**Office of the
Vice President and
General Counsel**

MEMORANDUM

WAYNE STATE UNIVERSITY

TO: Robert Harris, Assistant Dean for Fiscal Affairs
University Libraries

Louise Bugg, Director, Technical Services & Systems Department
Science & Engineering Library

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DALNET

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DALNET

FROM: Laura Johnston
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SUBJECT: Use of Social Security Numbers as DALNET identifiers

DATE: July 27, 2000

You have requested that I summarize the issues regarding the use of Social
Security numbers ("SSNs") as identifiers for DALNET users. I will begin my setting
out my understanding of your interest in such use, and then address the potential
legal problems.

1.   The current situation with DALNET and the utility of SSNs:

DALNET currently has 21 member institutions, and there are 600,000-
700,000 patron records to manage. There is no uniform identification
system for library users at the present time, and therefore DALNET is not as
functional as it could be. It is desirable to create a shared database for all
users to allow access to all 21 collections.

We have identified a vendor who could develop a system to make DALNET
equally accessible to all patrons at all member libraries, but the new system
will require that each patron have a unique identifier. It is not possible to
use an id number assigned by each institution, since these would not be
unique and there would be no uniformity as to number of digits. The task is

further complicated by the fact that many users have privileges at multiple institutions.

All the members of the DALNET board have indicated that their institutions have access to users' SSNs. At Wayne State we can get the numbers from the student information system, the human resources system and the forms guest library users complete. The SSN is therefore the most convenient identifier for the wide-ranging DALNET user population.

2.   **Legal issues regarding use of SSNs:**

The most concrete problem with using SSNs as DALNET identifiers comes from the federal statute known as the Family and Educational Right to Privacy Act, 20 USC § 1232g(b)(1) ("FERPA"). This statute prohibits the release of the personally identifiable information (including SSNs) of students by educational institutions except in certain narrow circumstances. A violation of FERPA can result in loss of federal funding to the institution.

FERPA would not allow us to give or provide access to students' SSNs to other DALNET member libraries. Even the mere inclusion of SSNs on internal documents has created FERPA problems for universities, as in 1992 when a federal court ruled against Rutgers University in a class action by former and current undergraduate students challenging Rutgers' policy of including names and SSNs on class rosters distributed to students and staff.

While FERPA creates an issue only as to students (and any staff who are also students), there is the potential for any user to assert a claim of invasion of privacy. The University as a state agency must take care to avoid disclosure of personal matters which have been entrusted to it. One court has termed this "a constitutional right to informational privacy." Also of concern is the federal statute known as the 1974 Right to Privacy Act, which requires that individuals who are asked to provide their SSNs must be informed what use will be made of the number at the time the request is made. This statute would seem to prevent us from using existing records in our human resources systems since employees would not have been informed that the number would be used as a network identifier.

Finally, we may be exposing ourselves to great liability by using SSNs on what is essentially an external information system. While Wayne State is the central DALNET administrator, with a shared database such as the one proposed all information is potentially available to the entire membership. The vendor with whom we are discussing the new system believes it possible to block access to the SSN so that only technical support people will be able to see it, but that is still a fairly large group given the size of

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DALNET's membership. The idea that one or more unscrupulous individuals could have access to a large number of SSNs is alarming.

3.   **Conclusion**

It is my recommendation that we do not proceed with using SSNs as DALNET identifiers, due to the statutory constraints as well as the potential liabilities. Even using the numbers in an initial set-up process is not advisable, if doing so means they would be disclosed outside the University in any way. It is feasible from a legal standpoint to use four of the nine digits as part of a created identifier, if, of course, we can overcome the technical impediments.