

From: GENZ David T * OED <David.T.GENZ@employ.oregon.gov>
Sent: Monday, March 20, 2023 5:03 PM
To: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Cc: Sen Findley <Sen.LynnFindley@oregonlegislature.gov>
Subject: Re SB 205 Follow Up Intent

Hi Senator Boquist,

If we understand your question correctly, based on our existing input on the bill and the information DOR provided the hearing:

The list of items below is the list of items which DOR could provide to OED. The list is defined under [ORS 314.835\(2\)\(b\)](#). While it may not be necessary for DOR to share all of these pieces of information with OED on every case, depending on the case specifics we need enough information to validate their identity (for example: name, SSN, DOB, address) and information to validate who paid them to perform services as well as how much was earned during the year. This information is necessary to validate whether or not identity theft or fraud may have occurred.

During the pandemic we used this type of information to identify fraud within the Pandemic Unemployment Assistance (PUA) program. We compared the tax returns that were submitted to us by PUA claimants with what they submitted to DOR. We found that some claimants didn't submit anything to DOR at all but falsified documents to provide proof of earnings to OED in an attempt to maintain PUA eligibility.

In terms of what OED would do with the information after it is provided by DOR. OED would not share any information provided by DOR with any other agencies. As OED understands, DOR is also permitted to disclose and give access to information described under [ORS 314.835](#) with a variety of other agencies for a variety of other reasons under [ORS 314.840\(2\)](#), but OED would not be permitted to supply DOR's information to those other agencies.

We hope this information is helpful. Our Unemployment Insurance Division Director, Lindsy Leahy, will be in the room tomorrow afternoon if you need to know anything else.

Sincerely,

David Genz
Senior Legislative Advisor
Operations and Policy Analyst
Pronouns: he, him, his
Oregon Employment Department



From: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Sent: Monday, March 20, 2023 12:56 PM
To: GENZ David T * OED <David.T.GENZ@employ.oregon.gov>
Cc: Sen Findley <FindleL@oregonlegislature.gov>
Subject: RE: Phone call with Peggy today

David:

If the language was limited to what could be provided as is to other agencies do you have a list of items?

I see below examples etc. You have a list?

Have bolded some of your text below.

Thanks,

Brian

From: GENZ David T * OED <David.T.GENZ@employ.oregon.gov>
Sent: Monday, March 20, 2023 8:26 AM
To: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Cc: Sen Findley <Sen.LynnFindley@oregonlegislature.gov>
Subject: RE: Phone call with Peggy today

Good Morning Senator Boquist and Peggy,

Thanks for bearing with us. Here is the additional information you requested in reference to SB 205:

What type of information is shared?

SB 205 will expand the DOR disclosure law and give access to information, described in ORS 314.835, to the Employment Department for the purpose of detecting, through the examination of particulars, the occurrence of identity theft. "Particulars" includes, but is not limited to, **a taxpayer's name, address, telephone number, Social Security number, employer identification number or other taxpayer identification number and the amount of refund claimed by or granted to a taxpayer.**

During the pandemic and through the passage of SB 1703 (2020) and HB 3043 (2021), the department received temporary access to DOR information which included tax return information such as **reported income, wages, name, and address, for purposes of verifying individuals' identity and income for administering the PUA program.** The department anticipates access to DOR records pursuant to SB 205 being used in a like manner.

And what protocols are in place to protect the data? (FYI, not even legislators on the Revenue Committees can see this data to make decisions so it is a touchy topic.)

Under state law, all information in the department's is strictly confidential and for the exclusive use of the agency to administer its programs. Additionally, OED is required to follow the security protocol and standards established under the Oregon Consumer Information Protection Act under ORS 646A.600 to 646A.628. Some key features required by the Act which OED ensures are applied to receiving shared information from other state agencies include but are not limited to:

- Protecting against unauthorized access to or use of personal information during or after the collection, transportation, and destruction or disposal of the information.
- Disposing of personal information after it is no longer needed for business purposes or as required by local, state, or federal law by burning, pulverizing, shredding, or modifying a physical record and by destroying electronic media so that the information cannot be read or reconstructed.

The department takes seriously its commitment to safeguarding data, as there are strict state and federal regulations we must comply with when sharing confidential unemployment insurance information, and will adhere to all protocols outlined in the information sharing agreement with DOR.

In relooking at this bill is there specific information from a return that Employment uses?

When the agency receives information of possible identity theft or fraud, the agency can cross verify particulars with DOR regarding information received from a claimant or employer. For example, we would be able to cross reference an individual's name, address telephone number, etc. in reports of possible identity theft. In cases of suspected fraud, the department could reference wage and employer information reported to DOR, with earnings an individual reported during weeks they received unemployment insurance benefits.

Based on the department's past experience receiving data from the DOR under SB 1703 and HB 3043, the department anticipates that SB 205 would enable the agency to obtain tax return information, such as reported income, wages, employers, name, address, to verify the identity and income of any person when potential fraud or identity theft are suspected or are being investigated.

We hope this information is helpful. Please let us know if you need any additional clarification.

Sincerely,

David Genz
Senior Legislative Advisor
Operations and Policy Analyst
Pronouns: he, him, his
Oregon Employment Department



From: GENZ David T * OED
Sent: Friday, March 17, 2023 11:50 AM
To: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Cc: Sen Findley <Sen.LynnFindley@oregonlegislature.gov>
Subject: RE: Phone call with Peggy today

Hello Senator Boquist and Peggy,

Just sending this message to let you know that we won't actually be able to follow up with you about all of these items today. Unfortunately, several key members of our team who would provide input on answers to these questions are not available today. We know there is a work session scheduled in the afternoon so we will respond with the details you asked about on Monday morning. That being said, an answer to your question about the Governor's Executive Order is in **green** below. Of course, feel free to let us know if there's anything else you need from us before Monday morning.

Thank you,

David Genz
Senior Legislative Advisor
Operations and Policy Analyst
Pronouns: he, him, his
(503) 947-1715
Oregon Employment Department



From: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Sent: Thursday, March 16, 2023 10:25 AM
To: GENZ David T * OED <David.T.GENZ@employ.oregon.gov>
Cc: Sen Findley <FindleL@oregonlegislature.gov>
Subject: RE: Phone call with Peggy today

David:

In relooking at this bill is there specific information from a return that Employment uses?

And just curious about the EO the Governor signed to do this in the past? Do you have a number by chance?

We know that the number for the Governor's original Executive Order to declare the State of Emergency for COVID-19 was [20-03](#). As you know, this order was extended multiple times and, as we understand, was in effect until the Governor rescinded it under order number [22-03](#). Order # 20-03 was still in effect at the time [SB 1703](#) was passed in the 2nd Special Session in 2020 and extended under [HB 3043](#) in 2021.

Thanks,

Brian

From: GENZ David T * OED
Sent: Thursday, March 16, 2023 5:13 PM
To: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Cc: Sen Findley <Sen.LynnFindley@oregonlegislature.gov>
Subject: RE: Phone call with Peggy today

Hi Senator Boquist (and Senator Findley),

Thank you for following up with us about this.

I think the answers to your questions are easy for us to answer but I don't have them at my fingertips. I'll ask our team to clarify this and get back to you tomorrow.

Of course, feel free to let us know if anything else comes to mind in the meantime.

Thanks again,

David Genz
Senior Legislative Advisor
Operations and Policy Analyst
Pronouns: he, him, his
(503) 947-1715
Oregon Employment Department



From: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Sent: Thursday, March 16, 2023 7:42 AM
To: GENZ David T * OED <David.T.GENZ@employ.oregon.gov>
Cc: Sen Findley <FindleL@oregonlegislature.gov>
Subject: RE: Phone call with Peggy today

David:

What type of information is shared? And what protocols are in place to protect the data?

FYI, not even legislators on the Revenue Committees can see this data to make decisions so it is a touchy topic.

Thanks,

Brian

From: GENZ David T * OED <David.T.GENZ@employ.oregon.gov>
Sent: Wednesday, March 15, 2023 3:23 PM
To: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Subject: RE: Phone call with Peggy today

CAUTION: This email originated from outside the Legislature. Use caution clicking any links or attachments.

Good Afternoon Senator Boquist and Peggy,

Per my phone conversation with Peggy today, we're sorry the Oregon Employment Department (OED) was unable to speak to the questions and concerns you and your colleagues raised with regard to Senate Bill 205 in Monday's Senate Finance and Revenue Committee meeting at the time.

Attached you will find a copy of a letter provided by OED to try to address those questions and concerns as well as a copy of OED's most recent UI Fraud Report.

Please let us know if there's anything else we can to help.

Sincerely,

David Genz
Senior Legislative Advisor
Operations and Policy Analyst
Pronouns: he, him, his
(503) 947-1715
Oregon Employment Department


