publically available guidance and user manuals.

Individual Access, Redress, and Correction

As is the case with any E-Verify TNC, the employer must share the result with the employee, who may choose to contest. The TNC letter notifies the employee that the driver's license information provided does not match the information in the state MVA database. If the employee chooses to contest, the employer prints a referral letter, which provides directions to the employee on how to contest the TNC. The employee must call a USCIS status verifier and fax a copy of his/her driver's license, driver's permit, or state-issued ID, as appropriate. Status verifiers manually review the faxed copy of the driver's license or driver's permit against the information in the MVA's database. If the status verifier cannot match the document, the status verifier places the case in continuance and contacts the MVA to determine whether it is a true mismatch or an error in the MVA database. This process ensures that all contested TNCs receive a full examination against the MVA's records in order to avoid issuing an FNC because the MVA database was incorrect or license-printing errors occurred. Once the Status Verifier has researched the document, he/she enters a response that triggers an update to the case in E-Verify to display a response of EA or FNC, depending on the resolution.

Technical Access and Security

There will be no change to the technical access or security of E-Verify as a result of the RIDE enhancement. E-Verify electronically connects to the MVA systems by leveraging existing framework

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[10] E-Verify Program Privacy Impact Assessment, May 4, 2010,
http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_everify.pdf

and applications provided by AAMVAnet. This connection is strictly limited to the transfer of relevant license, permit, or state-issued ID card information for the purposes described in this PIA Update. MVA systems will not retain any data transferred as a result of an E-Verify query, nor does this connection permit MVA access to the E-Verify system or its records; therefore, there is minimal impact on privacy.

Technology

E-Verify is leveraging the existing secure framework and applications provided by AAMVAnet to connect to MVA systems for the purpose of verifying the information on an employee's driver's license, permit, or state-issued ID card, as presented for establishing identity on Form I-9. E-Verify provides new fields for employers to enter relevant identity document information from Form I-9 as part of the RIDE enhancement. The MVA databases contain biographical information collected from individuals who have applied for a driver's license, driver's permit, or state-issued ID card through a state MVA. The state MVA owns the data in the system that is being queried by E-Verify. This connection is strictly limited to the transfer of relevant driver's license, driver's permit, or state-issued ID card information for the purposes described in this PIA Update. MVA systems do not retain any data transferred as a result of an E-Verify query, nor does this connection permit MVA access to the E-Verify system or its records. Information from the MVA databases helps to verify the documents an individual presents to establish identity in the employment eligibility process.

Responsible Official

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Approval Signature

Original signed copy on file with the DHS Privacy Office

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Appendix A

The following states or jurisdictions have agreed to participate in the Records and Information from Department of Motor Vehicles for E-Verify (RIDE) initiative. In order to participate, states or jurisdictions must establish a Memorandum of Agreement (MOA) with the Department of Homeland Security (DHS)/United States Citizenship and Immigration Services (USCIS) to allow the verification of information from driver's licenses, driver's permits, or identification cards that they have issued.

States and Database Name	Date MOA Executed	Driver's License (including Driver's Permit)	State ID Card	Data Fields Provided to E-Verify by State or Jurisdiction
Mississippi, *Mississippi Driver's License Database*	October 15, 2009	Yes	No	Issuing state, Document Type, Expiration Date, Name (First and Last), Date of Birth, Driver's License/permit number, Status Text, Status Description Text