



## **Senate Committee on Veterans and Emergency Preparedness**

**Senate Bill 253 | March 24, 2015**

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Senate Bill 253 is a consumer protection bill for veterans. Veterans contact the Oregon Department of Veterans' Affairs (ODVA) for information and assistance in applying for federal and state benefits.

ODVA works directly with veterans to provide home loans to veterans, files for federal veteran benefits, acts as a conservator or representative payee, provides long-term care through the Oregon Veteran Homes, and provides education and emergency aid. In addition, all counties file federal benefit claims through ODVA and the Department maintains all data files on these veteran claims.

Certain limited information on veterans in these files, such as loan application information, HIPPA information, information derived from DMV data bases, and military discharge records (DD-214) are protected. However, a veteran's personal information is not protected.

Currently, veteran's personal information that is maintained by ODVA is not protected from disclosure under the Oregon public records laws. Senate Bill 253 would exempt ODVA from the requirement to disclose a veteran's personal information.

Since 2009, the Legislature has shown a strong public policy to provide veterans' names and contact information to ODVA by enacting five major bills (see Attachment A). The purpose of these bills was to provide ODVA with contact information on veterans so that ODVA could help veterans access and utilize state and federal benefits. Based on this legislation, ODVA maintains a significant amount of contact information about Oregon veterans.

The fact that an individual is a veteran is considered very personal information to a veteran. For some veterans, this is because historically, some veterans have been treated badly and suffered discrimination, particularly Vietnam veterans. Also, a veteran's military training and focus on self-reliance makes it difficult for a veteran to ask for help, even if that help is getting the benefits they have earned.

It is important that a veteran have the comfort and the confidence knowing their personal information is protected if they contact ODVA to ask for help for benefits, for emergency aid, for conservatorship matters, for borrowing money for a home or accessing long-term care, and that this information is not available to the public. A public policy of gathering and maintaining veteran's personal information, and encouraging veterans to provide personal information and seek help from ODVA becomes very challenging to implement if a veteran knows that their personal information is available to anyone.

Veterans are a popular target for scams, con artists and pension poachers who cloak themselves in a patriotic-looking non-profit status and prey on veterans and their families. Without an exemption from disclosure of veterans' personal information, ODVA is required to release this information to individuals who may use this information maliciously.

Some veterans fear that if they contact ODVA, their future employment opportunities may be compromised because a potential employer may believe that the veteran is filing a claim for a benefit and not want to hire someone who needs assistance. Although this fear may be unfounded, it remains a perception of some veterans.

### **Support for Proposed Amendments**

Senate Bill 253 lists certain "personally identifiable information" that would be exempt from disclosure and includes "other information specified by rule." The Department of Justice contacted ODVA recently as requested that the bill be amended to delete information established through rule and asked ODVA to instead specify any and all information that would be exempt.

The information currently in the bill includes veteran names, residential and employment addresses, dates of birth, driver license numbers, telephone numbers, electronic mail addresses, and Social Security numbers.

ODVA requested that amendments to the bill include exemption for the following additional information: marital status, dependents, the character of discharge from military service, military rating or rank, the fact of military service, any information relating to an application for or receipt of federal or state benefits, any information relating to the basis for receipt or denial of state or federal benefits, and any information relating to a home loan application or grant application, including any financial information.

#### **Attachment A: Legislation Providing Veteran Information to ODVA**

- House Bill 3104 (2009) requires ODVA to do additional outreach to veterans by placing contact information in agency and county government facilities.
- Senate Bill 241 (2011) requires state agencies to make reasonable efforts to ask about veteran status and seeks to expand outreach to veterans by including food pantries and food banks as entities required to disseminate contact information and materials and make reasonable efforts to identify veterans.
- House Bill 4064 (2012) directed the Bureau of Labor and Industries (BOLI) to inquire of individuals seeking services from BOLI of their veteran status and share that information with ODVA.
- HB 2421 (2013) instructs Oregon Department of Transportation Director (DMV) to share names and addresses of service members and veterans with ODVA on monthly basis when service members or veterans make written inquiry regarding applications for licenses, identification cards, certificates of vehicle title, or vehicle registrations. Requires service member or veteran's written authorization to release his or her name and address to ODVA.
- HB 2422 (2013) requires the Department of Human Services (DHS) to communicate a veteran's name and address to Oregon Department of Veterans' Affairs (ODVA) monthly, when veteran makes written request about certain assistance programs. Requires service member or veteran's written authorization to release his or her name and address to ODVA.