

Report: Social Security Administration's Reliance on Flawed Data from Private Company Leads to Low-Income People Losing Vital SSI Benefits

Download the report, including several client stories and policy recommendations

Washington, D.C. – Thousands of extremely low-income older adults and people with disabilities have likely had their Supplemental Security Income (SSI) benefits cut off erroneously, bringing many of them to the brink of homelessness, according to a groundbreaking report from the National Consumer Law Center and Justice in Aging. Since 2018, the Social Security Administration (SSA) has used a private database from LexisNexis called Accurant for Government to determine whether SSI recipients had unreported real estate that could disqualify them from receiving SSI. The problem? Many of the LexisNexis reports are riddled with errors, and SSA is using potentially erroneous information to cut people off without conducting any independent investigation.

Mismatched and Mistaken: How the Use of an Inaccurate Private Database Results In SSI Recipients Unjustly Losing Benefits details how, since the advent of SSA's use of the Accurant for Government (Accurant) product in 2018, advocates representing SSI recipients have reported significant problems with clients being falsely accused of owning real property. People who rely on SSI to survive have received letters suspending their benefits or assessing an overpayment based on supposedly owning real property that puts them over the resource limit. *Often the suspension letter does not even identify the alleged real property at issue.* Too often, the data relied upon is inaccurate. And the burden rests upon extremely low income SSI recipients, who are either disabled and/or older, to prove that they do not own the real property to the satisfaction of the employees in their local SSA office. Worse, they may lose their benefits or face an offset for alleged overpayment during that appeal process.

"The way the Social Security Administration is using the Accurant reports leads to a Kafkaesque nightmare for SSI recipients falsely accused of owning real property. How are you supposed to prove you *don't* own something, especially when you aren't even told where the alleged property is?" **said Sarah Mancini, National Consumer Law Center attorney who co-authored the report.** "The inaccuracies in the LexisNexis reports are caused by lax name-only matching standards, which disproportionately harm immigrants and people of color. If both LexisNexis and the federal government adhered to the Fair Credit Reporting Act, it would help to prevent these tragedies."

"Cutting off a person's minimal source of income based on inaccurate, incomplete data, and without further investigation violates due process rights and is deeply unjust," **said Kate Lang, Justice in Aging senior staff attorney and co-author of the report.** "If LexisNexis does not improve the accuracy of its data, the Social Security Administration must stop using it to make determinations regarding someone's eligibility for benefits."

The matching standards being used in Accurant reports are shockingly lax. A first and last name match is sufficient to include a piece of real property in the report. Lexis does not require a middle initial match, Social Security Number, or date of birth. People of color and immigrants are disproportionately impacted, as name-only matching results in even more inaccurate matches among these populations.

Additionally, by asserting that Accurint for Government is not a “consumer report” regulated by the Fair Credit Reporting Act (FCRA), Lexis is dodging requirements to maintain reasonable standards for maximum possible accuracy. And SSA is avoiding the FCRA’s requirements to provide notices to consumers before taking any adverse action based on a consumer report. If the FCRA applies, consumers would have the right to dispute inaccurate information contained in the report and have it investigated and corrected by LexisNexis.

Recommendations

- Lexis should acknowledge that Accurint for Government is a consumer report under the FCRA and should implement stricter matching standards in its algorithm to ensure maximum possible accuracy.
- SSA should stop using Accurint until stricter matching criteria are put in place. Considering the severity of the harm and the inability of SSI recipients to disprove the allegations, the agency must insist on a higher standard of accuracy.
- SSA should recognize that because the Accurint search is a consumer report, it must issue a notice of adverse action as required by the FCRA, informing consumers of their right to request a copy of the report and to dispute inaccurate information.
- SSA should ensure that local offices properly protect recipients’ due process rights.
- SSA should ensure that employees in local offices conduct an independent investigation, including oral and written communication with the SSI recipient as well as a human review of the real property records in question, before suspending benefits or taking any other adverse action.
- SSA should translate the relevant notices, and LexisNexis should translate the Accurint report, into the top languages spoken by consumers who have limited proficiency in the English language.