

February 14, 2017

The Honorable Bob Goodlatte Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

The Honorable John Conyers, Jr. Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Re: Opposition to H.R. 906, the Furthering Asbestos Claim Transparency (FACT) Act

Dear Chairman Goodlatte and Ranking Member Conyers:

We, the undersigned organizations, are committed to protecting the privacy and civil liberties of all Americans and hope that you will block legislation that would subject consumers to likely fraud and abuse stemming from release of their personal information. Therefore, we ask that you please oppose the Furthering Asbestos Claim Transparency Act (FACT Act), H.R. 906.

The FACT Act would create conditions that are ripe for scam artists and identity thieves to prey on all victims of asbestos exposure who have filed claims with trusts established to ensure compensation for harm caused by asbestos corporations. In this age of data breaches and instance after instance of hackers stealing personal information from secure sites, Congress should be doing more instead of less to protect people's personal information. Alarming, the FACT Act helps identity thieves by placing highly sensitive information in public databases.

The bill requires asbestos claims trusts to create a "report that shall be made available on the court's public docket" that includes personal information on victims such as how and when they were exposed to the deadly product, how much money they received for their claim and other private information. This is an unprecedented invasion of privacy that goes far beyond the usual information disclosure that occurs in our legal system.

Under the FACT Act, asbestos trust claimants would be exposed to possible identity theft and economic crimes since portions of victims' social security number would be released along with other unique identifying information such as their children's names. The publicly disclosed information required by the bill could be used, disclosed and processed with few restrictions by any person, anywhere in the world. No U.S. privacy law would apply to the information once it is disclosed. Those concerned that illegal immigrants or criminals could gain access to enough information to allow them to falsely file citizenship documents and claim government benefits, or other illicit activities, should be especially wary of the potential consequences of the data disclosures required by the FACT Act.

Not only will victims' claim amounts and other information be made publicly available to scam artists and anyone who trolls such sites looking for lucrative targets to take advantage of, asbestos victims' information will also be available to data brokers. These brokers collect, package and sell personal information to marketers for all sorts of products and services, including high-priced pharmaceutical products and predatory loans.

In addition, though the bill says that “confidential medical records” of the victims won’t be released on these public web sites, the term is not defined in the bill. If the sponsors of the bill wanted to protect the medical privacy of patients, they would have exempted *all* medical information from disclosure. By protecting only “confidential medical records” and then failing to define that term, the bill does nothing to ensure that sensitive health information of victims and their families will not be disclosed to the public. The type of personal information involved in asbestos claims could unfortunately be used by employers, insurance companies, and others to potentially discriminate against asbestos victims suffering from terrible, agonizing diseases like mesothelioma and asbestosis.

The FACT Act adds insult to injury by inexcusably invading the privacy of asbestos victims. Please oppose this harmful legislation.

Sincerely,

Essential Information

Government Accountability Project

Patient Privacy Rights

Privacy Rights Clearinghouse

Privacy Times

TURN-The Utility Reform Network