Appendix D

The National Driver Register

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Scenario

Within a few hours after the hearing was over John Doe was back behind the wheel, even though the judge had suspended his license for three years. With a little planning, there's no reason for a smart fellow like Doe to be grounded for three years for reckless driving and a couple of speeding tickets, provided he takes a few simple precautions, right? As a salesman, Doe knew every county seat in the area where Colorado, Nebraska, and Wyoming join, and two days after the ticket that put him over the top in Colorado's point system, he had applied for and received driver's licenses from both Nebraska and Wyoming. The licenses were still only temporary cards, but in a week or two the real ones would be in the mail, and everything would be all right again. Of course, he'd have to be careful not to attract attention to the fact that he had an out-of-state license, but with two licenses to fall back on, Doe didn't anticipate any trouble in continuing to drive until his three years were up and he could get a Colorado permit again.

Before 1961, John Doe's plan would probably have worked. There was nothing suspicious about his looks or actions. He had

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identified himself fully and on the application form he had answered quite truthfully that his license had never been suspended in another State. After all, the hearing at which he knew the suspension would take place was still weeks in the future when he took his precautions. Unless either Wyoming or Nebraska found something suspicious in his application, and went to considerable trouble to check with Colorado, no one would ever discover that those states were innocently, but nonetheless effectively, nullifying the judicial action of Colorado.

Today, however, any sense of smugness that Doe might feel will evaporate rapidly. The National Driver Register (NDR) of the U.S. Department of Transportation will give the motor vehicle administrations of Nebraska and Wyoming the information they need to make the proper decision about granting a license to John Doe. The mechanics of the NDR operation deserve to be developed in some detail, though needless to say, this description is by no means exhaustive: there are many bad drivers even cleverer than Doe, and they should learn about NDR the hard way. For that reason, also, the names of States used here are purely for narrative convenience; administrative and legal details do not necessarily refer to the States named.

The National Driver Register

When Doe filed his application in Wyoming, his form was processed just like all the other forms of the three hundred or so applicants that day. All were sent to the central office of the Motor Vehicle Division, where a clerk transferred to magnetic computer tape the following information from each application form: name, date of birth, place of birth, Social Security number, sex, height, weight, and color of eyes. Since Wyoming is one of the States that use the Social Security number as the driver's license number, Doe had furnished his number on the application blank. Doe's file occupied only an inch or so of tape, so Wyoming waited another week until enough applications had accumulated to fill a small reel. The reel was boxed in a metal carrier to protect the tape from stray magnetic fields that could destroy the intricate magnetic pattern of the record; then mailed to the National Driver Register at the headquarters of the National Highway Traffic Safety Administration in Washington, D.C.

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In Nebraska, a slight variation of the same process was taking place. There, Doe's application was singled out early for special attention. Because the licensing system of Nebraska does not use a central computer file of all license holders, Nebraska does not routinely prepare a magnetic tape of all applicants. Instead, each local license office prepares and issues the temporary license and merely sends a duplicate record of the transaction to State headquarters. At headquarters, the record is checked against Nebraska's list of suspended drivers and, if the applicant is applying for his first license at the minimum driving age, a permanent license is issued. If the applicant is over the minimum age, however, Nebraska takes an extra precaution; it types out and forwards to the NDR a Form HS-1047 "Request for Search of National Driver Register." The information Nebraska sends about Doe is the same as the Wyoming list with one exception: Nebraska has its own system of license numbers, and does not report Doe's Social Security number to the NDR.

When the Wyoming tape reaches the NDR, it is copied onto a working tape along with all the other requests received that day. The Nebraska request for search requires one extra step. A contract data-processing service picks up all forms that are not submitted by the States in computer-readable tape or punched cards and prepares the data for the computer. This processing takes place in a facility which, like the facility at NDR itself, is protected against unauthorized access to any of the information.

When all the requests for a day's computer run have been assembled on tape, that tape, along with a master list of all drivers in the U.S. whose licenses have been reported withdrawn, is fed to the computer of the Federal Highway Administration's Computer Services Division. The two lists are matched, name for name, and all names common to both lists are printed out. The details of this process will be examined later, but for the moment, let us allow Doe his short hour of victory.

Doe's applications have reached the NDR before Colorado's report of suspension, and no match against his name appears.

Meanwhile, the case against Doe in Colorado has been going forward. His repeated offenses have earned him enough points for a three-year suspension and a heavy fine. They could also have earned him a jail sentence, but the judge noted that Doe was supporting a

family and concluded that withdrawal of Doe's driving privilege was punishment enough. The court's bailiff collected Doe's license, stamped it "Not Valid for Driving," and returned it to Doe so that he could still use it for identification when cashing checks. (Colorado even issues driver's licenses to the blind because it has become practically impossible to cash a check without one.) Some drivers in Doe's situation ruefully report to the bailiff that they seem to have mislaid their license. Although superficially attractive, this ploy is usually counterproductive, since it arouses powerful suspicion and guarantees special surveillance of the suspended driver.

In the meantime Colorado is setting out to do its part in making Doe's suspension truly effective. As soon as the court's order becomes valid, the Division of Motor Vehicles prepares an NDR Form HS-1057,"Report to National Driver Register." This report contains the same personal identification data that the search request form does and adds other information relating to the withdrawal of the license: the date of withdrawal, the date of eligibility for restoration, and a coded statement of the reason for withdrawal. The report is sent to Washington in the form of two punched cards, although other States may submit reports of withdrawal in the form of computer tape, typewritten forms, or sometimes only copies of the original court order suspending the license.

Whatever the form of entry, a report of license withdrawal is soon converted to tape format and added to the roughly 3,500,000 reports already in the master file of withdrawals that NDR maintains on 24 reels of tape. Each query from the States is compared with this master file twice; the first time within 24 hours of the time the query reaches the NDR, the second, some weeks later. It is this delayed search that is designed to outsmart the John Does who apply for a new license before their old ones have actually been withdrawn. In Doe's case, the day after the delayed search a report from NDR was mailed to both Wyoming and Nebraska, reporting that his license had been withdrawn by Colorado. Date and place of birth, Social Security or license number, sex, height, weight, and eye color were included to clinch the identification.

Verification and further action on an NDR report of license withdrawal is the sole responsibility of the States themselves, but since all States hold misrepresentation of driving record on an application

to be sufficient grounds for denying a license, both of Doe's unwitting accessories in evading the consequences of Colorado's judgment have ample reason to withdraw Doe's newly acquired licenses. Furthermore, Doe's record will stay in the master file of the NDR until a certain statutory period has elapsed. Even after his driving privilege has been legally restored by Colorado, Doe will be well advised to be completely honest in answering the question, "Has your license ever been suspended or withdrawn?"

The Withdrawal Record

Now that we have seen the NDR in operation, even if on an imaginary case, let us look at the scale of data processing and at some of the details of the searching methods. During calendar year 1972, the NDR filed just over 1,000,000 reports of license withdrawal or denial, for a daily average of over 4,000 actions. Over 17,200,000 requests for file search were received, or about 68,000 per day. About 375,000 older records were purged from the master file after their statutory applicability had expired, leaving a balance of more than 3,500,000 records valid. About three-quarters of one percent of the inquiries are identified as probably matching a record on the master file; of these, there were nearly 124,000 during the year, or about 490 per day.

Title IV of Public Law 89-563 (80 Stat. 730, 401) sets out the legal basis for the content of the master file of the NDR:

> The Secretary [of Transportation] shall establish and maintain a register identifying each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has denied, terminated, or temporarily withdrawn (except a withdrawal for less than six months based on a series of nonmoving violations) an individual's license or privilege to operate a motor vehicle.

Although the language of the law doubtless makes up in precision for what it lacks in clarity, the intent seems to be fairly plain: the NDR keeps a record of persons who have been denied a license (for inability to pass one of the required tests, for instance) or who have had their license withdrawn. The NDR reported that in 1972, 48

percent of the withdrawals were for drunken driving, 15 percent for repeated moving violations, six percent for violation of restrictions (driving during a suspension, for example), another six percent for speeding, and the remaining 25 percent for 24 miscellaneous reasons.

In reporting a denial or withdrawal to the NDR, a State must furnish at least the full name and birth year of the driver. For more positive identification, States are strongly urged to submit the full date and place of birth, an identifying number, either the Social Security number or a driver's license serial number assigned by a State, sex, height, weight, and eye color. The date of withdrawal or denial, the reason for the action, and the date on which the driver will be eligible for restoration are also reported. The reason for denial or withdrawal is reported in the standard violation code letters of the American Association of Motor Vehicle Administrators, of which the following categories are most used:

DI - Driving under influence (or impaired)	DS - Disability
FA - Fatality	FE - Felony
FR - Financial Responsibility	HR - Hit-and-run
MR - Misrepresentation	RK - Reckless
RV - Repeated Violations	SP - Speeding
VR - Violation of Restriction	

The NDR can accept the withdrawal report as a filled-in form, but it prefers, and most States supply, magnetic tape in a standardized computer-readable format.

The Request for Search

When a State wishes to have the NDR check its file for a record of an applicant, it prepares, either by hand, or as punched cards or magnetic tape, a request for search. The request must contain at least the surname and the initial of the given name and year of birth, but other identifying data, as in the withdrawal report, are usually available. As the scenario indicated, States vary in their practices in submitting these requests for search. For 1972, the NDR reported that 19 States and the District of Columbia check both original and renewal applications, 25 other States and Guam

check only original applications, while five other States, the Canal Zone and the Virgin Islands check only random samples or suspicious cases. About 80 percent of the search requests are submitted in the form of computer-readable magnetic tape.

Rescission and Restoration

If a State discovers that it has recorded a denial or withdrawal of a license by mistake, or if a person successfully appeals the action, it is the responsibility of that State to notify the NDR so that the record of the action can be purged from the files. Similarly, a State must report to the NDR that a license has been restored after the term of suspension expires. In both these cases, the NDR's search program can guarantee a match only if the report of rescission or restoration contains exactly the same data as the original report of withdrawal. States that use manual record-keeping systems sometimes cannot ensure that the two reports are exact duplicates, but States with automated systems have a number of technical methods at their disposal to generate the restoration report directly from the original, with very little chance for error. A report of rescission removes the report of withdrawal from the NDR file, but a restoration action is retained on file for the full statutory period.

The Search Process

The fundamental problem in the operation of the NDR is that of matching the *identity* of the subject of a search request with that of the subject of a withdrawal report. Although we may feel that we have an intuitive understanding of the concept of identity, there are legal and practical difficulties behind the proof of identity that greatly complicate the operation of the NDR. To begin with, most people feel that their names are the most salient features of personal identification. Although there are undoubtedly many unique names, particularly if one includes the middle name, duplicate names are far from uncommon. A study of the surnames in the files of the Social Security Administration found the following characteristics in a relatively unbiased sample of the pattern of names borne by the entire American public:

- There are more than one million different surnames in the files of the Social Security Administration, considering only the first six letters of each surname. The number of different surnames, considering the entire surname, is not estimated but is surely much higher. (The NDR files carry surnames out to a maximum of fifteen letters.)
- The ten thousand most common surnames account for only about half of the total number of Social Security accounts and account numbers.
- The two thousand most common surnames include many names most people might consider to be uncommon, such as Ham, Paris, and Mock.[1]

Even though names are not by any means unique identifiers, practically every personal data system orders its files on the alphabetization of surname, first name, middle initial. Only in cases of restricted populations where the penalty for a mix-up is severe, such as customers of banks, do American filing systems depart from the pattern. (In Scandinavia, where surnames are extremely restricted, a universal identification number or other non-name identifier is a practical necessity.)

There have been several methods developed for translating a name into an unambiguous number that can serve as index to a file. The oldest of these is the Russell *Soundex* system, in which the consonants of a name are assigned numbers on the basis of a phonetic code. Since most errors in the recording of names involve mistakes in vowels or the confusion of phonetically similar consonants, the Soundex consonant numbers group easily confused consonants under the same digit (C and K, for example, or D and T, would be assigned the same number). The first letter of the surname plus the Soundex digits for the next three consonants (or zeros if there are none) form an index key that is relatively insensitive to the common errors in recording names.

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[1] *Report of Distribution of Surnames in the Social Security Account Number File* (Social Security Administration), 1964.

The Soundex system does not generate a unique number for each surname. It generates an index key under which many different (but related) surnames are grouped, usually alphabetized by first name. Thus, if Harold Baer's name happens to appear as "Harry Bayer" or "Hal Beer," the search for the proper record will have to cover a much smaller fraction of the entire surname file than if the file were arranged strictly alphabetically. In practice the Soundex code reduces the effect of spelling errors by about two-thirds.

As an alternative strategy, the file may be arranged not by name at all, but rather by an arbitrary identifying number, sometimes one furnished by the subject (such as the Social Security number) or one generated by a special computer program (such as the IBM Personal Identification Code). Computer programs are available which yield a unique number of reasonable length for the less-common surnames, but the necessity of providing tie-breaking suffixes to individualize the numbers formed from the common names can lead to key numbers of unwieldy length. It is precisely this practical problem that underlies the whole subject of record linkage and that makes the Social Security number so attractive as an identifier.[2]

The master files of the Social Security system itself are arranged according to the Soundex system. Persons with identical names are further identified by date and place of birth and mother's maiden name. The Social Security Administration takes special precautions in assigning account numbers to twins, triplets, etc.

The NDR search program is designed to sacrifice some efficiency for the sake of thoroughness. There, identity is sought first by surname (up to 15 letters), then by first name, then by middle name, then by date of birth. If a data element in either record (search request or master file) is blank, the program scores it as a match. To print out a possible hit requires a match on at least the surname, one initial, and two elements of the date of birth.

Thus, it is possible for *M*ary *Smith* born 10/12/30, to be printed out in response to a query for *M*elvin *Smith,* born 12/10/43, but only if there are *no* other data elements common to both records; that is, if Mary's eye color is reported but not Melvin's; Melvin's

[2] See E.D. Acheson, *Medical Record Linkage* (London: Oxford University Press), 1967, pp. 65-81.

height but not Mary's, etc. Along with each possible hit, the computer prints a score to evaluate the degree to which the two records match. In practice, of course, almost all record pairs have more data elements in common, and hits reported by the computer are much more closely matched than this hypothetical example.

Nevertheless, the search program is deliberately designed to be tolerant of mismatch. This is necessary because height and weight both can change, as can driver license and Social Security number. Place of birth is a strong identifier, but is susceptible to too many ambiguities (especially for persons born in metropolitan areas, where, for instance, Staten Island = Richmond Borough = New York City) to be amenable to computer processing. Thus, in spite of diligent efforts by programmers, efforts that have made the NDR name-matching program probably the best in the country, the possible hits printed out still require, and receive, careful hand-screening before they are released to the States.

This screening process is the biggest single function of the NDR staff; it employs nearly half of the organization's personnel. Of the roughly 5,000 *possible* hits produced daily, only about 500 survive human scrutiny and get passed on to the States as *probable* hits. Even so, both the NDR handbook and the "Report of Inquiry Searched," the report returned to a State, make it clear that true identity between the applicant and the individual in the master file of withdrawals and denials is only tentative. Furthermore, the file at NDR is legally only an abstract of a record that exists in the files of a State motor vehicles office. Technically, an NDR report is furnished only to help officials in one State to locate the records a driver may have established in another State.

Impact on the Public

It is difficult to disagree with the fundamental premise of the NDR: the public should be protected from irresponsible and incompetent drivers, while retaining as much jurisdictional independence as possible at the State level. But how effective is the NDR in keeping problem drivers off the roads?

Because States vary widely in their licensing practices, firm statistics are hard to find. A recent survey of Virginia's use of the NDR showed that the State had taken action against 78 percent of the

probable matches reported. Officials of Alabama estimate that they cancel about 70 licenses per month as a direct result of information supplied by the NDR. These figures extrapolated to the entire national population of licensed drivers yield an estimated 4,450 actions per month, or about 53,400 per year. Assuming an NDR budget of roughly $1 million per year, and excluding costs incurred at the State level, this amounts to a direct cost of about $19 per cancellation.

On the other side of the ledger, the NDR suffers from the *dragnet effect* discussed in Chapter II of this report. Before the NDR was established, States ordinarily took the time and effort to search the records of other States only when the circumstances of a license application were unusual or suspicious. Fewer applicants were caught misrepresenting their previous driving record, but even fewer innocent victims of identity mismatches were forced to prove that their driving records were, in fact, clean.

The impact of mistaken identity on innocent applicants is, of course, heavily dependent on the policy of the inquiring State. To their credit, most States do treat the NDR search report as what it is meant to be—a cautionary flag. Only one State, as a matter of policy, places the burden of proof on the flagged applicant, and even there, three-quarters of the identifications are correct. The largest group of complaints coming to the NDR's attention result from States failing to report the restoration of a license at the end of the revocation period. The NDR has no statutory authority to force individual States to comply with any minimum standard of reporting accuracy or completeness. Since a dependable, smooth-running NDR is in the best interests of all States, however, compliance is gradually improving, and as more and more States turn to automation for processing all motor vehicle records, the percentage of errors and omissions is steadily decreasing.

Of the cases of genuine mistaken identity which result in difficulty to an innocent applicant, NDR's experience is that most are so accidental that no amount of reprogramming of the computer search routines would eliminate them. Nearly all involve persons with the same names and date of birth, and with the other particulars of identification either missing from the States' reports or coincidentally identical. Recognizing that even very unlikely events occasionally happen, the NDR maintains a service representative

who contacts the appropriate State officials by telephone and acts rapidly to clear up confusion on justified complaints. Intervention by the NDR staff is required once or twice per month. Since the NDR processes about 1.4 million searches per month, NDR's contention that misidentification is a "one-in-a-million chance" seems to be borne out.

Use of the Social Security Number

From the NDR's point of view, the Social Security number is not a universal identifier, but simply one more readily obtainable element of personal identification to be used as a "tie-breaker" when more than one record in the master file has the same or similar name and date of birth as the subject of a query. Only ten States use the Social Security number as the driver license number, but that use seems to be spreading inexorably. In practice, the NDR accepts either a State license number or the Social Security number, or if special arrangements are made to alter the file format, both numbers. The NDR is aware that many people have more than one Social Security number, and that a few numbers have been erroneously assigned to more than one person, but neither of these conditons has an appreciable impact on everyday operations.

Improper Uses of NDR Data

Section 2 of Public Law 89-563, the statutory basis for NDR's operation, specifies that

> Only at the request of a State, a political subdivision thereof, or a Federal department or agency, shall the Secretary furnish information contained in the register. . .and such information shall be furnished only with respect to an individual applicant for a motor vehicle operator's license or permit.

The NDR staff takes this responsibility very seriously and has designed strong protections into the data-handling process at every step of the operation. No subpoena has ever been issued for information from the master file, a fact that probably reflects two different things: first, the information contained in the master file

would not be of much use in law enforcement or in any other intelligence activity outside the driver licensing speciality; and, second, most law enforcement agencies have such good connections with the motor vehicle officials that getting a query into the NDR through regular channels would be no problem at all, provided the inquiring agency already knew enough about the suspect to insure a probable match.

Occasional requests come to the NDR from persons outside the motor-vehicle community. These are usually from persons who have misinterpreted newspaper articles about the NDR and believe that it is a master file of *all* driver's licenses ever issued, and who want to be able to prove that they once held a license and therefore should not be forced to take a road test in connection with an application for a new license. In such cases, the NDR explains its file and offers the asker the appropriate address to contact the official record keeper of the original State.

Future Developments

The present state of the NDR is the product of more than 12 years of evolution from the Register's beginnings in 1960. At first, the NDR master list was restricted to reports of withdrawals that resulted from drunken driving or culpable fatal accidents. In 1966, the law was amended to permit filing under considerably wider latitude. There are occasional suggestions from highway safety groups that the NDR become a clearinghouse for all traffic offenses, whether or not they result in the withdrawal of a driver's license. The most specific of these suggestions came from Franklin M. Kremel, President of the Automobile Manufacturers' Association of America in testimony before the Subcommittee on Roads of the House Committee on Public Works on April 12, 1972. There, Mr. Kremel proposed that "[traffic] offenses committed in any state which are subject to action in any other state go on record in the driver's home state." The same clearinghouse mechanism that the NDR now provides could accomplish such a goal, but the volume of data which would pass through such an ambitious system would require expansion of the present NDR by a factor of at least one hundred, as well as much stricter standards of driver identification than many States now use.

In connection with a scheduled rewriting of the NDR computer program to conform with new Federal standards in the programming language, the NDR has let a contract to the Safety Management Institute for a thorough study of the future need and objectives of both the States and the Federal government in the interstate exchange of driver record information to be serviced by the NDR. In particular, the contractor will examine the possibilities of operating the NDR as a shared-time system with direct-access computer terminals located at the offices of State motor vehicle authorities. (Systems of this sort are already in operation in Sweden and Great Britain where they have not only improved the control of drivers who attempt to avoid license suspension by moving from one jurisdiction to another, but also have improved the general level of service to all applicants by speeding the processing of licenses from application to issue.)

The NDR and Safeguards for Automated Personal Data Systems

The NDR is an interesting and instructive test case for the safeguards for administrative personal data systems recommended by the Secretary's Advisory Committee in Chapter IV of this report. As we have seen, the NDR is operating well in its statutory functions and although there are occasional examples of unfair treatment to indivduals, these happen through circumstances beyond the control of the NDR itself, and are readily remedied through special actions of the NDR staff. Let us examine the recommended safeguards as they would apply to NDR to see whether they would forestall all unfair use of NDR data without placing a crippling burden on the system.

The first general requirement of the safeguards, *I.A.*, is that data may be transferred from a manual system into an automated system that is not protected by the safeguards only with the informed consent of the data subject. The NDR is exclusively an automated system; all its records about drivers are part of the system. Accordingly, requirement *I.A.* is not pertinent to the NDR and transfers of data therefrom.

The general personnel requirements of the safeguards, *I.B. (1), (2)* and *(3),* relate to the responsibilities of the supervisors and

employees of a system. As the foregoing description of the operation of the NDR has outlined, adherence to these requirements would be consistent with the NDR's existing operating philosophy and practices.

The requirement, *I.B. (4),* for security precautions against unauthorized access, theft, or malicious destruction of the data is probably met to a sufficient degree, considering the anticipated threats to the system, by the security measures in force.

The restriction on transfer of data to a less secure system called for by requirement *I.B.* (5) appears to be met by present NDR practice as governed by the NDR legislation. The NDR has no statutory authority to enforce data security requirements on the licensing agencies to which it transfers data. Therefore, if the NDR has reason to doubt that any particular transferee of its data is adhering strictly to statutory limitations on the data interchange purposes of the NDR system, it can and should refrain from furnishing that agency with data.

I.B. (6) requires that a system maintain a record of access and use of the data on file. There is an internal accounting program in the NDR to record each possible match and to print out every change in the master file. The mere comparison of an inquiry against a name in the NDR does not produce a record unless there is at least a possible match.

The requirement of *I.B. (7)* that a system maintain data with appropriate accuracy, completeness, timeliness, and pertinence will present problems for intergovernmental clearinghouse systems such as the NDR and the FBI's National Crime Information Center. (The NDR is almost wholly dependent for the quality of its data base on the State agencies that furnish records of license denial and withdrawal.) Reflecting the separation of powers between the States and the Federal government, the NDR is limited under its legislation to rely on moral suasion and exhortation to convince the State agencies to conform to data quality standards for the system. The threat of expulsion from the system of a State that fails to meet NDR standards is not wholly acceptable, since the effect of excluding one State would harm other States as well. In practice, the NDR offers a program of voluntary technical assistance to help States to perfect their record-keeping systems, but it refrains from putting too much Federal pressure on politically sensitive State administra-

tions. Within the present limited scope of NDR operations, there is little risk of individuals being hurt by the quality deficiencies that may exist in the NDR State-agency-furnished data base. As we noted earlier, no actions against individuals are supposed to be taken on the basis of the reports of probable matches that are furnished by the NDR. Furthermore, the States have a collective incentive to supply accurate and timely data, because the utility of the NDR system for them depends on their doing so.

If the purposes of the system were broadened so as to require a significant increase in the scope of the NDR's data base, the difficulty of assuring data quality could increase to the point that the risk of harm to individual drivers might become substantial.

The NDR maintains a data purging schedule such as that required by *I.B. (8)*. A feature of the daily file maintenance program checks each entry for date and automatically selects those eligible for purge.

The public notice requirement of *II.* should present no problem for any system; they have in principle already been met in part for the NDR through Department of Transportation booklets and press releases. Some items of information, called for in the notice requirement, which have not been publicized, could easily be added to a future publication.

Rights of individual data subjects are enumerated below as they appear in part *III.* of the safeguard requirements. We summarize them for purposes of the discussion that follows:

(1) Inform an individual asked to supply data for the system whether he may legally refuse to supply the information requested.

Since the NDR system does not obtain data about individuals by requesting it from them, occasion for complying with this request would not arise for the NDR.

(2) Inform the individual, upon his request, whether he is the subject of data in the system, and, if so, make a copy available to him upon request.

The NDR could in practice comply with both elements of this requirement without difficulty provided the individual's request furnished identifying data about himself that closely corresponed to those furnished by the reporting agency in a record of his license denial or withdrawal. A search of the NDR file with mismatching query data would fail to find a record that was in the file.

As a legal and policy matter, the following points deserve mention. The NDR interprets its statute as authorizing it to provide data only to driver licensing agencies. Specific legislation might therefore be required to enable the NDR to furnish data directly to a requesting individual. (The present statute would appear not to preclude the NDR from informing an individual of the mere fact that he is, or is not, in its file.) If a request for data were made on behalf of the individual by a driver licensing agency, the NDR might properly be able to furnish the data consistent with the present statute, though it can be argued that even a licensing agency can only request an NDR report about an individual when he is an applicant for a license.

As a policy matter, it might be argued that an individual should be precluded from learning about his NDR record status on the ground that if he learned that the NDR did not have a record of some license withdrawal he had suffered, he would be free to circumvent the purpose of the NDR by making a fraudulent application, secure in the knowledge that he would not be detected. This argument might be the basis of exempting the NDR from safeguard requirement *III. (2).*

> *(3)* Assure that the data are used only for the stated purposes of the system, unless the informed consent of the subject is obtained.

Adherence to this requirement by the NDR is apparently guaranteed by the strict restriction on access and use imposed by the NDR statute. That law appears to have been bent, however, in at least one instance. In a research study on the driving records of diagnosed alcoholics, the names of known alcoholics from the Maryland Psychiatric Case Register (a computer-based file of patient records from Maryland's mental-health institutions) were matched against the NDR file to determine whether clinical alcholics had lost their

licenses for drunken driving more often than non-alcoholic drivers.[3] (They had—about ten times more often.) Two points deserve to be raised in mitigation: first the purpose of the study is clearly related to the promotion of traffic safety, the fundamental purpose for which the NDR exists; second, the report of the study makes it plain that the anonymity of the subjects of both registers was carefully protected. Nevertheless, use of NDR data for research purposes is outside the authorized and stated purposes of the system.

(4) Inform the individual, upon his request, about all the uses made of the information about him, including the identity of all persons and organziations involved.

This requirement would present no technical difficulty for the NDR, since a record of all matches disseminated to the States is made as a matter of routine. The passive nature of the NDR as a clearinghouse makes it very unlikely that any match report would ever be generated which did not originate in the data subject himself making an application for a license.

(5) Assure that no data about an individual are made available from the system through compulsory legal process, unless the individual has been notified of the demand.

The managers of the NDR report that there has never yet been a subpoena issued against data in the file. This probably reflects the fact that a law-enforcement agency would have much more direct access to the same information from the original court or licensing agency records. If the police wanted to fish, however, to see whether a suspect had a license withdrawal in any State, access to the NDR system could save much time and searching. In such a case, it would be a tempting solution merely to file a bogus license application through the normal channels of query. The present law does not allow this subterfuge. An amendment proposed in 1971 (H.R. 9352, 92nd Congress, 1st Session) would have allowed the

[3] Rosenberg, Nathan; Goldberg, Irving D.; Williams, George W., "Alcoholism and Drunken Driving—Evidence from Psychiatric and Driver Registers," *Quarterly Journal of Studies on Alcohol,* Vol. 33, No. 4 (December 1972), pp. 1129-1143.

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NDR to furnish information to a judge upon his written request, if the information were to be used for consideration in the imposition of an appropriate sentence.

(6) Maintain procedures that allow the data subject to contest the accuracy, etc., of the data and to correct or amend faulty or controversial information.

As the NDR presently operates, once a data subject has established, through having his license application erroneously rejected, that the expiration or rescission of a prior license suspension has not been properly recorded in the NDR file, the NDR management had developed procedures for working with the appropriate State officials to correct the error in its file. (These procedures could readily be made part of the public notice statement.)

Summary

In nearly 12 years of operation, the NDR has achieved a balance between the pressures of its mission to protect the public from drivers of demonstrated incompetence or irresponsibility and the need of the public to be protected from the potential excesses of an intractable computer-based dragnet. Its operational efficiency is evident in the speed and economy with which the records are searched. Its attention to the protection of the citizens is evident in the vanishingly small number of genuine complaints that arise, and in the dispatch with which those complaints are resolved.

In the NDR, this balance has evolved through a period of time that is long in comparison to the age of many computerized systems. The procedures and safeguards developed through the experience of the NDR and other well-adapted, stable systems deserve to be widely imitated in many new systems that are still in their awkward youth or even still in gestation. The fundamental purpose of the proposed safeguards of the Secretary's Advisory Committee is to distill the qualities that make the good systems good and to apply them to all systems to forestall the growth of bad ones.

Testing the proposed safeguards against the actual conditions of operation of the NDR shows that introduction of the safeguards would by no means interfere with the work of a system of demonstrable merit. Neither would the continued operation of the NDR depend on significant deviation from the safeguards. These are clear and encouraging signs that both the NDR and the safeguards may be expected to prove durable and useful.