



Office of the Inspector General

SOCIAL SECURITY ADMINISTRATION

April 18, 2013

The Honorable Blaine Luetkemeyer
United States House of Representatives
2440 Rayburn House Office Building
Washington, DC 20510

Attention: Chris Brown

Dear Mr. Luetkemeyer:

This is in response to your inquiry dated April 11, 2013, concerning my office's communications with the Missouri State Highway Patrol regarding a list of concealed carry permit holders in the State of Missouri. I wholeheartedly share your concern over the privacy rights of Missourians. My office takes with the utmost seriousness our responsibility to respect and protect the personal information that we have access to in the course of our law enforcement duties.

I would first like to give you some background information about my office and its mission. Under the auspices of the *Inspector General Act of 1978*, the Social Security Administration's (SSA) Office of the Inspector General (OIG) is tasked with protecting SSA's programs and operations from fraud, waste, and abuse. To this end, we conduct independent and objective audits as well as criminal investigations. Our approximately 290 special agents have statutory law enforcement authority, with which they investigate potential criminal violations pertaining to SSA's programs and operations.

About three-quarters of our investigative workload involves potential fraud in SSA's disability programs, which have seen rising numbers of applications as well as the attendant rising costs. Preventing improper payments in these programs is a top priority of my office, and continues to drive our interest in seeking out potential data matching projects. The OIG has the authority under Section 6 of the Inspector General Act, "to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from any Federal, State, or local governmental agency or unit thereof." As a result, the House Committee on Ways and Means has encouraged this office, as well as SSA itself, to match data from our records with other government agencies in an effort to glean information with which we can identify potential fraud, and, moreover, with which SSA can make accurate benefit eligibility determinations. Below are answers to your questions specific to this potential project.

- 1. Did the Social Security Administration (SSA)'s Office of the Inspector General (OIG) or any other SSA office request from the Missouri Highway Patrol or any other state agency a complete list of individuals with concealed carry permits?**

Yes. In the fall of 2011, Special Agent Keith Schilb of the SSA OIG's St. Louis office verbally discussed with a Missouri State Highway Patrol employee the idea of matching records of Social Security Disability Insurance beneficiaries and/or Supplemental Security Income recipients with stated mental disabilities, against the list of individuals who have concealed carry permits in the State of Missouri. As we understand it, applicants for such permits in Missouri must attest that they have never been diagnosed with a mental disability. As a result of that discussion, on November 17, 2011, Special Agent Schilb requested by email a complete list of Missouri concealed carry permit holders. However, due to a technological incompatibility, Special Agent Schilb could not utilize the data. He destroyed the disk without ever having shared it with anyone, internally or externally.

One year later, however, Special Agent Schilb again discussed this potential investigative project with the Missouri State Highway Patrol, and verbally requested the data. In January 2013, he again received a disk presumably containing the complete list of Missouri concealed carry permit holders. However, when the password provided by the MSHP for the encrypted disk did not work, he was unable to view the data, and destroyed the disk. The MSHP offered Special Agent Schilb access to a secure website to access the data, but he was uncomfortable doing so, and instead requested a third disk with accessible data. However, after discussions within the OIG, a decision was made not to pursue the project. Special Agent Schilb never retrieved the third disk.

2. Did your office or any other SSA office request any other information, personal or otherwise, from any State of Missouri department or official? If so, what specific information was requested and from whom?

No. In connection with this potential investigative project, neither our office nor any other SSA office requested any other information from any Missouri department or official.

3. Did OIG or any other office within SSA receive any information or documentation from any State of Missouri department or official, including but not limited to the Missouri Highway Patrol? If so, what departments provided information and specific information was received?

Yes. As described in our answer to question 1, OIG Special Agent Keith Schilb on two occasions—in November 2011 and again in January 2013—received a disk from the Missouri State Highway Patrol that presumably contained the complete list of concealed carry permit holders in the State of Missouri. As to the specific information we received, we requested the name, date of birth, and Social Security number of these individuals; however, we cannot be certain of what information the disk actually contained, as we were never able to read the data.

4. Does OIG or any office within still have access to or hold any data provided by the State of Missouri? If so, what specific data is still accessible or held?

As explained in our answer to question 1, Special Agent Schilb destroyed both disks without ever reading or sharing it with any other office within the OIG (or elsewhere). However, SSA OIG special agents who conduct criminal investigations in Missouri already have access to individuals' concealed carry permit status through the Missouri Uniform Law Enforcement System. It is fully legal and, indeed, critical for our special agents to have access to this information for their own personal safety, as they regularly visit the homes and workplaces of

individuals to interview them in connection with criminal investigations. Special Agent Schilb was merely requesting the full list in a single file for potential computer matching purposes.

5. If your office did request information, on what legal grounds did it do so?

The legal authority for requesting this information rests primarily in Section 6 of the *Inspector General Act of 1978*, which allows Federal inspectors general “to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from any Federal, State, or local governmental agency or unit thereof.” We take very seriously our mission to protect Social Security’s programs and operations, and to this end, we regularly interact and share information with State officials and agencies.

6. For what explicit purpose did your office request the information?

As I previously mentioned, we encourage our investigators to consider data matching projects that have the potential to identify fraud in SSA’s programs and operations. As such, as described in our answer to question 1, Special Agent Schilb was interested in the idea of cross-referencing the names of individuals with concealed carry permits with those receiving payments from the Social Security Administration based on a claim of mental disability. The goal of such a joint project would be twofold: to identify 1) any individuals who legitimately held a concealed carry permit but were receiving disability benefits based on a false claim of mental disability; and 2) any potential public safety hazard caused by someone mentally disabled who certified to the State of Missouri that he or she had never been diagnosed with a mental disability, for the purpose of obtaining a permit to carry a concealed weapon.

7. Has or will any information received from the State of Missouri been or be used in any way by OIG or any other SSA office? If so, please detail the ways in which this information has or will be utilized.

No information received from the State of Missouri in connection with this potential investigative project has been or will be used in any way by OIG or any other SSA office.

8. Has this information been shared with OIG or any other office within SSA with any other federal department or agency? Do you intend to share any information you have received with any other federal department or agency and, if so, which departments or agencies?

No. This information has not been shared within OIG, with any other office within SSA, or with any other Federal department or agency. As we do not currently possess this information, we do not intend to share it with any other Federal department or agency. We recently became aware through media reports that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was linked to this potential investigative project in an email from the Missouri State Highway Patrol to the Missouri Department of Revenue. However, no one from the SSA OIG ever contacted or engaged with the ATF in any way concerning this project or data request. As far as we know, the ATF was never aware of the data request or potential project and continues to have no connection to this matter.

9. If any information has been shared with other federal departments or agencies, has it been shared in accordance with all federal laws, and is there a guarantee that the privacy of Missourians has been fully protected?

This question is not applicable, as we never shared any information in connection with this potential investigative project.

10. Has OIG or any other office within SSA requested or received any personal information from any other state agency outside of Missouri?

As I previously explained, the SSA OIG is highly aware of the sensitivity in obtaining and retaining personally identifiable information; and we always remain mindful of the need to protect the privacy of that information. Nevertheless, the law is clear that we not only can, but we must, engage the States in obtaining critical data to ensure accurate benefit payments and detect fraud across a variety of populations.

Finally, I must clarify two points related to Special Agent Schilb's actions in this matter. First, I regret that due to a miscommunication between Special Agent Schilb and Troy Turk, Special Agent-in-Charge of the Kansas City Field Division, I mistakenly informed you in a phone discussion on April 12 that Agent Schilb had viewed the State data in January 2013. In fact, he was never able to read the content on either of the disks the Missouri Highway Patrol provided to him. I sincerely regret that miscommunication and the erroneous information I subsequently gave you.

In that same April 12 phone call, I indicated to you that Special Agent Schilb should have made a more formal request for this State data, and he should have pursued internal approval for a potential project before requesting or receiving this data. While the normal procedure for joint investigative projects involving data matches is for field agents to request Headquarters approval of the project and then make a formal, written request for any data necessary for the project, I must clarify that Special Agent Schilb's actions in this matter did not constitute a violation of any official OIG policy or any Federal law or regulation. Special Agent Schilb is a longstanding employee of this office and a dedicated law enforcement officer with an unblemished record, and I applaud his ongoing commitment to our mission.

I trust this is responsive to your inquiry. However, should you have more questions, please feel free to contact me, or your staff may contact Special Agent Kristin Klima, OIG Congressional and Intragovernmental Liaison, at (202) 358-6229.

Sincerely,



Patrick P. O'Carroll, Jr.
Inspector General