



Georgia Department of Motor Vehicle Safety

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Sonny Perdue
Governor

Marshal A. Horne
Commissioner

September 29, 2003

Mr. Jim Lientz
Chief Operating Officer
State of Georgia - Office of the Governor
c/o Office of Planning & Budget
270 Washington Street, SW
Suite 8066
Atlanta, Georgia 30334

RE: Department of Motor Vehicle Safety's Participation in MATRIX

Dear Mr. Lientz:

As you are aware, the Department of Motor Vehicle Safety (DMVS) has been asked by the Florida Department of Law Enforcement (FDLE) via the Georgia Bureau of Investigation (GBI) to provide driver's license and motor vehicle certificate of title record information to the Multistate Anti-Terrorism Information Exchange (MATRIX), which is being operated by Seisint, Inc. (Seisint).

MATRIX is designed for use by law enforcement agencies as a centralized and secure database to assist in investigations pertaining to threats to national security. The system, created by Seisint for the FDLE as a result of the events of the September 11, 2001 tragedy, will compile data on criminal histories, motor vehicle records, driver's license history and personal information. As a result, local, state and federal law enforcement agencies will have access to the data from a centralized repository.

In addition to the DMVS information, the FDLE has also requested that the GBI provide criminal record information from the State of Georgia. On May 5, 2003, Vernon Keenan, Director of the GBI, issued a memorandum to you outlining his department's duties as lead Georgia agency with regard to implementation of the project. A copy of the memorandum is attached for your reference. One of the GBI's tasks was to coordinate the transfer of driver's license and motor vehicle registration records from the DMVS to the FDLE.

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In an effort to facilitate said implementation, the DMVS is in the process of drafting a Memorandum of Understanding (MOU) between the three (3) agencies. The MOU details the responsibilities of Seisint and the DMVS with regard to the disclosure of confidential information, including secure data transfer and the obligations imposed under the Driver's Privacy Protection Act, 18 U.S.C. Chapter 123 and O.C.G.A §40-5-2 which control the dissemination of driver's records. Both permit the distribution of driver's information to law enforcement personnel for investigative purposes.

Documentation provided by Seisint makes it clear that every effort will be taken to make the database and the data transfer safe and secure. However, the potential for abuse still exists. The DMVS should be mindful of involvement, though legally supported, of anything that could jeopardize our standing with our customers, the drivers of the State of Georgia. In recent years, we have refined our records by collecting digitized signatures and fingerprints and social security numbers. Each has been met with resistance from Georgia drivers. This situation may be met with resistance once the public, as a whole, becomes cognizant of magnitude of MATRIX.

Participation in the program would require the DMVS to prepare files for transfer by use of a data stream that contains, at the very least, demographic information for all Georgia drivers. However, due to the DMVS' obligation to maintain records regarding convictions for traffic offenses entered against out-of-state drivers, the DMVS may provide driving record information for drivers who are residents of states that do not participate in the program.

An additional legal issue is the DMVS' statutory obligations regarding the recordation of releases of driving record information. O.C.G.A §40-5-2(h). While the DMVS is not required to release the name of any law enforcement agency that requests such information during an ongoing criminal investigation, the requestor's identity is subject to dissemination upon the completion of the investigation. Assuming that more state and federal law enforcement agencies will become interested in using the database, the DMVS may be faced with the challenge of ensuring that its current computer system can handle the increased number of entries on the driver's record. This statutory requirement may compromise the secrecy of assets and informants used by law enforcement agencies outside the State of Georgia.

In addition to the legal issues relating to participation in MATRIX, the DMVS is concerned about the financial burden associated with the project. Currently, Georgia, like many other states, is facing fiscal challenges that have required cutbacks in services and personnel, among other things. Each state will be responsible for an annual charge of \$1.78 million to participate in unlimited access for data retrieval. This will have to be paid through Department of Homeland Security grant funds. The DMVS estimated cost to implement MATRIX requirements is \$23,400 for one-time charges and \$411,000 for recurring charges. No funding for this has become available as of this date to implement the project.

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Participation will require not only monetary resources but also personnel resources in our Information Technology division. This division is already at maximum capacity in continuing to keep our driver license and motor vehicle registration systems current with state and federal law changes, technology updates, and voluminous data requests. Monthly transmissions of data to Seisint will place further strain on a division that is already performing at a maximum level.

Heightened media attention regarding MATRIX has brought additional concerns to light. The Atlanta Journal-Constitution recently reported that the founder of Seisint, Hank Asher, was accused of drug smuggling in the 1980's. Although the St. Petersburg Times reported that he has a close relationship with law enforcement entities in Florida, his past has included representation by famed criminal defense attorney F. Lee Bailey, listing as a witness in drug trials around the country and a prosecutorial accusation that he was a drug smuggling pilot. In 1999, the FBI and DEA ended contracts with DBT Online, Asher's initial company, after learning of his suspected criminal past. Mr. Asher has never been arrested or convicted of any drug related charges. He is also praised and respected in Florida for providing government officials with various information technology products, free of charge. However, as the result of the background information, his continued participation in some of the projects he has developed has been questioned. The foregoing does not assist with placing a positive spin on the project with the potential of stirring activity from various privacy rights organizations.

Based on the foregoing, I am bringing these concerns to your attention. Prior to finalization of the aforementioned MOU when funding becomes available, I am requesting direction as to whether the DMVS should move forward with this project and execute the MOU.

Please feel free to contact me at (678) 413-8654 if any additional information is needed.

Sincerely,



Marshal Home
Commissioner