**Testimony of Kathy Griesmyer**

**HB 513aa: Real ID Implementation**

**Before Senate Transportation Committee**

**March 10, 2016**

The ACLU of Idaho shares with you its opposition to HB 513aa which seeks to end Idaho’s moratorium on enacting the Real ID Act.

The ACLU’s opposition to the Real ID Act is well known and documented since the initial passage of the Act in 2005. One of the main objections to Real ID for many groups, on both the left and the right, was the significant privacy concerns, including the requirement that states scan and store the primary source documents a person uses to get a driver’s license.  This was required so states could meet another Real ID requirement that they create a 50-state shared database allowing all DMV’s across the country access to this database and these documents. This database was an unfunded mandate on states and has never been created.

However, HB 513aa which authorizes DMV to comply with the security measures outlined in Title II of the Real ID Act, does endanger the privacy rights of Idahoans. Title II, Sec. 202(d)(1) and (2), requires DMV to capture digital images of identity source documents to be stored in an electronic database and Sec. 202(d)(12) requires electronic access to all other states to this database. We have no objections with DMV certifying the validity of source documents when they are presented. However, permitting DMV to then scan and store copies of all our primary source documents, be it our birth certificate or passport, along with our full name, DOB, address, and social security number, is not only unnecessary but more importantly it creates a one-stop shop for identity thieves and critically jeopardizes the privacy rights of Idahoans. We are living in a time when hackers are capable of breaking into multi-national companies’ and retailer’s databanks.  Central storage of such critical information puts Idahoans at serious risk.

In addition, there is no evidence that the Department of Homeland Security, under its current efforts announced in January of this year, is requiring states to scan and store documents. Despite the Department’s recent pressure on states to comply with the security requirements on the cards themselves, there has been no effort by DHS to force states to comply with the unfunded mandate that they create a 50-state shared database.  And the only reason DHS required the scanning and storing of primary source documents was for them to be accessed on that 50-state shared database.

We also have significant concerns that despite Idaho’s current statutory prohibition on implementing Real ID, outlined in section 40-322, based on recent email communication with DMV, it appears that since 2011 DMV has been scanning and storing our primary source documents. Not only does this raise privacy and security concerns, but it appears to be contrary to current law. Respectfully, we find the current request from ITD and DMV to end Idaho’s prohibition on enacting Real ID to be confusing given that it appears that they have been moving forward to comply with provisions of the Real ID Act.

Although we are eager to understand specifically what DMV believes it cannot do to come into further compliance with Real ID as currently required by DHS, we believe that these requirements are focused on the standardized data elements and security features on the actual driver’s license. While we continue to have concerns about Real ID in general and the effectiveness of some of the security requirements on the driver’s license, to address ITD and DMV’s interest in complying with DHS while also balancing the privacy rights of Idahoans, we suggest a compromise for moving forward and ask this committee to amend HB 513aa. On line 19 it states that Idaho shall “Meet the security requirements for driver’s licenses and identification cards, as described in Title II of the REAL ID act of 2005, as such requirements existed on January 1, 2016.” We recommend at the end of that line adding the following language: “with the exception of Section 202(d)(1), (2) and (12) which requires the state to capture and store digital images of all identify source documents, including documents that contain an applicant’s full name, date of birth, address and social security number and then provide electronic access to all other states to information contained in the motor vehicle database.”

We feel that an amendment to this bill will ensure that the core privacy concerns founded in 2008 upon initial passage of this legislation will be preserved while also permitting ITD and DMV to comply with the additional enhanced security measures outlined in the Real ID Act. With that, I stand for questions.