June \_\_, 2021

Contact name

Contact email address

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_,

We write to express our deep concern and **strong** opposition to proposed redaction requirements in ADM File No. 2020-26. **Implementing these amendments will make it harder – and sometimes impossible – for us to hire in Michigan and could require us to move some jobs elsewhere.**

Since the proposed amendments to Rules 1.109 and 8.119 of Michigan court rules embodied in ADM File No. 2020-26 were issued, we have been concerned about the potential impact on our ability to hire employees safely and quickly in the state of Michigan. We refer to additions to Rule 1.109, paragraph 10, subparagraph (a), which state:

…The clerk of the court is required to redact protected personal identifying information before providing direct access to the document via the internet, such as through the court’s website.

In addition, additions to Rule 8.119, paragraph (H):

…If a public document prepared or issued by the court contains protected personal identifying information, the information must be redacted before it can be provided to the public, whether the document is provided via a paper or electronic copy, direct access via a publicly accessible computer at the courthouse, or direct access via the internet, such as on the court’s website…

W**ithout access to basic identifying information (such as date of birth) on court records, we may be unable to verify if a criminal record truly belongs to a candidate. This puts us at risk of hiring an individual who will create an unsafe working environment. Further, because regulation requires us to verify criminal history for some of our position, we may be legally barred from hiring Michigan residents for those positions.**

The availability of timely and accurate criminal history information helps us protect both our employees and our customers by 1) ensuring a safe working environment by reducing the likelihood of workplace violence, 2) reducing employee theft, and 3) meeting state law requirements designed to protect consumers and vulnerable populations like the elderly, disabled and children.

We appreciate that the judiciary proposed these revisions in an effort to reduce incidences of identity theft. But the risk of identity theft does not justify removing criminal defendants’ date of birth from court records. Currently, state court repositories across the country routinely capture and make DOBs available as an identifier, recognizing that DOBs are valuable to promoting accuracy and completeness in background screening, and do not pose a risk to identity theft. All potential job candidates agree that information about them, including their date of birth, may be used in verifying their identity through the course of their background check investigation. Indeed, it was the judgement of 47 of the 48 states with data breach notification legislation, including Michigan, to not classify DOB as an identifier that, if breached, would require notification. Identity theft is a nationwide problem, but the negative effects of implementing these revisions would outweigh the positives, and potentially leave thousands of Michigan residents without work.

Thank you for taking the time to hear our concerns and hope you will work with us to find a solution to help job candidates in Michigan access earning opportunities. As you know, the Michigan annual jobless rate jumped from 4.1% in 2019 to 9.9% in 2020 (Source: Michigan DTMB). We are prepared to discuss any questions you may have and look forward to working with you further. Please feel free to contact us directly with any questions at \_\_\_\_\_\_\_\_\_\_\_\_\_.

Sincerely,