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Demystifying the DMF

By Dee Dee King, CG

Access to the Social Security *Death Master File* (DMF) has been a hot topic since 2011-2012 when efforts surfaced to close public access to the file. The Bipartisan Budget Act of 2013 brought many unexpected changes. This article contains a brief history of the controversy and a first exploration of the new *Death Master File* product.

A Brief History

The Social Security program began in 1936. The Social Security Administration (SSA) began computerizing its records in the early 1960s. This database was named the *Numident*. It contains identifying information about each person who has been assigned a Social Security Number (SSN). The *Death Master File* (DMF) was introduced in 1988.¹

The DMF is a quarterly extract of deaths that have been reported to SSA for decedents for whom SSA had issued a Social Security Number. In 2002, it was estimated that approximately 93-96% of deaths for persons over the age

¹ Mark E. Hill and Ira Rosenwaike, *The Social Security Administration's Death Master File: The Completeness of Death Reporting at Older Ages*, page 45 (<http://www.ssa.gov/policy/docs/ssb/v64n1/v64n1p45.PDF> : accessed 15 April 2014). Social Security Administration, "Social Security" (<http://www.ssa.gov/history/1960.html> : accessed 15 April 2014).

¹ Ibid.

of 65 had been reported since 1973. Reports of death come from a variety of sources, including among others, relatives, postal authorities, financial institutions, funeral directors, and other governmental agencies.² This makes the DMF a valuable tool for genealogical researchers. The SSA makes the file available for distribution through the Department of Commerce's National Technical Information Service (NTIS). Genealogists are familiar with this file, usually named some variation of "Social Security Death Index" by the online providers such as *Ancestry.com*, *FamilySearch.org*, etc.

The Controversy

Public use of the DMF came under fire in 2011-2012 as tax fraud cases were linked to suspected use of the DMF. By 2012, Rep. Sam Johnson (R-Texas) and others were leading the charge to close the DMF to all public access. Much of the evidence presented in various written and oral testimonies erroneously blamed this tax fraud on genealogists who accessed the online DMF for family history projects or for professional work for clients. The more likely culprits were criminals who accessed the same databases that genealogists used.

Threats to DMF access caused a stir in the genealogical community. Among those leading the charge to correct the misinformation and to demonstrate the valid use of the DMF were organizations such as the Records Preservation and Access Committee (RPAC)³ and the Council for the Advancement of Forensic Genealogy (CAFG). RPAC worked to ignite the fire under the genealogical community to educate their congresspersons and to provide testimony for the public hearings. CAFG collaborated with other associations for professions, which also relied upon the DMF. CAFG encouraged forensic genealogists to provide testimony.

Efforts to close public access died off until the Bipartisan Budget Act of 2013 included provisions limiting immediate access to the SSA *Death Master File*. Section 203 of the Act "directed the Secretary of Commerce to establish a certification program under which persons may obtain immediate access to the publicly available *Death Master File* (DMF)."⁴ The NTIS requested comments and public hearings were held regarding the accessibility and the certification process for access to the file.

² Ibid.

³ A joint committee of the Federation of Genealogical Societies, the National Genealogical Society, and the International Association of Jewish Genealogical Societies. <http://www.fgs.org/rpac/about-2/>

⁴ *Federal Register, the Daily Journal of the United States Government*, "Certification Program for Access to the Death Master File" (<https://www.federalregister.gov/articles/2014/03/03/2014-04584/certification-program-for-access-to-the-death-master-file> : accessed 15 April 2014).

By March 26, 2014, the *Federal Register* published an interim final ruling that established the "Temporary Certification Program for Access to the *Death Master File*."⁵

Interim Final Ruling Defines Requirements

The interim final ruling presents requirements for certification, compliance criteria, imposition of penalties for noncompliance, and for the charging of fees for the certification program.

"As defined in Section 203 of the Bipartisan Budget Act of 2013 (Pub. L. 113–67) (Act). The Act prohibits disclosure of DMF information during the three-calendar-year period following an individual's death unless the person requesting the information has been certified under a program established by the Secretary of Commerce."⁶

This radically changes the type of information that genealogists had accessed from SSDI providers in the past. Databases such as the *Ancestry.com* "U.S., Social Security Death Index, 1935-Current" contained recent deaths added with each update of the database. Access to this type of online database was either by paid subscription, as with *Ancestry.com*, or offered for free by some providers. No certification was required.

Section 203(b)(2) of the Act defines the purposes for which one might be certified and requirements for confidentiality of the information:

a person shall not be certified under the program unless such person certifies that access to the information is appropriate because such person (A) has (i) a legitimate fraud prevention interest, or (ii) a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty, and (B) has systems, facilities, and procedures in place to safeguard such information, and experience in maintaining the confidentiality, security, and appropriate use of such information, pursuant to requirements similar to the requirements of section 6103(p)(4) of the Internal Revenue Code of 1986 (IRC), and (C) agrees to satisfy the requirements of such section 6103(p)(4) as if such section applied to such person.⁷

Legitimate business purposes under law, governmental rule, or regulation, or as a fiduciary duty appear to possibly open the access to some professional genealogists. Forensic genealogists in particular often work on cases defined by statute or governmental rule. They often have a fiduciary duty to account for all living and deceased members of a family in a case with legal implications. These cases might include probate, trust or other asset distribution, mineral royalty cases, or identification of next of kin and Family Reference Sample (FRS) DNA donors to aid in the repatriation of our unaccounted-for military personnel.

⁵ *Federal Register* / Vol. 79, No. 58 / Wednesday, March 26, 2014 / Rules and Regulations, pages 16668 - 16672 (<http://www.gpo.gov/fdsys/pkg/FR-2014-03-26/PDF/2014-06701.PDF> : accessed 15 April 2014)

⁶ *Ibid.*

How does one meet the requirement for protecting confidentiality when the statement is so broad?

Section 203(b)(3)(A) of the Act causes additional concerns among the genealogical community. It “directs the Secretary to charge fees to recover all costs of evaluating applications for certification and auditing, inspecting, and monitoring certified persons under the program.”⁸ The certification fee turned out to be a modest \$200, but what about the audits, inspections, and monitoring?

Section 203(c)(1) of the Act adds to the confusion and concern:

that any certified person who receives DMF information as defined in Section 203(a), and who (A) discloses such information to any person other than a person meeting the requirements of subparagraphs (A), (B), and (C) of subsection (b)(2), or (B) discloses such information to any person who uses the information for any purpose not listed under subsection (b)(2)(A) or who further discloses the information to a person who does not meet such requirements, or (C) uses any such information for any purpose not listed under subsection (b)(2)(A), shall pay a penalty of \$1,000 for each such disclosure or use, as shall any person to whom such information is disclosed who further discloses or uses such information as described in the preceding subparagraphs. Under Section 203(c)(2), there is a \$250,000 limit on the total penalty that can be imposed on any person for any calendar year, unless the Secretary determines the violations to have been willful or intentional.⁹

To whom could the genealogist legally provide information? Most clients who hire genealogists will in all likelihood not be NTIS certified. What part of the file may not be disclosed? The name and date of death? The name and SSN? Every fact found in the DMF? What if the researcher establishes a death date from the DMF, then uses that as a clue to find obituaries, death certificates, or other sources of evidence that contain the same information as the DMF? Are researchers prohibited from using name, date of birth or death found in any other document because the information was found first in the DMF?¹⁰ These are among the questions circulating in the genealogy community.

The Act establishes access to two separate files, *The Open Access Death Master File* and the new *Limited Access Death Master File*. The open access file is described as: “*Open Access DMF*. The DMF product made available by NTIS which does not include DMF with respect to any deceased individual at any time during the three-calendar-year period beginning on the date of the individual’s death.”

⁸ Ibid.

⁹ Ibid.

¹⁰ These questions were submitted to NTIS by the author; however, the public information office had not responded by publication deadline. Once the answers are received, they will be published.

The limited file is described as “*Limited Access DMF*. The DMF product made available by NTIS which includes DMF with respect to any deceased individual at any time during the three-calendar-year period beginning on the date of the individual’s death.”

“Subpart B—Certification Program § 1110.100 Scope” clarifies that certification is not necessary for access to the open access DMF.

(a) Any Person desiring access to the Limited Access DMF must certify in accordance with this part. Upon acceptance of a Person’s certification by NTIS, such Person will be a Certified Person, will be entered into the publicly available list of Certified Persons maintained by NTIS, and will be eligible to access the Limited Access DMF made available by NTIS through subscription. (b) Certification under this part is not required for any Person to access the Open Access DMF made available by NTIS; however, a Certified Person may also access the Open Access DMF.¹¹

This seems to indicate a minimal impact on access to DMF databases provided online that only included updates through March 25, 2014, the day before the law went into effect.

Often overlooked in discussions about the “new” DMF is “§ 1110.2 Definitions used in this part” of the Act. Which defined the DMF as: “*DMF*. Death Master File. *Death Master File*. Information on the name, social security account number, date of birth, and date of death of deceased individuals maintained by the Commissioner of Social Security...”¹²

This appears to indicate that the information provided in future updates may be severely restricted to name, dates of birth and death, and the SSN. Many online providers of the DMF currently offer the database with additional information – possibly the state of issue, place of last benefit, perhaps the place of last known residence.

Certification, systems to protect confidentiality, possible audits and penalties for unwittingly violating such broad terms – should one apply for certification?

The Certification Process

The National Technical Information Service (NTIS) publishes a webpage about the Death Master File products that it offers for sale to qualified individuals, businesses, and agencies.¹³

¹¹ *Federal Register* / Vol. 79, No. 58 / Wednesday, March 26, 2014 / Rules and Regulations, pages 16668 - 16672 (<http://www.gpo.gov/fdsys/pkg/FR-2014-03-26/PDF/2014-06701.PDF> : accessed 15 April 2014).

¹² *Ibid.*

¹³ NTIS Products (<http://www.ntis.gov/products/ssa-dmf.aspx> : accessed 14 April 2014).

The home page includes a navigation menu of links on the right side of the page:

[Limited Access Death Master File Certification Application Instructions](#)

[Limited Access Death Master File Subscriber Certification Form](#)

[Limited Access Death Master File Subscriber Agreement](#)

[Limited Access Death Master File Licensee Agreement for Use and Resale](#)

Those interested in applying should first read the information at the link entitled “Limited Access Death Master File Certification Application Instructions.” This link brings up a Word document that provides instructions for new and current subscribers. The document contains a link to the Limited Access DMF Certification Form, the same document that the second link above connects.

Instructions for this form require that “the applicant (1) check the appropriate boxes and write in the spaces that explain your reasons for checking the boxes in paragraphs 2 and 4.”¹⁴ The online PDF form was not fill-able on March 31, 2014. However, when the form was downloaded and saved to my computer, it was both fill-able and savable.

The three page form is not complicated. However, applicants should pay special attention to the fact that they are swearing to abide by the terms defined in CFR §1110 regarding the NTIS Limited Access DMF. These include:

The undersigned hereby certifies that access to the NTIS Limited Access DMF (as defined in 15 CFR §1110.2) is appropriate because the undersigned (a) has (i) a legitimate fraud prevention interest, or (ii) a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty, and (b) has systems, facilities, and procedures in place to safeguard such information, and experience in maintaining the confidentiality, security, and appropriate use of such information, pursuant to requirements similar to the requirements of section 6103(p)(4) of the Internal Revenue Code of 1986, and (c) agrees to satisfy the requirements of such section 6103(p)(4) as if such section applied to the undersigned.¹⁵

Item 2 asks that you check the boxes for the purposes for which you intend to access the DMF. Box 1 is fraud prevention, box 2 is business purpose. Box 2 contains four subcategories in which applicants explains how they believe they qualify under (1) law, (2) governmental rule, (3) regulation, and (4) fiduciary duty.

¹⁴ “Limited Access Death Master File Certification Application Instructions” (<http://www.ntis.gov/PDF/dmf-instructions.doc> : accessed 14 April 2014).

¹⁵ “Limited Access Death Master File Subscriber Certification Form,” 25 March edition, <http://www.ntis.gov/PDF/dmf-certification.PDF>.

How the Process Worked for Me

This describes the process used. Some of these steps would no longer be used based on what was learned. After reviewing the 15 CFR §1110.2 requirements and the explanations and cautions, I then researched which laws or other rules might provide the basis for allowing me to be granted access. In my case, fraud prevention was not the option. Business purpose was checked and its accompanying box for explanations included a summary of the types of work and cases encountered in my practice. The term forensic genealogist was used to describe my occupation. I carefully researched which laws governed the types of work my practice includes and quoted those with brief explanations. This included references to specific probate and other statutes. The government rule section included references to Department of Defense directives mandating the identification and repatriation of remains of military personnel. An explanation was included as to why it is my fiduciary duty to identify all living and deceased family members.

While this form is fill-able, the text in the boxes does not scale very well, the more text the smaller the print size. This might not be a problem when the form is sent via e-mail attachment, but printing and faxing the form could make small text in the boxes difficult to read.

Section 4 provides two options:

A The undersigned shall not disclose any information contained on the DMF with respect to any deceased individual at any time during the three-calendar-year period beginning on the date of the individual's death, which is received by the undersigned, to any other person; or

B The undersigned will disclose information contained on the DMF with respect to an individual during the three-calendar-year period beginning on the date of the individual's death, which is received by the under signed, to another person(s) in the following manner only (must also check and complete [boxes] i. & ii. below)...¹⁶

My original application contained a check mark in section A: No, I would not disclose information. A narrative description of how research and results would be managed without disclosure to anyone was added to the first box under section B.

The third page of the form asks for basic identification and contact information.

The next step is to pay the certification fee and receive the order number to complete the application form. Payment instructions are on the NTIS site. Item 3 under the heading "Certification Form" includes a link to an online processing center for payment.¹⁷

¹⁶ Ibid.

¹⁷ NTIS Product Certification, <http://www.ntis.gov/search/product.aspx?ABBR=DMFCERT0001>

Another payment option is to call the NTIS Customer Contact Center at 1-800-553-6847 and reference Order Number DMFCERT0001. The Customer Contact Center is open Monday through Friday, 8 AM to 6PM Eastern Time.

The process is similar to any online shopping experience. The only product option is "\$200.00-Online single user" with an "add to cart" button. If the applicant does not already have an account with NTIS, clicking "continue to checkout" in the middle right of the screen advances to billing information. Click "continue to checkout" to advance to credit card payment method.

A pop-up screen appears immediately with a receipt and the crucial order number for the certification application. This was followed almost immediately by an e-mailed receipt.

The next step is to enter the order number in the "NTIS Invoice/Order Confirmation Number for Processing Fee" space on the application signature page.

My application was e-mailed to DMFCERT@ntis.gov at 12:41 p.m. An e-mail was received less than an hour later confirming receipt at NTIS. Within a few minutes of that e-mail a customer service representative called with instructions that it was now time to submit the Subscriber Agreement and attachments A1 and A2, also sometimes referred to as the Limited Access DMF Non-federal Subscriber Agreement.

There was some confusion here as the Subscriber Agreement also contains purchase options for the types of access to the DMF, DVD, online interactive database, online raw data, etc. The online interactive annual subscriptions range from \$995 for a single user to \$14,500 for 51+ registered users. Manual and automated batch queries were priced by the number of inquiries, ranging in price from \$600 packages to \$14,400 packages.

As the owner of a small business, I gulped and requested the Single User online database option at \$995 annually for unlimited queries.

However, there were conflicting instructions about how much of the form should be submitted at this point. When I called the customer service number for clarification, the customer representative transferred me to John Hounsell, Program Manager at NTIS. Mr. Hounsell provided another, slightly different set of instructions. My next e-mail to NTIS stated that Mr. Hounsell advised the entire form be submitted, but that attachments A1 and A2 would be completed if my application was approved. A1 and A2 are the product order sheets committing to a purchase with payment information. This form was submitted at 7:50 a.m. on the second day.

Within a few minutes there was an e-mail from NTIS stating, "We received your Certification Form Form but there is a problem with it. If you put a check in paragraph 4B, i & ii must be filled out. If you are checking 4A, all parts of 4B must remain blank." The incorrect page was deleted from the PDF and the new, corrected page inserted, then back to NTIS. If you do not intend to share the DMF information with others who are not certified, simply check that box, do not offer any explanation in any part of the 4B.

Day three, at 7:16 a.m. a form e-mail was received that my application was in order and had been approved for certification. I had already submitted the product order forms, but did not wish to transmit credit card information by e-mail or fax. A very nice NTIS subscription service representative took the credit card information over the telephone.

The next day was Friday. In mid-afternoon an e-mail was received advising that the online certification and license agreement forms had been updated the day after mine were submitted. I was kindly required to submit completed revised forms now available through the links on the NTIS home page. The e-mail also advised that access to the database would be delayed by the twenty-four hours necessary to process my corrected submission.

Monday morning at 9:36 brought two e-mail messages. The first included the link to the DMF online database and my user ID. The second e-mail followed immediately with a temporary password.

Ah, I had reached the finish line and now had access to what many consider the holy grail of U.S. death records. But is it?

The Online Death Master File

One rumor circulating in the genealogy community is that the *Limited Access Death Master File* also includes records that had once been reported by states, but then later pulled by those states. That would be very helpful to me as my home state of Texas is one of those states. Some Texas deaths were being reported, but the Texas Department of Health and Human Services records are no longer published in the DMF.

This is one of the benefits I hoped to reap from the online NTIS DMF. The sign in page is very telling about those records pulled by some states. Previous online SSDI offerings described the database as including as many as 93 million records. The current online sign-in page states that the DMF contains more than 86 million records.¹⁸

The search engine form was another surprise. The only fields are: Social Security Number, first name, last name, date of birth and date of death. The instructions indicate not to include dashes

¹⁸ The URL is not included as it contains the account information for this subscription.

or spaces in the SSN and no middle names or initials in the name search fields. This is very primitive compared to some of the current SSDI search forms offered by third parties.

My rare maiden name is usually a test for any search engine. Only the last name Daulong was entered. This message popped up, "Please Enter a Social Security Number or First Name And Last Name." What? We cannot enter a surname and analyze the results to identify our subject? That brought on the first of many sinking feelings.

The next entry was for my father's name, Donald Daulong with variations of Don and his initials. My father died in Texas in 2006 and appears in the SSDI products published on many genealogy sites. He did not appear in DMF online search results. His last name and date of death search produced that dreaded message "Please Enter a Social Security Number or First Name And Last Name."

My mother died in 2003 and is listed in all SSDI products published by many genealogy sites. The query for her first and last name of Tauna Daulong produced the expected one result. The search results form includes the SSN as a URL link, complete name in the SSA records, and date of birth. Clicking the SSN link brings up the same form in a different orientation with the inclusion of the death date. Her death date entry was marked with a (V). (V) indicates that the SSA received a report of death from a family member or someone acting on behalf of the family - yes, the funeral director. The other option is (P) for proof - death certificate was observed.

The next search was for my grandfather Frank Daulong who died in the late 1960s. I tried wildcard searches using Fra* for the first name variations of Frank, Frances, and Francois. The results window showed no hits. The names must be exact in these fields.

An entry for my deceased ex-husband's SSN immediately produced his information. A search by his first and last name produced about twenty hits with various middle initial combinations. This was in comparison to many more search result hits in other online SSDI products. There is no other identifying information such as location of last benefit or state of issue. There was no way to identify him among the many people with the same first name, middle initial, and last name without also knowing at least a birth or death date.

It was clear at that point that the \$200 certification fee and \$995 to purchase access to the online NTIS DMF was a high cost to pay for a less useful product than many already online. The search engine is primitive and appears to be designed for basic verification of facts one already knows - name or SSN. This is NOT a tool for researching or mining information from the database. One cannot, for example, enter a first name and date of birth for a woman in the hopes of discovering her married name at time of death. Nor can one determine possible locations for death.

I called the Global Internet Management (GIM) company that manages the DMF online product for NTIS. The technical support representative confirmed that the only search criteria are SSN or first and last name. She also confirmed that those records previously pulled by states are not available in this current database.

Are There Better Alternatives for Genealogists?

The GIM representative indicated that third-party providers of the raw data files might be able to design more sophisticated search engines to better mine data. The representative indicated that those third-party purchases will also only include first and last name, dates of birth and death, and the SSN.

The DMF itself has undergone a radical change, a severe limitation of available information. Remember “§ 1110.2 Definitions used in this part of the Act. Which defined the DMF as: “*DMF. Death Master File. Death Master File.* Information on the name, social security account number, date of birth, and date of death of deceased individuals maintained by the Commissioner of Social Security...”

One possible solution is that third-party providers will continue to offer their old databases that include more information for deaths that occurred before March 26, 2014, and that the new limited information updates will be labeled with a different name and offered as an additional database. In that way researchers would at least be able to access the more informative earlier product while also being able to access the newer, more limited Public Access DMF starting with updates in March of 2017.

Conclusion

I would not recommend that anyone purchase the DMF single user or other products offered to non-third party providers if the purpose is strictly for genealogical research purposes. This tool is designed for verification when the user already has known facts. It is not designed for researching to produce a broader set of information such as date and possible location of death if a partial name and a birth date is known.

The Bipartisan Budget Act of 2013 did not kill our ability to use the DMF. It did, however, certainly cripple the ability to access the information, the amount of information available, and the ability to mine the database. The best hope for the genealogy community seems to rest with third-party providers. Access to their older databases does not appear to be impacted by the Act. All users of the “new” DMF will suffer the same restrictions no matter the provider of the database. The \$995 fee is not justified, in my opinion, as a subscription to a database that offers additional death records from such a limited time period with these minimal search capabilities.

Hopefully third-party providers will develop a system so that NTIS-certified researchers can access the new *Limited Access Death Master File* through their products.

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