

November 3, 2020

Via Electronic Mail

Mr. Royce Min
General Counsel
U.S. Social Security Administration

Dear Mr. Min:

We write to express our concern with challenges we and our members – including those currently participating in the Initial Rollout – are experiencing with essential communication and compliance questions regarding the Electronic Consent Based SSN Verification service (eCBSV). We appreciate our partnership with you and your colleagues and believe some basic but constructive process changes taken now by the Social Security Administration (SSA) would greatly enhance the effectiveness, substance and openness of its interaction with the eCBSV stakeholder community.

First, we have experienced significant challenges resolving important compliance questions. SSA's reluctance to provide clear, direct answers to questions we and our members have raised creates the type of ambiguity and uncertainty that is anathema to heavily regulated financial institutions and their service providers.

For context: While financial regulators strive to provide clear "rules of the road" when promulgating new regulations, it is often the case that additional clarity after-the-fact is necessary to ensure compliance expectations are met. As such, regulators will publish guidance to answers questions and address issues surfaced after a rule is finalized. Publication of guidance in this manner does not require a formal APA notice-and-comment rulemaking process and is thus able to address issues in a timely manner.

As such, we urge SSA to adopt a similar approach – potentially utilizing its existing FAQ process – to provide specific, timely and actionable answers to questions related to the User Agreement. Such an approach would not necessitate amendments to the User Agreement, which we know would require a formal and lengthy Paperwork Reduction Act review process.

Second, it is imperative that SSA be more forthcoming by sharing baseline performance and technical expectations with both pilot participants and the broader community of eCBSV stakeholders. As the entities responsible for funding the up-front and ongoing costs of the system, it is reasonable to expect SSA to provide information that can help firms evaluate the likely return on their investment. In particular, stakeholders should be provided data and

estimates on the accuracy of the eCBSV, including historical data from the CBSV for reference. This data is essential to allowing permitted entities to effectively gauge how eCBSV will impact customer experience. While we appreciate that eCBSV is not a definitive tool for validating identities, SSN Verifications will be an important factor in the underwriting and fraud screening process: Financial institutions do not want eCBSV responses to contribute to legitimate applicants being unintentionally declined. We understand there is imprecision in any process, but sharing this data is necessary to ensure the false-positive rates remain within tolerable standards.

Third, we appreciate your office's prior expressed commitment to engage with us on important issues, such as expanding the use of fuzzy logic, as well as other efforts to improve the eCBSV experience for Permitted Entities and consumers. While success of the Initial Rollout is understandably SSA's focus at the moment, we believe it is critical to begin discussions now on issues that should be addressed before the start of the Expanded Rollout, including potential amendments to the User Agreement. Planning and strategic conversations on important issues must not be delayed while we wait for the results of the Initial Rollout and is consistent with the agile methodology being used by SSA in the development of eCBSV.

Thank you for considering these urgent issues. We remain committed to working with you and your colleagues to expeditiously achieve our shared goal of an effective eCBSV system.

Sincerely,

American Bankers Association
Better Identity Coalition
Consumer Bankers Association
Consumer Data Industry Association
Consumer First Coalition
U.S. Chamber of Commerce

cc: John Morenz
Associate Commissioner
Office of Data Exchange, Policy Publication, and International Negotiations
U.S. Social Security Administration