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Announcing the FBI's new Public Source Information Program

I am thrilled to announce the FBI's acquisition of the three top public source providers in the United States. It has taken months to make this happen, I appreciate your patience and hope it was worth the wait.

CAUTION: All public source databases house information which is not necessarily verified. This information comes from Federal, State, & County governments, credit bureaus, and thousands of other sources. It is not 100% reliable. We have found, especially with social security numbers, there may be errors in the information. What does this mean to you? **DO NOT BUST DOWN ANY DOORS TO MAKE AN ARREST BASED ON THE INFORMATION YOU RECEIVE FROM ANY PUBLIC SOURCE DATABASE. VERIFY IT WITH ANOTHER SOURCE FIRST.**

- IN THIS ISSUE:**
- What databases will I have access to?
 - What is ChoicePoint?
 - What is Westlaw?
 - What is Lexis-Nexis and who will have access?
 - How do I get access to these systems?
 - What other services is the Public Source Information Program providing?
 - Identification of potential suspects committing mortgage fraud
 - Alerts on fugitives
 - But I thought the Public Source Info Program was broke?
 - What can Butte and Savannah do for
 - Who is my division's Point of Contact?

WHAT DATABASES WILL WE HAVE ACCESS TO?

[REDACTED]

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WHAT IS CHOICEPOINT?

Over 5,000 of you are already utilizing this very user-friendly, comprehensive public records database. Want to find anyone fast? This is your database. Do you hate the idea of having to learn computer language? This is your system!

[REDACTED]

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WHAT IS WESTLAW?

Westlaw gives you access to extensive news archives and one of the best legal archives in the country. The CDCs and Paralegals have known about Westlaw for years. As far as news, Westlaw has news sources which are unique from any other company, such as the Wall Street Journal. You also have access to the DOW Jones News Wires, for live access to what is going on in the world. In all, you have access to nearly 6,000 newspapers and magazines world-wide using the ALLNEWS-Plus search. You can utilize features such as the news clipping service which allows you to set criteria for news which interests you. For example, if you want to automatically see all news which mentions FBI and Los Angeles in the same sentence, you can set that in your news profile. Westlaw will continually search all articles and alert you when news gets added which contains FBI and Los Angeles in the same sentence. This is a great capability for media representatives as well as investigative personnel. If you already have access to this system, please be sure to let your POC know, this will ensure you do not have a lapse in service, as all current passwords are being re-issued.

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WHAT IS LEXIS-NEXIS AND WHO HAS ACCESS?

Lexis-Nexis offers public records, news, and legal information. The feature which makes Lexis-Nexis invaluable to the FBI is it's capability to search for information any way possible. If you want to see all public records which

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/20/02 BY SP5/LK/JS
3/21/03 SAICK/JS
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What do FBI investigative personnel have to say about public records?

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"I have used information that I have received from [redacted] leads sent to other offices, and arrest, that I could not have obtained through other sources of information or with out a subpoena. This is the best database system I have used in my nine years with the FBI. I think that this system be available now and in the future."

SA [redacted] Jackson Division

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Our polygrapher advised, "I think it is a great investigative tool." He also advised that it helped him to eliminate an individual who was believed to be a top ten fugitive. The information in ChoicePoint allowed him to resolve the issue."

[redacted] Mobile Division

"As an IKS I use it extensively, usually on a daily basis in support of all types of investigations, especially in conjunction with a fugitive task force."

[redacted] Charlotte Division

"ChoicePoint is working out to be a great asset that many analysts and agents use regularly in investigations."

[redacted] Springfield Division

[redacted]

[redacted] Jackson Division

"ChoicePoint in particular, has had a significant impact on Springfield Division's investigations. ChoicePoint has expedited several cases by providing additional names, addresses, other family members, and business records in a variety of cases. The Springfield Division has found ChoicePoint to be a valuable investigative tool which also saves time and money in the day to day effectiveness of our investigations."

[redacted] Springfield Division

"I USE CHOICEPOINT ALL THE TIME. AGENTS NEED ACCESS TO THIS TYPE OF INFORMATION. THIS MAKES THE INFORMATION AVAILABLE TO THE RAS IN MINUTES RATHER THAN IN A WEEK."

SA [redacted] Knoxville Division

"I LOVE IT!!! I have been very successful in finding data"

[redacted] Phoenix Division

"I wanted to let you know that I receive nothing but POSITIVE comments on ChoicePoint from the agent personnel. They love it and it is very helpful."

SCS [redacted] Minneapolis division

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CP does not have voter registration records

but CP decided that information was not something they thought should be made available.

The Health Care Financing Administration uses the company's Address Inspector software to help identify fraudulent Medicare claims. The product lets it check health-care providers' addresses against two million of what ChoicePoint calls "high-risk and fraudulent business addresses." They include private mailboxes and street addresses in high-crime areas. Though many who rent private mailboxes do so out of concern for their privacy, those box numbers still can end up in ChoicePoint's hands if they are used in dealings with businesses or government.

Although ChoicePoint says it has records on nearly every American with a credit card, it doesn't always provide access to that data. The company's Autotrack service is popular with many agencies and businesses and is also used by reporters at The Wall Street Journal. But entering the name of FBI Director Louis Freeh into the Autotrack database produces an error message. A company spokesman says ChoicePoint intentionally blocks Mr. Freeh's records as an act of good corporate citizenship.

Among the tools ChoicePoint offers law-enforcement agencies is the ability to set up "alert" files that continuously scan databases for information on a suspect. So far, the U.S. Marshals Service, which has a \$3.8 million contract with ChoicePoint, is the only agency that uses this feature. In 1999, one such alert showed that a woman wanted for mail fraud had rented a private mailbox. A follow-up investigation led to her arrest, according to agency records.

While they decline to discuss details of their relationship with ChoicePoint, the FBI and other agencies say they aren't doing anything new except retrieving data electronically instead of digging through various far-flung paper files. Before ChoicePoint, "We went all over the place going to the same sources of information as ChoicePoint is going to," says Greg Gagne, a spokesman for the Immigration and Naturalization Service, which paid the company \$1.5 million last year.

Three decades ago, revelations about the FBI's history of compiling files on Vietnam War protesters, civil-rights activists, celebrities and thousands of other citizens seemingly picked at random set off a wave of public outrage. Among those with files were Albert Einstein, Rock Hudson, Cesar Chavez and Henry Ford.

Congress responded by passing the Privacy Act of 1974, which was designed to discourage such wholesale data gathering. While the law doesn't explicitly prohibit the government from compiling dossiers on presumably law-abiding private citizens, the FBI and other agencies in the past have generally interpreted it that way. Moreover, some of those agencies' own internal guidelines bar them from actively assembling such files themselves.

For instance, the FBI's "Manual of Investigations, Operations and Guidelines" says, "Only that information about an individual which is relevant and necessary to accomplish a purpose authorized by statute, executive order of the president, or by the Constitution is to be recorded in FBI files."

Scott Charney, former head prosecutor in the Justice Department's computer crime unit, says department guidelines prohibit the collection of public or other data on an individual unless the agency has reason to believe he may have committed a crime. "If the government can't go out and collect information on you absent predication, they shouldn't be able to go out" and buy it from an outside source, says Mr. Charney, now a lawyer for PricewaterhouseCoopers LLC.

Mr. Smith says his company's contracts define appropriate uses of its data and that ChoicePoint audits them to make sure those conditions are met. "I care very much about making sure the information is used to make a safer, more secure society," he says.

Federal agencies contract with several private-sector companies for data and related services. Among them is Lexis-Nexis, a unit of Anglo-Dutch publisher Reed-Elsevier PLC, whose databases include newspaper articles, legal briefs and other public records. But ChoicePoint is the biggest supplier to law enforcement.

The FBI's Investigative Information Services unit, which helps agents obtain information on individuals for their investigations, relies heavily on ChoicePoint's services. On the Web, FBI agents also can go to www.cpfbi.com -- "ChoicePoint Online for the FBI" -- for help in conducting their own searches. On that Web page, the company's logo appears alongside the FBI's official seal.

"The FBI has located nearly 1,300 subjects of criminal cases using these kinds of searches," Mr. Collingwood says. The service "saves countless hours of manual records checks, a process the FBI has relied on for decades." Neither the FBI nor ChoicePoint would disclose how much the agency pays the company.

The Justice Department's contract with ChoicePoint ballooned to \$8 million last year from \$1 million in 1996. Treasury Department documents show that the exclusive multiyear deal the IRS signed with the company in August is worth a total of \$8 million to \$12 million. The company says its clients include at least 35 federal agencies.

That business has contributed to ChoicePoint's impressive financial performance. Since it became a standalone company four years ago, ChoicePoint's stock price has more than doubled. Yesterday in 4 p.m. New York Stock Exchange composite trading, its shares rose 65 cents to \$35.50, down from its 52-week high of \$44.67 in December. Last year, ChoicePoint's business and government division had revenue of \$292.4 million, up 24% from 1999, and its operating income more than tripled to \$45.3 million. The division now accounts for more than half the company's total revenue.

ChoicePoint says it buys its primary information for the data products it markets to the government, private detectives and the media from the nation's three major credit bureaus. They are Equifax Credit Information Services Inc., a unit of former ChoicePoint parent Equifax Inc.; Trans Union LLC and Experian Information Solutions Inc. Each of the three companies maintains credit histories on more than 180 million Americans.

The company takes these credit-bureau files and retains the portion that lists the consumer's name, known aliases, birthdate, Social Security number, current and prior addresses and phone number. The credit-bureaus are valuable sources of such data because their records tend to be up-to-date. That's because people typically tell their creditors when they move, even if they fail to tell the Postal Service.

ChoicePoint indexes this data under the subject's Social Security number and stirs in more information it gleans from other sources. These sources, including local, state and federal agencies, sell the company data ranging from motor-vehicle, driver and boat registrations, liens and deed transfers to phone listings, military personnel records and voter rolls.

By mixing and matching its databases, ChoicePoint can accumulate all kinds of information -- a speeding fine, a bankruptcy filing, a spouse's name -- under a single Social Security number, tailoring the data and related software to a particular client. However, the company has warned investors that its ability to do business would suffer if Congress were to enact laws restricting the private use of Social Security numbers, as has been proposed in recent years.

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ChoicePoint does not have military records. DBT did have military records, but when ChoicePoint acquired DBT, they made the decision not to provide this information to anyone to protect the privacy of military personnel.

mandates that government agencies may maintain files on individuals only if they're needed to pursue an ongoing case. So far, the FBI and other agencies have skirted that restriction by using the open-ended databases of private firms that are not restricted by the law. As The Wall Street Journal put it in a front-page story in April, "ChoicePoint and its rivals specialize in doing what the law discourages the government from doing on its own."

Clearly we citizens need protection from these private spymasters as much as we do from the government, and this loophole needs to be closed. One way to do so is to apply to these online "lookup services" the same rights that consumers now have to see and correct their ratings with credit-reporting agencies. Given the widespread public dissemination of their information, these new services have far more power to unfairly damage a person's reputation than do the old-line credit bureaus. Indeed, ChoicePoint a spin-off from Equifax, one of the top three credit bureaus is more powerful than its parent but not subject to the same legally required consumer protections.

Just how powerful is ChoicePoint? Well, it may have helped to decide the last presidential election. The state of Florida, aiming to exclude ineligible voters, had spent \$4 million purchasing a national list of convicted felons from one of ChoicePoint's subsidiaries. But it turns out that in Florida, voters convicted of felonies in other states can, under certain circumstances, legally vote though at least 2,20 of these potential voters were turned away. So unwarranted reliance on these lists, along with other documented errors by Florida officials, could have been enough to swing the election.

This is another example of why these snoopers need to operate within a regulatory framework. Letting private online dicks do the FBI's work just makes them all Untouchables and unreachable by private citizens.

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Federal News Service
August 13, 2001, Monday

SECTION: PRESS CONFERENCE OR SPEECH

LENGTH: 3949 words

HEADLINE: JOHN MCLAUGHLIN'S "ONE ON ONE"

GUESTS: GERALD CERASALE, THE DIRECT MARKETING ASSOCIATION; MARC ROTENBERG, THE ELECTRONIC PRIVACY INFORMATION CENTER

SUBJECT: CONSUMER PRIVACY ISSUES

TAPED: BROADCAST: WEEKEND OF AUGUST 11-12, 2001

BODY:

MR. MCLAUGHLIN: The surveillance society.

Secret software, called "cookies," track your every move on the Internet and cyberspace. The Federal Bureau of Investigation's Carnivore program devours your e-mail. Roving police vans peer through walls into your home, using infrared sensors to track your every move. Video eyes in the sky feed images of faces in crowds so computers can compare mug shots of wanted criminals with passers-by.

Is this some futuristic science-fiction nightmare society? Guess again. It's America in the new millennium.

Is personal privacy pass? We'll ask Jerry Cerasale and Marc Rotenberg.

ANNOUNCER: Brought to you in part by the Philip Morris family of companies - Kraft Foods, Philip Morris USA, Miller Brewing.

ANNOUNCER: Imagine a world where we're not diminishing resources, we're growing them. Ethanol, a cleaner-burning fuel made from corn. ADM: The nature of what's to come.

MR. MCLAUGHLIN: Marc Rotenberg, do you focus on government snooping, or do you focus more on commercial, non-government snooping?

MR. ROTENBERG: We examine both. We think both the government and the private sector, through the use of new technology, poses a significant threat to personal privacy. When businesses collect personal

information, profile their customers, disclose the data to others, that creates privacy risks.

MR. MCLAUGHLIN: I think among the public at large the focus is more on government snooping than it is on private-sector snooping, on law enforcement surveillance and the FBI intrusion into our private areas.

But isn't it true that private data collection companies pose an even greater threat to personal privacy? I ask you, Jerry Cerasale.

MR. CERASALE: I don't think so. What they're trying to collect, at least from a marketing standpoint, is by an interest and give you an offer. I think that we need to ensure that marketing data is used only for marketing purposes. Those are some of our guidelines, and that's what that says.

MR. MCLAUGHLIN: Isn't it true that the FBI would be violating the law were they to personally hold records, private records, in their own files; they would be in contravention of several congressional prohibitions?

MR. ROTENBERG: The FBI has the right, of course, in the context of a criminal investigation, to gather information on suspects and witnesses, and they will certainly do that.

But when they begin to collect information on people based on their political activities or their religious beliefs, then they will run into problems, for example, with the Privacy Act of 1974.

MR. MCLAUGHLIN: (Directing his remarks to Mr. Cerasale.) What I'm getting at is that the FBI really relies on you and people like you in the private sector, private vendors, for the vast volumes of information, data, on 100 million Americans. What kind of information - as a matter of fact, there is an icon on FBI computers. He presses that - the FBI agent presses that icon, and there is presented to him information compiled by private vendors, whom you represent with the Direct Marketing Association, and those vendors are under contract to the FBI. Is that correct?

MR. ROTENBERG: Yes. In fact, the company is called ChoicePoint. And what they have done is to simplify the government's process of investigating individuals by aggregating information from public resources and private record systems, and making it available literally to an FBI agent through the desktop computer.

MR. MCLAUGHLIN: Let's focus on an FBI agent who uses that icon without a warrant and the kind of information he can get -- or she can get -- on a law-abiding citizen. Reading habits?

MR. CERASALE: Well, if someone has purchased --

MR. MCLAUGHLIN: Yes or no? They can get reading habits.

MR. CERASALE: What they've -- what they've --

MR. MCLAUGHLIN: Spending habits, certainly. That's what you look for in direct --

MR. CERASALE: Some spending habits, yes.

MR. MCLAUGHLIN: Complete addresses?

MR. CERASALE: Yes, complete addresses are very important.

MR. MCLAUGHLIN: Names and ages of other people living at the same address?

MR. CERASALE: Probably guesses of names and ages lately, not necessarily exactly true.

MR. ROTENBERG: They'll get pretty close. I mean, if you do a look-up based on the address in a neighborhood, an apartment building, using --

Marketing information is not available to the FBI through ChoicePoint. ChoicePoint does have a marketing division, responsible for direct marketing. They send mailings to lists of customers. ChoicePoint's clients provide the lists of customers; ChoicePoint does not generate lists of customers. ChoicePoint's primary customers for this service are companies from the insurance industry. These lists are not available to the FBI.

Yes, we do get complete addresses.

MR. MCLAUGHLIN: Work history?

MR. ROTENBERG: Absolutely. Prior residences, for example. You'll typically have in this database, through a credit report, all the places that the person has lived.

MR. MCLAUGHLIN: Police records?

MR. CERASALE: Marketing -- well, marketing people would not have police records. We would not keep, probably, work -- where you've worked -- very interested in where people live --

MR. MCLAUGHLIN: I'm not talking about interest, I'm not -- I'm talking about what you have available there, if someone wants it, some member of your organization. How about income?

MR. ROTENBERG: No, they don't have that.

MR. CERASALE: They would have an estimate of income, provably would not have actual income, based on demographics, where you live, some estimate that they guess.

MR. MCLAUGHLIN: Medical records?

MR. ROTENBERG: Well, they would have medical information, and they would also have public-record criminal history information. That service is specifically provided by ChoicePoint and made available to federal agents through this service.

MR. MCLAUGHLIN: Medications taken?

MR. ROTENBERG: Well, that's a good question for Jerry.

MR. CERASALE: They would not.

We have requirements that the doctor-patient relationship is -- you need express written -- well, now express consent to use it, so we do not have -- similar to before (HIPAA ?), we do not have it.

MR. MCLAUGHLIN: Well, suppose the medications have been ordered via the Internet. You'd have that.

No, we do not get work history. In some cases we do get the employer name. This comes from Credit Bureau Headers and is available to law enforcement through the Fair Credit Reporting Act.

In most states, criminal histories are public records. Very few states have made criminal records available electronically. Most of the states who have made this data available electronically are available via ChoicePoint. IE: Texas and Florida

No, we do not have access to a person's income. We do get the average income of a particular zip code. This comes from census data, which is public record and is also available through the internet.

No, we do not have access to any type of medical records. Law strictly protects this information. It would be a violation of Doctor/Patient confidentiality. ChoicePoint does have information related to a Doctor's medical license or Chiropractor's license. They also have the public records regarding sanctions against Doctors and Chiropractors. The FBI does not have this information on a national basis. There are some field offices who were looking into procuring this info for their Health Fraud cases.

- NOTE: ChoicePoint provides public records to the insurance industry for Medicare/Medicaid fraud protection. This may be the root of this assumption.

We do not have any access to the medications taken by a person.

We still would not have this information. We do not receive

MR. CERASALE: We would probably not have that, not in the sense of our marketers collecting information.

MR. ROTENBERG: Oh, Jerry, in fairness, I mean, there are certainly mailing list companies today from which you could purchase a list of people who have certain medical conditions, and that information is based on pharmacy records, it's based on other healthcare seminars that are provided by hospitals.

MR. CERASALE: No, it's not --

MR. MCLAUGHLIN: How about credit history?

MR. CERASALE: Credit history is -- the Fair Credit Reporting Act requires certain -- there are certain requirements --

MR. MCLAUGHLIN: So that's available?

MR. CERASALE: They would have some, but that's based on what the law would allow them to use.

MR. ROTENBERG: Yeah, you've got a lot of information so-called "above the line" on the credit report. You may not be able to get all the information contained on the credit report --

MR. MCLAUGHLIN: You can get a very good picture, though.

MR. ROTENBERG: -- but you can get a lot of information that's currently not covered.

MR. MCLAUGHLIN: How about consumer -- I'm racing you along here because we have a lot of ground to cover. You don't mind that?

MR. CERASALE: No.

MR. MCLAUGHLIN: Okay. Consumer debt.

MR. ROTENBERG: That would appear on the credit report and that could be available.

MR. CERASALE: No, that wouldn't be -- not to marketers it wouldn't be available --

MR. MCLAUGHLIN: Everything that I own that is titled.

MR. CERASALE: Everything that you own is titled, we can -- we cannot get automobiles title. That information is no longer available.

MR. MCLAUGHLIN: Oh, really?

MR. CERASALE: That's correct.

MR. MCLAUGHLIN: You cannot -- on automobiles and boats you cannot get through registration?

MR. CERASALE: Marketers cannot get that, no.

MR. MCLAUGHLIN: Why is it I get such a volume of magazines on high-powered cars, why is that? Inasmuch as I own a Porsche.

MR. CERASALE: Probably from earlier. But that information is no longer available.

MR. MCLAUGHLIN: Do you want to modify anything that Jerry is telling us, Marc?

MR. ROTENBERG: Well, I think the amount of information that's available across the

any type of information regarding a person's spending habits. Nor does ChoicePoint or any company we do business with have this information.

We do not get credit history. You have to have a subpoena for credit history. We do get credit header information (name, addresses, month and day of birth, ssan). The Fair Credit Reporting Act and the GLB permit these records to be available to law enforcement.

We do get Liens and judgements

It is not available through any public records database. You have to subpoena the credit bureaus for this information.

Property records are considered public records. We do get property records from many counties in the US.

Vehicle registration records are public record in some states and are available through ChoicePoint.

board to the marketing industry covers basically every category you've mentioned. It covers credit record information, it covers criminal record information, it covers finances, family members, children in a family, for example, that's information that can be made available.

MR. MCLAUGHLIN: Mental history?

MR. ROTENBERG: That would be difficult to obtain directly from a doctor, for example. But you see a lot of these lists are created through other sources. If, for example, you go to a website that's providing medical information, the disclosure of your identity at that website – your mailing address, your e-mail address – that information becomes available.

MR. MCLAUGHLIN: What I want to impress upon the audience is that all of this information is available to marketing organizations with a direct computer link to an icon in the offices of the Federal Bureau of Investigation.

MR. CERASALE: That's not true.

MR. MCLAUGHLIN: Why is it not true?

MR. CERASALE: Marketers don't have – we don't have direct links to the – Marc has talked about one particular link where they have a choice point where people answer surveys –

MR. MCLAUGHLIN: You mean the FBI doesn't engage any of your marketers?

MR. CERASALE: No. No, not that I am aware of.

MR. MCLAUGHLIN: Is that true?

MR. CERASALE: And we've actually fought, fought government trying to get information. For example, the IRS tried to use a magazine list to find people who scoffed from paying taxes, and they found 18-year-old kids who didn't.

MR. MCLAUGHLIN: One final – one final point of intrusion, and that's political affiliation. Do marketers collect that kind of information? Do you know, Marc?

MR. ROTENBERG: Well, it's valuable information. Yes, they collect it, and yes, it's used within the non-profit world for soliciting potential donors. But it can also be used in law enforcement in the course of criminal investigations and other related background checks. So there are privacy issues there.

MR. MCLAUGHLIN: We're really focusing here on commercial privacy, and I'm wondering whether political affiliation, which seems to me it can be obtained relatively easily through registration.

MR. CERASALE: It might be. It's used basically for groups trying to find – non-profit groups trying to solicit funds. It's not used for marketers. Whether or not you buy a sweater or not, political affiliation doesn't mean anything to you.

MR. MCLAUGHLIN: Are cookies useful in all of these areas?

MR. ROTENBERG: Well, cookies are useful for tracking users on the Internet.

MR. MCLAUGHLIN: What's a cookie?

MR. ROTENBERG: It's basically a way to tag an Internet user.

MR. MCLAUGHLIN: Is it a mechanism? Is it a contrivance? Is it an electronic modality that's introduced in the Internet?

MR. ROTENBERG: It's part of the Internet browsing software, so that when you go to a particular website on the Internet, your browsing software gives you a unique identification for the website that you visited, and if you go back to that website, you will be recognized. Now this surprises most people –

MR. MCLAUGHLIN: So that's an online identity?

MR. ROTENBERG: That is an online identity –

Again, this is protected by law and is protected by Doctor/Patient confidentiality.

We do not subscribe to any marketing organizations who obtain marketing information from clients. ChoicePoint gets the potential customer list and the advertising from their client. We do not have access to these customer lists.

This is true.

We do not nationally subscribe to marketers.

We do not obtain this information from ChoicePoint. I know we do get political donor information from the FEC. This information was used during the investigation. It is available to the public via the Internet for free.

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#2 ON "MOST WANTED" LIST



OWED KIDS \$117,000



INSURANCE FRAUD



FBI #945008-1
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/20/02 BY SP5/JCK/SB

CHOICEPOINT Page 463

LAW ENFORCEMENT

CHILD SUPPORT ENFORCEMENT

HEALTHCARE FRAUD

ENTITLEMENT FRAUD

PRE-EMPLOYMENT SCREENING

ChoicePoint is the leading provider of value-added information and services to help business and government make smarter choices. We have worked with many organizations to reduce their risk of fraud and abuse, and we can show you how the right information can make the difference between success and failure of any enterprise.

Globally, we provide solutions to more than 8,000 individual customers and institutions. ChoicePoint serves diverse organizations such as federal, state and local government agencies and Fortune 500 corporations, including insurance companies, financial service providers and retailers by providing information solutions to solve their complex problems.

We provide government agencies with easily accessible, actionable information. A unique combination of data and analytical capabilities provides the information needed to make smarter decisions that positively impact citizens. ChoicePoint puts the power of more than 1,600 databases and 3.5 billion records to work for organizations nationwide, ranging from law enforcement to child support and various entitlement agencies, including Medicaid and Medicare. We are a leading provider of pre-employment services, including pre-employment verification and drug testing services. ChoicePoint is also a proud sponsor of the National Center for Missing and Exploited Children, working for the safe return of missing and abducted children. We understand the diverse needs of our customers, and we're committed to developing innovative solutions tailored to their individual requirements.

While others merely sell data, ChoicePoint creates solutions that unite information with the most sophisticated technology available. By gaining an understanding of the potential fraud and abuse your organization faces, we can utilize your current technology to deliver the information you need - without compromising your budget. We can even provide access methods that allow our information to be seamlessly integrated into your daily workflow, creating significant cost savings.

ChoicePoint Public Sector wants to partner with you to successfully navigate your environment of choices. We're committed to providing innovative, smart solutions to the decisions faced by your organization every day. We understand the risks you face, and we're here to help.

OUR COMMITMENT

ChoicePoint provides

the intelligence needed

to manage risk and

make the smart

decisions that ensure

the success of public and

private organizations.

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THE RIGHT
INFORMATION HELPED
LOCATE HIS FATHER,
AND EVERY YEAR IT
HELPS MILLIONS OF
KIDS JUST LIKE HIM.

WE CAN HELP MAKE
SURE THE RESOURCES
ONLY GO TO THOSE
IN NEED.

WE CAN HELP
ENSURE THE
QUALITY OF THEIR
HEALTHCARE AND
THE CREDENTIALS
OF THE DOCTORS
THEY SEE.

Federal Computer Week

APRIL 5, 1999

The Newspaper for Federal IT Decision-Makers

VOLUME 13 NUMBER 9

DOJ inks deal for records access

By L. SCOTT TILLET

The Justice Department last month inked a deal with ChoicePoint Inc. to provide federal investigators with online access to a wide array of public documents, which should make it easier and faster to track down suspects and solve cases.

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DATE 01/02 BY SP10/JSB
3/21/03 SP10/JSB

REV
~~8/20/02 SP5/UC/KSB~~
3/21/03 SP11LK/MS

LAW ENFORCEMENT

Through our CDB Intelek subsidiary, ChoicePoint is the leading provider of public records to law enforcement and other investigative agencies. Every federal law enforcement agency as well as many state and local police departments have been able to stretch limited resources thanks to ChoicePoint's timely, relevant and cost-effective mission-critical information. The following is a typical ChoicePoint Public Sector story:

CHILD SUPPORT ENFORCEMENT

After knocking over a bank and killing two security guards, Ricky "the Weasel" Biggs had been a fugitive for two years. With leads growing cold and witnesses afraid to talk, authorities were beginning to fear that he was going to get away with his crimes. At a ChoicePoint training session, officers were asked for the name of a most wanted. "The Weasel's" name came up immediately. Trainers entered his information into the computer and, within 60 seconds, they had a recent address in a neighboring state. Within hours, Ricky "the Weasel" Biggs was behind bars, awaiting extradition.

HEALTHCARE FRAUD

By providing over 5.5 billion records in more than 1,000 databases, ChoicePoint can help your agency improve the accuracy and speed of investigations. ChoicePoint databases use powerful, proprietary information to augment a vast collection of public records data. Customer feedback helps us continually improve and expand our data offerings and customize our products and services to meet unique requirements. The Immigration and Naturalization Service, for example, asked us to assist in the investigation of marriage and green card fraud, and in locating deportees. In response, we developed an automated training software program that helps them to do just that.

ENTITLEMENT FRAUD

ChoicePoint's flexible databases allow you to focus resources on the most important tasks throughout the entire law enforcement process, from initial investigation through parole. You'll find our predefined, low-risk, low-investment solutions make information easy to access from any PC. Most importantly, we understand risks you face every day and can provide the answers your organization needs to succeed.

PRE-EMPLOYMENT SCREENING

For more information on how ChoicePoint Public Sector can help your organization, please call (toll-free) **877-317-5000** or visit us at **www.choicepointinc.com**.



 **ChoicePoint**
Public Sector™

8550 Boone Boulevard, Suite 850

Vienna, Virginia 22182

(703) 734-6200

www.choicepointinc.com


ChoicePoint is the leading provider of value-added information and services to help business and government make smarter choices. We have worked with many organizations to reduce their risk of fraud and abuse, and we can show you how the right information can make the difference between success and failure of any enterprise.

Globally, we provide solutions to more than 8,000 individual customers and institutions. ChoicePoint serves diverse organizations such as federal, state and local government agencies and Fortune 500 corporations, including insurance companies, financial service providers and retailers by providing information solutions to solve their complex problems.

We provide government agencies with easily accessible, actionable information. A unique combination of data and analytical capabilities provides the information needed to make smarter decisions that positively impact citizens. ChoicePoint puts the power of more than 1,000 databases and 3.5 billion records to work for organizations nationwide, ranging from law enforcement to child support and various entitlement agencies, including Medicaid and Medicare. We are a leading provider of pre-employment services, including pre-employment verification and drug testing services. ChoicePoint is also a proud sponsor of the National Center for Missing and Exploited Children, working for the safe return of missing and abducted children. We understand the diverse needs of our customers, and we're committed to developing innovative solutions tailored to their individual requirements.

While others merely sell data, ChoicePoint creates solutions that unite information with the most sophisticated technology available. By gaining an understanding of the potential fraud and abuse your organization faces, we can utilize your current technology to deliver the information you need - without compromising your budget. We can even provide access methods that allow our information to be seamlessly integrated into your daily workflow, creating significant cost savings.

ChoicePoint Public Sector wants to partner with you to successfully navigate your environment of choices. We're committed to providing innovative, smart solutions to the decisions faced by your organization every day. We understand the risks you face, and we're here to help.



**THE RIGHT
INFORMATION HELPED
LOCATE HIS FATHER,
AND EVERY YEAR IT
HELPS MILLIONS OF
KIDS JUST LIKE HIM.**

CHOICEPOINT PUTS THE POWER



OF INFORMATION TO WORK

**WE CAN HELP MAKE
SURE THE RESOURCES
ONLY GO TO THOSE
IN NEED.**



**WE CAN HELP
ENSURE THE
QUALITY OF THEIR
HEALTHCARE AND
THE CREDENTIALS
OF THE DOCTORS
THEY SEE.**

FOR THOSE WHO NEED IT MOST

OUR COMMITMENT

ChoicePoint provides

the intelligence needed

to manage risk and

make the smart

decisions that ensure

the success of public and

private organizations.

CHOICEPOINT SERVICES

LAW ENFORCEMENT

CHILD SUPPORT ENFORCEMENT

HEALTHCARE FRAUD

ENTITLEMENT FRAUD

PRE-EMPLOYMENT SCREENING



CAPTURED: #2 ON "MOST WANTED" LIST



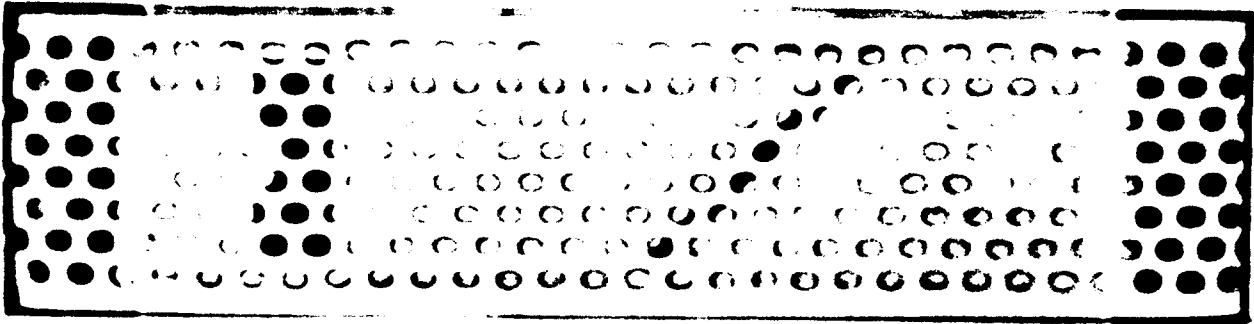
TRACKED: OWED KIDS \$117,000



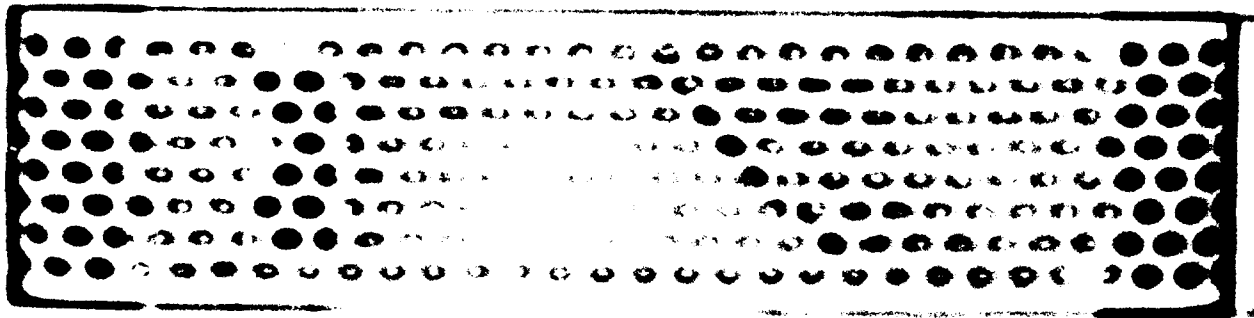
APPREHENDED: INSURANCE FRAUD



#245008-1
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FBI
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3/21/03 SP1 CLK/JJS



LAW ENFORCEMENT

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HEALTHCARE FRAUD

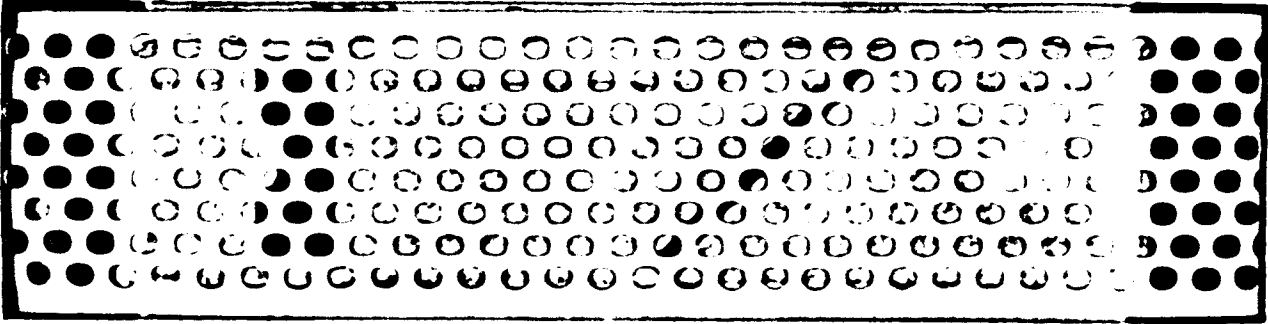
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ENTITLEMENT FRAUD

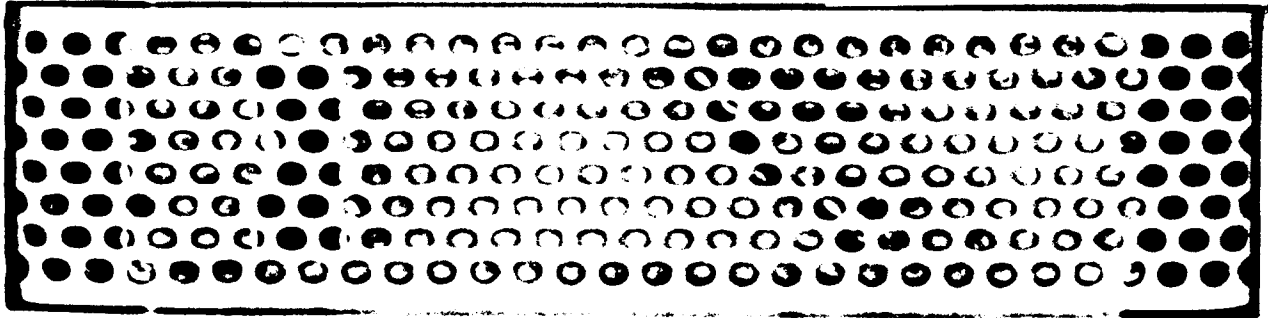
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Federal Computer Week

APRIL 5, 1999

The Newspaper for Federal IT Decision-Makers

VOLUME 13 NUMBER 9

DOJ inks deal for records access

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CHOICEPOINT Page 480

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 **ChoicePoint**
Public Sector™

8330 Boone Boulevard, Suite 850

Vienna, Virginia 22182

(703) 734-6200

www.choicepointinc.com

X
ALL INFORMATION CONTAINED
HERE IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

ChoicePoint atty [redacted]

[redacted]
referred by [redacted]

b6
b7c

Online 1. upa = [redacted] memo

under "Online"

The fact that publicly available info is
accessed from a commercial source that
limits access to that info through
them, doesn't change the character
of the info.
[redacted] [redacted] [redacted] [redacted]

b6-1
b7c-1
Memo to [redacted] BY -
[redacted] (s) b1

[redacted]

ChoicePoint Privacy Atty
[redacted]

b6-2
b7c-2

3-20-03
CLASSIFIED BY: 31834/CLK/AB
REASON: 1.5 (C)
DECLASSIFY ON: X-1
CA# 02-0063

[redacted]
[redacted]

b2-1
b7E-1

CLASSIFIED DECISIONS FINALIZED
BY DEPARTMENT REVIEW COMMITTEE (DRC)
DATE: 12-17-03
CA# 02-0063

X
SECRET

b7c - 1/bb-1

From: FBI E-mail Administrator
To: All AD'S Employees Listing, All DAD's Employees L...
Date: 8/17/01 8:01AM
Subject: ChoicePoint's new Web Address

Effective at 7:00pm on 8/16/01, [redacted] will no longer allow you access to ChoicePoint. The new web address is [redacted]

b4

The [redacted] address will redirect you to [redacted] until 8/23/01. After 8/23/01, the [redacted] address will be invalid.

I am sorry for any inconvenience this causes you. If you have any questions, do not hesitate to call me.

[redacted] b7c - 1/bb-1

8-20-02 SP5/JC/PG
945608
SP-1 CLK/DB 3/22/03
CA#02-0063

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XXXXXX
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45 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemption indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(i)(1)

(b)(7)(D)

(i)(2)

(b)(7)(E)

(i)(3)

(b)(7)(F)

(i)(4)

(b)(4) - 1

(b)(8)

(i)(5)

(b)(5)

(b)(9)

(i)(6)

(b)(6)

(i)(7)

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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CHOICEPOINT Pages 647-656

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X Deleted Page(s) X
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X for this page X
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ChoicePoint Online - system name; InfoTech

Govt.

Non public - only the categories such as
govt, law enforcement, etc.

Not LN

full SS#, dob & employment, driver license
get copy of insurance agency to obtain

1. "Credit header" ~~what~~ address. Get ^{specific}
name, address, ^{month & year of birth / cred date}
log social #, ^{# full date with must be} employer #, ^{govt & law agency or}
insurance agency.

not credit history: Just the header

2. ^{to CP under} another engine ^{under business - use Sec of state}
records ^{links available via}

business name
offices, city, street
phone #, office names
of employees, type of business
sales in #

SP-1CLK/816 3/20/03
CA#02-0063
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* ~~Washington~~ search by address
who lives around the address

"Discovery due"

VIN, year, make, model of car
by address, price of car
because Maryland sells info

Crime Record is from the public record

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
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19

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(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4) - 1

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

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CHOICEPOINT Pages 829-847

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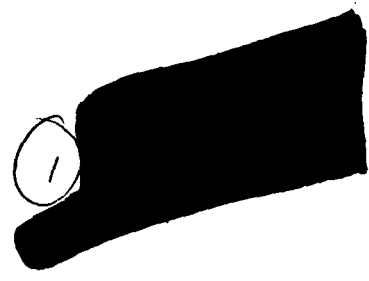
~~Security/Discovery/...~~
- Insurance database
how does it compare
w/ NICB?

FBI
- After search - all added to chief
- Full page access - only FBI now
- Batch processing
- Server Support Solutions
work out
special searches

- which agencies use this system now -
(DEA - Oct. 1)
INS?
USMS?

DOJ - did competition from
other possible

Seems slow to search other systems
to retrieve info.



b7c-2
b6-2

~~...~~
b7c-2 [Redacted] DOJ, Budget

b6-2 News archive important - must consider -

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA
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3

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(b)(7)(A)

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(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4) - 1

(b)(8)

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(b)(5)

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CHOICEPOINT PAGES 850-852

XXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this page X
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ChoicePoint Online

Terms

This Agreement is entered into between ChoicePoint Services Inc. and its affiliates and subsidiaries ("CPS"), and the entity first set forth on the reverse hereof ("Subscriber"). The Services provided herein are governed by the Individual Reference Service Group Industry Principles ("IRSG Principles"). The parties agree as follows:

1. SERVICE. CPS provides nationwide public record information, document retrieval and related services ("Services") using its proprietary databases and information obtained from third parties ("Third Parties"). Subscriber hereby subscribes to Services for use as a factor in making its business decisions and agrees to pay to CPS the applicable rates and charges set forth herein.

2. PERFORMANCE. CPS will use reasonable efforts to deliver Services requested by Subscriber and to access, update, augment and maintain its compilation of

Accept Cancel

See attached for
full text

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945608

[CHOICEPOINT Page 853

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945608

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2. PERFORMANCE. CPS will use reasonable efforts to deliver Services requested by Subscriber and to access, update, augment and maintain its compilation of information gathered from selected public records and other sources used in the provision of Services hereunder. Subscriber accepts all information "AS IS."

3. CHARGES TO SUBSCRIBER. For each response to a request for information, including "no record found," Subscriber agrees to pay to CPS the applicable charge then prevailing for Services rendered to Subscriber. Subscriber shall pay to CPS prices as updated from time to time through on-line announcements, Subscriber Bulletins, and published price schedules. All current and future CPS pricing documents are deemed incorporated herein.

4. SUBSCRIBER USE LIMITATIONS. Subscriber acknowledges that CPS and/or Third Parties retain all right, title and interest under applicable contractual, copyright and related laws in the databases and materials contained therein used to provide Services hereunder, and Subscriber shall use such materials consistent with such right, title and interest and notify CPS of any threatened or actual infringement thereof. Subscriber shall notify CPS immediately of any changes to the information on Subscriber's application for Services. Subscriber shall at no time represent that it is the authorized agent or representative of CPS.

5. SUBSCRIBER USE LIMITATIONS - END USER. Subscriber acknowledges that this Agreement grants Subscriber a limited license in exchange for payment of the fees and charges set forth herein, and Subscriber shall not reproduce, retransmit, republish or otherwise transfer for commercial purpose any information that Subscriber receives from Services, except to employees whose duties reasonably relate to the legitimate business purposes for which the information is requested. Subscriber warrants that it is the end user of the information. Subscriber agrees to limit use and dissemination of information from Services solely to use(s) set forth under Business Use(s) on the reverse hereof. Uses outside of the normal course of business include without limitation: accessing or using information on public figures, including names in the news, media personalities, politicians, etc., unless used for the completion of a business transaction. Resellers or information brokers are NOT permitted to access Services under this Agreement. If you are a Reseller or an information broker, you must register with CPS and execute a Reseller Agreement prior to accessing the Services.

6. SUBSCRIBER USE LIMITATIONS - FAIR CREDIT REPORTING ACT. Subscriber agrees not to use any CPS data, which is the subject of this Agreement, for consumer credit purposes, consumer insurance underwriting, employment purposes, tenant screening purposes, or for any other purpose(s) covered by the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.) or similar state statute.

7. SUBSCRIBER USE LIMITATIONS - IRSG APPROPRIATE USES. Subscriber understands and acknowledges that the Services are governed by the IRSG Principles, a copy of which may be obtained from CPS or its web site, and that compliance to IRSG Principles extends to the Subscriber. Subscriber also understands and acknowledges that CPS has identified industry-specific appropriate uses for which its Services are to be used. Subscriber hereby agrees to state its appropriate use for any requested on-line information, prior to accessing it, to limit its use to those stated purposes, and to take appropriate measures so as to protect against the misuse of CPS' Services. Failure to do so will result in termination of this Agreement by CPS.

8. SUBSCRIBER USE LIMITATIONS - PHYSICIAN (MD & DO) DATA. Subscriber acknowledges that certain physician data licensed by this Agreement has been licensed from third party suppliers, including the American Medical Association (collectively referred to in this section as "Suppliers"). In consideration of the receipt of data from Suppliers, Subscriber's use of data is subject to the following terms and conditions in addition to those of the Agreement:

a. Subscriber agrees that Suppliers' data represents proprietary and confidential data and material and that Suppliers reserve

all rights, title and interest under applicable copyright and related laws in the databases and materials contained therein used to provide Services hereunder. Subscriber shall use such materials consistent with such right, title and interest and notify CPS of any threatened or actual infringement thereof. Subscriber further acknowledges that this Agreement grants a limited license in exchange for payment of the fees and charges set forth in section 3 hereof.

b. Subscriber agrees that: (i.) Suppliers' data will be treated with total confidentiality; (ii.) Suppliers' data is granted solely to Subscriber and is granted as a non-exclusive limited license solely for purposes of credentials verification; (iii.) Suppliers' data will be used one time only, to support a single decision making process, to include but not be limited to provider enrollment, claims administration, investigation of fraud or provider selection. Suppliers' data may be routed or filed, via paper or electronically, so that Subscriber, members of its organization, its customers or its suppliers may carry out their role in implementing the decision making process for which Suppliers' data was obtained to support. (iv.) Suppliers' data shall not be merged or revised with any non-Supplier data in a manner that allows the source of the data, as indicated in the data deliverable, to be obscured. (v.) Suppliers' data shall not be released, copied, extracted or otherwise usurped for use by any other party, entity, organization or government agency for any use outside of supporting the decision making process for which the data was acquired. (vi.) Subscriber will comply with all laws applicable to the use of Suppliers' data and shall not use such data in any way which violates any rights of any person such as, for purposes of illustration and not as a limitation, a person's privacy rights. (vii.) Upon a breach of any of the foregoing covenants by Subscriber, such license to use and possess such data shall be automatically and immediately terminated and such data shall be destroyed or returned to the Supplier(s) immediately, but in no event later than 48 hours after such automatic termination.

c. Subscriber agrees that it will only use the data to verify credentials or further identify the subject of the report and that it will not order or use the data in whole or in part to determine eligibility for credit, employment, or insurance or any other purpose identified by or regulated under the federal Fair Credit Reporting Act, 15 USC 1681 et seq.

d. Subscriber agrees that it will not use the data for "credentialing" physicians. "Credentialing" shall mean the process by which a healthcare delivery organization grants authorization to a physician through its governing body to provide specific patient care and treatment services within defined limits, based on an individual's license, education, training, experience, competence, health status, and judgment; or the process by which a government agency or managed care organization authorizes, contracts with, or employs physicians who are licensed to practice independently, to provide services to its participants, based on an individual's license, education, training, experience, competence, health status, and judgment.

e. The data will be used as lead information only. If any type of adverse action is to be taken against the subject of the report, as a result of using the data contained in the report, the information obtained from the data must be verified by the reporting source prior to the adverse action.

f. Subscriber agrees that it is not an individual who works directly for or on behalf of the media, or are is not an individual working in an organization for or on behalf of the media, which would use the data for the purpose of verifying and/or discovering physician data solely in connection with the prevention, detection, documentation of fraud or evaluation of legal or insurance claims for fraud.

g. Subscriber agrees that Suppliers' data will not be: (i.) Made available for use in connection with the dissemination of distasteful materials, (ii.) Made available for use in connection with materials which might imply, through copy or layout, Suppliers' endorsement of an organization, its products or Services, (iii.) Made available for any communication that would tend to mislead, misinform or deceive, (iv.) Used for statistical counts, tables or presentation of physician statistics that are used for planning or research purposes, (v.) Made available for membership solicitations, (vi.) Made available for any fundraising purposes by any individual organization, (vii.) Made available for use by Subscriber, the organization, any individual, entity, other organization or government agency to establish or enhance a database where the data is accessible for reuse without permission of Suppliers, and (viii.) Made available for the practice of classifying a physician included in Suppliers' data along ethnic and/or religious lines, unless such classification is specifically germane to the practice of medicine.

9. PAYMENT OF FEES. Subscriber shall pay CPS a monthly Service charge of \$25.00 (which is subject to change per section 3) for each open Subscriber account, regardless of activity and in addition to fees incurred through individual Services rendered, such as search and per record charges. Subscriber shall be responsible for payment for all Services obtained through Subscriber's access identification code. Payment by Subscriber is due and payable ten (10) days from the date of invoice. If payments are past due more than ten (10) days from the date of invoice, CPS may interrupt Service. If payments are past due more than 25 days, CPS may terminate this Agreement. Subscriber is responsible for payment of all collection

costs and attorney fees incurred by CPS through its efforts to collect on balance(s) owed by subscriber. All remittances shall be sent to ChoicePoint, P.O. Box 26699, Santa Ana, CA 92799-2699.

10. TERM OF CONTRACT. This Agreement may be terminated by thirty (30) days' written notice from either party to the other except as otherwise provided for under section 12.

11. NEGATION OF LIABILITY/WARRANTY. NEITHER CPS NOR THIRD PARTIES SHALL BE LIABLE TO SUBSCRIBER OR TO ANY PERSON CLAIMING THROUGH SUBSCRIBER OR TO WHOM SUBSCRIBER MAY HAVE PROVIDED SERVICE-RELATED DATA FOR ANY LOSS OR INJURY ARISING OUT OF OR CAUSED IN WHOLE OR IN PART BY CPS' OR THIRD PARTIES' NEGLIGENT ACTS OR OMISSIONS IN PROCURING, COMPILING, COLLECTING, INTERPRETING, REPORTING, COMMUNICATING, OR DELIVERING SERVICES OR IN OTHERWISE PERFORMING THIS AGREEMENT. SUBSCRIBER ACKNOWLEDGES THAT EVERY BUSINESS DECISION INVOLVES ASSUMPTION OF A RISK, AND THAT NEITHER CPS NOR ANY THIRD PARTY UNDERWRITES THAT RISK IN ANY MANNER WHATSOEVER. IF, NOTWITHSTANDING THE FOREGOING, LIABILITY CAN BE IMPOSED ON CPS OR A THIRD PARTY, THEN SUBSCRIBER AGREES THAT CPS' AND/OR THIRD PARTIES' AGGREGATE LIABILITY FOR ANY AND ALL LOSSES OR INJURIES ARISING OUT OF ANY ACT OR OMISSION OF CPS AND/OR THIRD PARTIES IN CONNECTION WITH ANYTHING TO BE DONE OR FURNISHED UNDER THIS AGREEMENT, REGARDLESS OF THE CAUSE OF THE LOSS OR INJURY (INCLUDING NEGLIGENCE) AND REGARDLESS OF THE NATURE OF THE LEGAL OR EQUITABLE RIGHT CLAIMED TO HAVE BEEN VIOLATED, SHALL NEVER EXCEED THE COST OF THE SERVICE OR SERVICES TO WHICH A GIVEN CLAIM RELATES AND WHICH WAS CHARGED TO SUBSCRIBER, AND SUBSCRIBER COVENANTS AND PROMISES THAT IT WILL NOT SUE CPS AND/OR THIRD PARTIES FOR AN AMOUNT GREATER THAN SUCH SUM EVEN IF CPS AND/OR THIRD PARTIES WERE ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND THAT IT WILL NOT SEEK PUNITIVE DAMAGES IN ANY SUIT AGAINST CPS AND/OR THIRD PARTIES, ALL IN CONSIDERATION OF THE RECEIPT BY SUBSCRIBER OF SERVICES AT THE RATES CHARGED BY CPS HEREUNDER, WHICH ARE FAR LOWER THAN WOULD BE AVAILABLE TO SUBSCRIBER ABSENT THE WAIVERS AND DISCLAIMERS CONTAINED HEREIN. CPS AND THIRD PARTIES DO NOT MAKE AND HEREBY DISCLAIM ANY WARRANTY, EXPRESS OR IMPLIED. CPS AND/OR THIRD PARTIES DO NOT GUARANTEE OR WARRANT THE CORRECTNESS, COMPLETENESS, CURRENTNESS, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE SERVICES OR THE COMPONENTS THEREOF. IN NO EVENT SHALL CPS OR THIRD PARTIES BE LIABLE FOR ANY DIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES, HOWEVER ARISING, INCURRED BY SUBSCRIBER FROM RECEIPT OR USE OF INFORMATION DELIVERED HEREUNDER, OR THE UNAVAILABILITY THEREOF.

12. INDEMNIFICATION. Subscriber hereby agrees to protect, indemnify, defend and hold harmless CPS and all Third Parties from and against any and all costs, claims, demands, damages, losses and liabilities (including actual attorneys' fees) arising from or in any way related to use of information by Subscriber (or any third party receiving such information from or through Subscriber) furnished by or through CPS to the extent such costs, claims, demands, damages, losses or liabilities (including actual attorneys' fees) do not result from the grossly negligent acts or omissions of CPS or Third Parties. Provisions hereof related to release of claims, indemnification, use of information and data, payment for Services and disclaimer of warranties shall survive any termination of this Agreement.

13. SUBSCRIBER CREDIT INFORMATION. By executing this Agreement, Subscriber acknowledges and agrees that its consumer credit report(s) may be requested by CPS in accordance with the federal Fair Credit Reporting Act from one or more consumer reporting agencies in connection with this application. Subsequent consumer credit reports may be required or used by CPS in connection with any update, renewal or extension of credit to Subscriber. Upon request, Subscriber will be informed whether any consumer credit report was requested and the name and address of the consumer reporting agency that furnished the report to CPS.

14. AUDIT. Subscriber understands and agrees that in order to ensure compliance with IRSG Principles and applicable law, CPS will conduct periodic reviews of Subscriber activity and may, on a random basis, contact Subscriber to provide documentation of executed searches. CPS shall also investigate all legitimate reports of abuse or misuse of CPS Services by our Subscribers or others. Subscriber agrees to cooperate fully with any and all investigations. Violations discovered in any review by CPS will be subject to immediate action including, but not limited to, termination of the account, legal action, and/or referral to federal or state regulatory agencies.

15. AGREEMENT ENTIRETY. This Agreement, as amended, sets forth the entire understanding and agreement between CPS and Subscriber regarding the subject matter herein and supersedes any prior or contemporaneous oral or written agreements or representations, except that access to and use of Third Party services may be governed by terms and conditions different

than or in addition to those herein. By receipt of Services, Subscriber agrees to, and shall comply with, such different and/or additional terms of Third Parties and such changes to this Agreement as CPS shall make from time to time by notice to Subscriber via on-line click wrap amendments or agreement. This Agreement shall be interpreted in accordance with the laws of the State of Georgia. Violation by Subscriber of state or federal laws, IRSG Principles, or CPS' or Third Parties' established policies and procedures, such as abuse of Services by media subscribers, may result in immediate termination of this Agreement in CPS' sole discretion.

SUBSCRIBER APPLICATION AND SERVICE AGREEMENT

SECRET

added.)²¹ Like Lexis-Nexis, ChoicePoint is a private company that compiles public source information and sells that information to law enforcement entities, licensed private investigators, attorneys, and various commercial entities.²² The Department of Justice has entered into a contract with ChoicePoint whereby the company makes available to the FBI a wide array of personal data, including Social Security numbers, credit information²³, dates of birth, address histories, employment histories (including places of employment and salary information, records of fictitious names, bankruptcies, liens, judgments, real property ownership data (including property loan amounts, sales prices, and assessed values), aircraft and vehicle registrations, professional licenses, and criminal records.²⁴ This information is provided to the FBI by way of proprietary ChoicePoint online computerized databases to which the FBI subscribes for a fee.

(S) While most of the categories of information provided by ChoicePoint are publicly available, we have determined from our contacts with ChoicePoint representatives that the company uses a person's Social Security number in order to acquire data about the person and to distinguish that person from others with the same or similar name. In other words, it is only through the use of one's Social Security number -- a unique personal identifier protected by the Privacy Act²⁵ -- that ChoicePoint is able to compile the data which it then makes available to the FBI. In addition, when ChoicePoint provides the FBI with information about a particular person, that person's Social Security number and credit information are displayed together with all other information that ChoicePoint has been able to gather concerning the individual. The question, then,

21 (U) E-mail from Ms. Pamela Maxson, SCSU, FHSS, IRD, to Jeff Williams, NSLU, OGC, dated 6/12/00 and titled "Re: ChoicePoint."

22 (U) Id.

23 (U) The credit information made available to the FBI by ChoicePoint consists of "credit headers" -- information revealing the strength of a person's credit record as represented by a numeric designation.

24 (U) E-mail from Ms. Pamela Maxson, SCSU, FHSS, IRD, to Jeff Williams, NSLU, OGC, dated 6/12/00 and titled "Re: ChoicePoint."

25 (U) 5 U.S.C. § 552a. "Broadly stated, the purpose of the Privacy Act is to balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from federal agencies' collection, maintenance, use, and disclosure of personal information about them." Department of Justice "Privacy Act Overview," May 2000, p.665. See also OIPR Memorandum cited, supra, footnote 8.

CLASSIFIED BY: [redacted]
BY DEPARTMENT REVIEW COMMITTEE (DRC)
DATE: 12-1-03
CA#02-0063

SECRET

CLASSIFIED BY: 3/2/03
REASON: 1.5
DECLASSIFY ON: (C)
ChoicePoint Page 858 12-0063

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(S) In our consideration of whether the FBI's use of ChoicePoint was consistent with the Attorney General Guidelines, we also sought the opinion of the Deputy Counsel for Intelligence Operations, Office of Intelligence Policy and Review (OIPR), Department of Justice.³³ Concerning Section III B.5 of the Attorney General Guidelines, OIPR concluded:

The FBI may not access the ChoicePoint data prior to the [REDACTED] on the theory that the data is "publicly available reference material." (S) b1

Any contrary conclusion would have been surprising, as it appears obvious that such information [i.e., Social Security numbers and credit information have] not been "published or broadcast for general public consumption" [are] not "available on request to any member of the general public," may not "lawfully be seen or heard by any casual observer," and "[are] not made available at public meetings."³⁴

(S) OIPR also considered the possibility that ChoicePoint might be willing and able to modify the presentation of its data so as to exclude Social Security numbers and credit information. Concerning this possibility, OIPR concluded that:

[E]ven if it is assumed that all the remaining data is "publicly available" within the meaning of the Attorney General Guidelines, the information still would not constitute "publicly available reference material." This is so because the information has been

³³ Section I.B, FCIG, provides that "[a]ll significant new legal questions as to the coverage and interpretation of the [Attorney General Guidelines] will be resolved by the Office of Intelligence Policy and Review."

³⁴ Memorandum from Deputy Counsel for Intelligence Operations, Office of Intelligence Policy and Review, Department of Justice, to Associate General Counsel, Federal Bureau of Investigation, dated 01/22/01 and titled "The FBI's Use of 'ChoicePoint' for Foreign Intelligence Collection or Foreign Counter-intelligence Investigations Prior to [REDACTED]" (Cited hereinafter as "OIPR Memorandum.") (S) b1

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gathered by ChoicePoint only as a result of ChoicePoint's use of Social Security numbers -- i.e., only as a result of ChoicePoint's use of nonpublicly available information about the person in question. Because the FBI itself could not, under the "publicly available reference material" provision of the Attorney General Guidelines, directly use Social Security numbers as an investigative tool to obtain other information about a person, the FBI may not rely upon ChoicePoint to take that step on the FBI's behalf and then provide the FBI with the investigative results of that step. To conclude otherwise would render meaningless the limitations inherent in the Attorney General Guidelines' definition of "publicly available" by allowing the FBI to circumvent those limitations by proxy.

(S) OIPR also was asked whether it would be permissible to access ChoicePoint data prior to the [redacted] on the ground that the FBI would merely be "checking the records of one public agency in order to obtain identifying data concerning an unknown person for indexing purposes."³⁵ This, too, was considered to be contrary to the Attorney General Guidelines. (S) b1

The array of information provided by ChoicePoint in bundled fashion about a given person necessarily includes data that originates from a variety of public (and private) agencies, such as the Social Security Administration, state motor vehicle departments, federal and state courts, and credit bureaus.³⁶

For similar reasons, OIPR determined:

[T]he use of ChoicePoint data prior to [redacted] [can] not be justified as merely "collecting information from U.S. Government agencies." (S) b1

35 (S) Sec. III.B.5.b, FCIG.

36 (S) OIPR Memorandum.

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