

Thomas C. Williams  
Director  
Permanent Fund Dividend  
Department of Revenue

September 25, 1991

663-91-0470

465-3600

PFD Division access to  
Social Security numbers

of

registered voters

Vincent L. Usera  
Assistant Attorney General  
Commercial Section - Juneau

You have asked whether the Division of Elections may disclose Social Security numbers contained in voter registration files to the Permanent Fund Dividend Division (PFDD), and, more specifically, whether the Division of Elections may provide a tape file of registered voters containing their Social Security numbers to the division if all applicants for the PFD authorized the division to obtain information from any source. You have informed us that the tape file created by the Division of Elections would contain all registered voters whether or not they filed for a PFD, and thus would contain the names and Social Security numbers of persons who have not specifically authorized you to have that information. Thus, the original question presented is, may the Division of Elections disclose to you the names and Social Security numbers of all registered voters? After analyzing existing law and consulting the opinion of the Office of Assistant Attorney General for the United States, it is our opinion that the Division of Elections may not disclose this information to the PFDD unless the Division of Elections has provided information to the registrant regarding the authority under which the Social Security number is sought and the purposes to which this information will be put. However, having reviewed with you the actual process that will be used, we conclude that no disclosure would be made, hence providing such a tape would be permissible for the Division of Elections.

As we understand the process contemplated, the PFDD wishes to have a tape provided by the Division of Elections containing the names, birthdates, and Social Security numbers of registered voters against which to match its tape of Permanent Fund Dividend applicants. The PFDD will be looking to have its list confirmed by a three-point match of name, birthdate, and Social Security number. The **only** matches that could be made are those where the PFD applicant previously had provided a Social Security number to the elections division and had provided that same number to the PFDD on the current PFD application. The only information that the PFDD would receive after the matching

Thomas C. Williams, Director  
1991  
PFD, Department of Revenue  
663-91-0470

September 25,

Page 2

process would be a notation on its file for each applicant who did match on all three points of information.

In order to "disclose" information, and violate the provisions of federal law prohibiting disclosure of Social Security numbers, the information must have been "previously unknown to the person to whom it is imparted." **Harper v. United States**, 423 F. Supp. 192, 197 (D.C.S.C. 1976). A later case affirms this holding, **Hollis v. U.S. Department of the Army**, 856 F.2d 1541, 1545 (C.A.D.C. 1988), and concludes there can be no disclosure, hence no violation -- in this case of the federal Privacy Act -- where the person receiving the information already has knowledge of it.

Since there would be no instance of the PFDD learning anything which it did not already know, there can be no disclosure, therefore, no violation of federal law. No SSN not already dis-closed by the applicant to the PFDD would be revealed to them.

We conclude that it would be permissible for the Division of Elections to provide the tape sought by the PFDD, so long as it is used in the manner described above and nothing is "disclosed" to the PFD division which it did not already know.

VLU/prm