**Privacy Impact Assessment Update
for the**

E-Verify Program: Use of Commercial Data for Employer Verification

June 2, 2010

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Abstract

The Verification Division of the U.S. Citizenship and Immigration Services (USCIS) operates the E-Verify Program, which provides verification of employment authorization for employers participating in the E-Verify program. The E-Verify Program will collect additional employer business information from both registering employers and a commercial data provider, Dun and Bradstreet (D&B), to enhance the employer registration process, manage customer relationships, and improve reporting capabilities and operational effectiveness. This expanded information collection pertains to registered employers participating in the E-Verify Program.

Introduction

The E-Verify Program is a free and voluntary Department of Homeland Security (DHS) program implemented by the USCIS Verification Division and operated in collaboration with the Social Security Administration (SSA). It compares information provided by employees on the Employment Eligibility Verification, Form I-9, against information in SSA and DHS databases in order to verify an employee's employment eligibility. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides the statutory authority for E-Verify. On May 4, 2010, E-Verify published a PIA to describe the program.[1] This PIA update describes the expanded collection of business information from both new registering employers and a commercial data provider, D&B, in order to ensure that registering companies are genuine businesses. The commercial data consists of employer business information that E-Verify will use to enhance the registration process, manage customer relationships, and improve reporting capabilities and operational effectiveness. The information obtained from D&B is business information and will include business contact information.

The E-Verify employer registration process requires that all employers (1) sign a Memorandum of Understanding (MOU), which explains terms and conditions of using E-Verify, (2) complete a mandatory tutorial and, (3) submit employer business information. Commencing on the date of publication of this update, E-Verify will attempt to verify the submitted employer business information using commercial data provided by D&B. E-Verify may be used by any type of employer from large corporations who verify staff throughout the country all the way to individual employers who might want to verify the employment eligibility of their domestic employees such as a nanny. Most employers however, will have established themselves as corporate entities and thus will have created a corporate profile, therefore commercial data about these employers will be publicly available to confirm their existence. Commercial data will assist E-Verify in improving the quality of information collected during the online registration process by providing additional verification of employer business information and using any discrepancies as an opportunity to correct errors and eliminate duplicate employer registrations.

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[1] See http://www.dhs.gov/privacy.

The registering employer previously provided E-Verify with their business name, business address, mailing address, phone number and other information which is compared to information already in E-Verify to eliminate duplicate registrations, as described in the E-Verify Privacy Impact Assessment. E-Verify will now request the following new information to register: doing business as (DBA) name (if applicable), the DUNS number (the Dun and Bradstreet identifier) (if applicable), the Administrator name, the Parent Organization (if applicable), and the marketing channel (where the employer heard about E-Verify.) Providing information on the marketing channel is optional. After checking for duplicate registrations E-Verify will automatically send the company name and address to D&B where it will be compared against the commercial database. D&B will assign each query a match grade and a confidence code which detail what information matched and how well they matched and return this information to E-Verify.

If D&B issues a high confidence score (i.e., a very close or exact match), E-Verify will allow the company to automatically register. If D&B returns a match with a low confidence score or a no match, E-Verify automatically sends another request to the D&B database with any alternate addresses or business names that the company may have provided during the application process to determine if a match can be found. If D&B still cannot match on this information, E-Verify personnel review and assess whether the online registration should be completed.

This manual assessment involves three steps, (1) again review whether there is an existing duplicate or similar registration for the commercial entity in E-Verify. This will ensure that E-Verify information is accurate and relevant (2) validate whether the records actually match and the company can be registered without additional information, and (3) attempt to contact the employer by phone or email to verify the information provided by the employer. E-Verify will reject an online employer registration when: it is a duplicate of an existing registration, or when it is unable to confirm the registration information directly with the employer. D&B will not have information on certain types of employers such as new businesses or individuals who are employers. For example, if an individual is hiring a domestic employee and they wanted to use E-Verify, D&B would likely have no information on that individual employer. In this case D&B will return a no match and E-Verify will contact the individual employer and confirm that they are in fact seeking to verify employment eligibility for an employee.

E-Verify's use of commercial data for registering employers participating in the program provides a number of programmatic, operational, and customer service-oriented benefits. First, it helps to ensure that only valid companies enroll in E-Verify thereby establishing a level of identity assurance of the employer and thus minimizing the chances of fraudulent companies from using E-Verify to confirm personal information for illegal purposes. It will also enable the Verification Division to identify duplicate registrations. In addition, use of commercial data will simultaneously improve the program's operational effectiveness and customer relationships with registered employers by enabling real-time validation of registration information and facilitating communication between employers and the E-Verify Program. Finally, E-Verify will use D&B information to generate new reports that will enable the program to measure the effectiveness of the online employer enrollment process as well as plan for growth projections should E-Verify requirements mandate participation by a broader population.

Reason for the PIA Update

E-Verify will be collecting additional information from registering employers and comparing it against data provided by a commercial data provider. The use of commercial data will, among other things,

be used to reduce the potential for fraudulent participation in E-Verify, thus protecting employees' personally identifiable information (PII).

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

The use of commercial data by E-Verify to verify employers positively impacts privacy because it provides a greater level of confidence that employer registrants are valid employers seeking to verify that their employees are employment authorized. E-Verify will compare the employer-provided registration information against D&B information. The comparison will help to authenticate the employers using the E-Verify system.

In addition to the information currently provided and described in the E-Verify PIA, registering companies will now provide the following new information:

- Doing Business As (DBA), if available;

- DUNS number – Dun & Bradstreet Identifier, if available. Not all employers will have a DUNS number, and other information such as address and phone number will be used to differentiate similar employees;

- Administrator Name – Links a company to its corporate administrator. This is the new name of the field formerly known as "Corporate Administrator";

- Estimated Hiring Projections;

- Marketing Channel Inquiry – The registering entity will be asked to identify how they heard about E-Verify by selecting an option from a "drop down" menu. Providing this information is optional. The answer to "how did you hear about E-Verify?" will allow the Outreach branch to assess the usefulness of marketing efforts and fine tune the existing marketing strategy;

D&B will provide the following new information, which will be used to determine whether a company registering to use E-Verify is a valid company and for segmentation (e.g., by industry or geographic location) of enrolled companies for reporting purposes. These fields which will be retained as part of the E-Verify information on the companies are:

Confidence Code – D&B generated and used to identify the confidence of a match between the registration record and the D&B record

Address Source - An indicator passed back from D&B that identifies whether the employer submitted address was matched to the business address or an alternative address

Line of Business – Description of Business activity used to categorize the business for reporting and customer management purposes

Local Business ID –D&B name for the Employer Identification Number (EIN) used to confirm self reported EIN

Mailing Address – Used to confirm self-reported information

Match Grade – Used to show closeness of match for each element "matched" on

NAICS Code - North American Industry Code System, used to confirm self reported information

Physical Address – If different then mailing address used to confirm self reported information

Small Business Indicator – Indicates that the business is a small business as defined by the Small Business Administration (SBA) used to categorize the business for reporting and customer management purposes

Source System – What name is matched on from the D&B database. This is an indicator passed back from D&B that indicates which name was matched on – either the business name or alternative name (DBA).

United States-based parent company name and DUNS Number – Used to associate companies with related companies for E-Verify registration purposes

Year Started - Year the business started operating, used to categorize the business for reporting and customer management purposes

Bankruptcy Indicator –Used to determine whether a company is in operation

Criminal Activity Indicator – Used to determine whether additional scrutiny is needed during registration

Employee Here, Employee Here Code, and Employee Percent Growth – Number of employees at a particular location used to manage E-Verify based on growth projections

Employee Total and Employee Total Code – Number of employees at all business locations used to manage E-Verify based on growth projections

Foreign-based Parent Company and Foreign-based Parent Company Country Code – Used to associate companies with related companies for E-Verify registration purposes

Government Contractor – Indicates the presence of at least one federal contract award to this company used to categorize the business for reporting and customer management purposes

Out of Business Flag – Indicates whether the company may be out of business used to determine whether additional scrutiny is needed during registration

Parent HQ Name and DUNS number, Legal business name and DUNS number of the Parent/HQ – used to associate companies with related companies for E-Verify registration purposes

Uses of the System and the Information

E-Verify will collect additional business information from two sources: registration information from the employer and compare it against information provided by D&B. After doing an automatic de-duplication process, E-Verify will send this information (business name, doing business as (DBA) name, physical and mailing addresses, and MOU signatory telephone number) received during the registration process to D&B where it will be compared against its database and assigned a match grade and a confidence code and return this information to E-Verify. D&B data is a compilation of company information from publicly available sources and from trade information that D&B receives from trade organizations with which they have agreements. The confidence code indicates the level of confidence that D&B has that the registering organization matches the organization that D&B has on record. The match grade details what information elements provided by the registering organization matched and how well they matched. D&B returns all matches to E-Verify.

If there is a high confidence match, E-Verify will allow the company to register automatically. If D&B returns a low confidence code or no match could be found in the D&B database, E-Verify automatically sends another request to the D&B database with an alternate address or business name, if available, to determine if a match can be found.

If D&B cannot match on this information E-Verify assesses whether the registration should be completed. This assessment involves three steps: (1) again review whether there is an existing duplicate registration in E-Verify; (2) validate whether the records actually match and the company can be registered without additional information; and (3) attempt to contact the employer by phone or email to verify the information if there is no match. E-Verify will reject an online registration when it is a duplicate of an existing registration, (e.g., originally registered under company name but now attempting register under a DBA) or if an E-Verify representative is unable to confirm the registration information directly with the employer. D&B will not have information on certain types of employers such as new businesses or individuals who are employers. For example, if an individual is hiring a domestic employee and they wanted to use E-Verify D&B would likely have no information on that individual employer. In this case D&B will return a no match and E-Verify will contact the individual employer and confirm that they are in fact seeking to verify employment eligibility for an employee.

The use of commercial data by E-Verify to verify employers positively impacts privacy because it provides a greater level of confidence that employer registrants are legitimate employers seeking to verify that their employees are employment authorized. It also provides programmatic and operational benefits by for example, reducing duplicate registrations, enabling real-time registration validation and enhanced reporting capabilities that will allow E-Verify to measure operational effectiveness.

Retention

The E-Verify program will retain the new information for ten (10) years from the date of the last transaction. This is not a change from the current retention schedule for the existing records in E-Verify. The retention schedule N1-566-08-7 has been approved by NARA as of June 5, 2008.

Internal Sharing and Disclosure

There is no change from the DHS internal sharing and disclosures as described in the previous E-Verify PIA. When potential fraud or misuse is indicated by E-Verify information or the D&B information,

this information may be shared, on a case-by-case basis, with DHS internal law enforcement organizations such as the Immigration and Customs Enforcement (ICE). E-Verify will share only that information required to pursue an investigation into the potential fraud or misuse of the E-Verify system.

External Sharing and Disclosure

The E-Verify program will be sharing business name, doing business as (DBA) name, physical and mailing addresses, and MOU signatory telephone number with D&B for verification purposes. All other sharing remains as described in the E-Verify PIA. There will only be minimal sharing, only information required for verification of the registrant will be shared with D&B.

Notice

Notice is being provided by this PIA Update. Additionally, a banner notice of the new registration process will be published on the E-Verify website in advance of this enhancement being put in place. Additionally, when a company decides to register, a list of required information is provided in the beginning of the registration process so that a company can assess up front what information it needs to gather and whether or not it wants to register based on the information requirements.

Individual Access, Redress, and Correction

Once an employer has registered to use E-Verify, each program administrator has full access to the company's profile and can update the information they provided as needed. The information that is provided by the registering entity can always be edited once the entity is fully registered. The information provided by D&B will not be available to the employer through the company's profile page. An employer by may request this information through a Privacy Act or FOIA request.

E-Verify provides redress if the company receives a low confidence match score from D&B. If the match score is below a certain threshold, the E-Verify customer contact center will attempt to contact the company by email or phone. If E-Verify can confirm the registration information with the employer the company will be allowed to continue registering. The initial mismatch has no effect on the future relationship between the company and E-Verify as long as it is resolved. If registration is denied because the E-Verify representative is unable to confirm the registration information with the company, the company can always attempt the registration process again in the future. The company is not banned from E-Verify but the information will have to be confirmed prior to the company's registration being completed.

Technical Access and Security

D&B has no access to the E-Verify program, however, there is a connection between E-Verify and the commercial data provider via the Enterprise Service Bus (ESB), however this connection is strictly limited to the transfer of the business information for the purposes described in this PIA Update. This connection does not permit access to the E-Verify system and therefore has a minimal impact on privacy.

Technology

No change from the technology described in the E-Verify PIA.

Responsible Official

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Approval Signature

Original signed copy on file with the DHS Privacy Office

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