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Via Federal eRulemaking Portal

Roman Jankowski, Chief Privacy Officer
Privacy Office
Department of Homeland Security
Washington, DC 20528-0655

December 1, 2025

Re: Objections to DHS's proposal to modify and reissue the "DHS/USCIS-004
Systematic Alien Verification for Entitlements Program System of Records"
[Docket number USCIS-2025-0337]

Dear Mr. Jankowski:

We the Attorneys General for the undersigned States write to object to the updates and modifications to the Systematic Alien Verification for Entitlements (SAVE) Program as set forth in the System of Record Notice (SORN) Update, 90 Fed. Reg. 48948 (October 31, 2025).

The Administration's expansion of SAVE uses the information of U.S.-born citizens who have never interacted with our immigration system and who never consented to the use of their personal data in SAVE. Alongside Department of Homeland Security's (DHS's) well-documented efforts to acquire massive troves of personal data from a variety of sources, this project is ill-advised and a massive privacy overreach. It exposes millions of individuals to possible data breaches, pools vast swaths of sensitive and otherwise-segregated data, and furthers the Administration's efforts to create a national surveillance database for use in immigration enforcement, voter list maintenance, and other purposes. Moreover, because there is evidence that DHS implemented the SAVE program modifications months ago, this SORN clearly reflects a belated effort to legitimize the federal government's unlawful modifications to those systems.

To be clear: the undersigned States already spend significant time and resources to ensure that they are only providing public benefits to individuals who qualify, including by having the required immigration status. And our States ensure that citizenship requirements are met when registering voters. We remain committed to these efforts, which in some instances already involve the use of SAVE, as well as substantial record gathering and review at the state and local level. However, we object to the Administration's expanded use of SAVE (and other data collection efforts) to audit these state programs in a manner that is contrary to law, overly burdensome, does not protect public resources, and risks potential harm to our residents.

DHS's U.S. Citizenship and Immigration Services (DHS-USCIS) division should therefore withdraw the proposed updates to SAVE as set forth in its SORN, as the changes exceed the federal government's statutory authority under federal law including the Privacy Act of 1974; impose significant burdens on States and our residents; risk exposing residents to frivolous immigration enforcement and unlawful purges from state voter rolls; and create unprecedented risks to the security, integrity, and privacy of Americans' most sensitive information. The federal government's "overhaul" of SAVE puts our States' data at risk, imposes significant burdens, damages our efforts to build trust with our residents, and harms the health and welfare of our communities.

I. The SORN's change to include personal data on U.S.-born citizens within SAVE should be withdrawn because it creates a system that fails to meet the requirements of the Privacy Act of 1974.

When the Privacy Act was enacted by Congress in 1974, its principal sponsor, Judiciary Chairman Senator Sam Ervin declared, "[i]f we have learned anything in this last year of Watergate, it is that there must be limits upon what the Government can know about each of its citizens."¹ Since then, the federal government's use of Americans' private personal data has been restricted by the Privacy Act.² Core to the Privacy Act is that no agency may disclose the protected personal information of American citizens or lawful permanent residents without their consent, unless it is for a specific purpose described by the Act.³ Among those purposes are "routine uses" of the data, but those uses must be announced by a federal agency in advance, and the use must be "compatible with the purpose for which [the record] was collected."⁴ The Privacy Act also dictates that federal agencies should maintain in their records "only such information about an individual as is relevant and necessary" to accomplish a lawful agency purpose.⁵ Disclosing or using an individual's data in violation of the Privacy Act exposes federal agencies and their employees to civil and criminal liability.⁶

DHS-USCIS's expansion of SAVE, as reflected in its October 31, 2025 SORN, violates these critical legal restrictions. In particular, the SORN states that "DHS/USCIS is adding individuals that are U.S. citizens by birth to the categories of individuals covered by the

¹ U.S. Dep't of Justice, Introduction to Overview of the Privacy Act (2020 Edition), available at <https://www.justice.gov/opcl/overview-privacy-act-1974-2020-edition/introduction> (quoting S. Comm. on Gov't. Operations & H.R. Comm. on Gov't. Operations, 94th Cong., Legislative History of the Privacy Act of 1974 S. 3418 (Public Law 93-579)).

² Subsequent statutes have also updated the Privacy Act for the modern data age. For example, the Computer Matching and Privacy Protection Act of 1988, codified at 5 U.S.C. § 552a(o), amended the Privacy Act to require procedural protections when federal agencies engage in computer-matching activities, including by providing matching subjects with opportunities to receive notice and to refute adverse information before having a benefit denied or terminated. *See id.*

³ *See* 5 U.S.C. § 552a(b).

⁴ *See* 5 U.S.C. § 552a(b)(3); *id.* § (a)(7); *id.* § (e)(4)(D).

⁵ *See* 5 U.S.C. § 552a(e)(1).

⁶ *See* 5 U.S.C. §§ 552a(g), (i).

system.”⁷ But SAVE has not been authorized to provide information on U.S.-born citizens.⁸ Furthermore, the Privacy Act of 1974 requires a request or consent from the individual to whom the record pertains to disclose federal records systems data, unless disclosure falls under enumerated exceptions that are not applicable here, or unless the individual has been notified in advance that such disclosure would be considered a “routine use” of their data.⁹ Here, there was no such request or consent from the affected individuals at the time their information was given to the participating agencies that must now share information with DHS-USCIS. Nor was there the required notification of routine use. In fact, no U.S.-born citizens could have known until now that their personal data would be shared with DHS-USCIS for SAVE query purposes.

DHS-USCIS is well aware of this problem. Its Privacy Impact Assessment acknowledges the “risk that the new category [of] individuals covered by this assessment/notice, specifically, United States born citizens do not have the opportunity to individually participate or consent in how the U.S. Citizenship and Immigration Services uses their information.”¹⁰ But rather than address this legal error, and potential willful Privacy Act violation, the federal government throws up its hands and simply states that DHS-USCIS “**cannot mitigate** this risk.”¹¹ Instead, the federal government shifts the burden back on state, local and other government agencies, stating that DHS-USCIS “assumes that each user agency factors in the principles of notice, individual participation, and consent prior to providing information to the U.S. Citizenship and Immigration Services.”¹² However, not only is this purported solution burdensome to States, it is also unavailing given that States were neither notified nor could have foreseen that DHS-USCIS would incorporate information of U.S.-born citizens into SAVE in time to provide them notice.

Further, DHS-USCIS does not seem to be concerned with the Privacy Act ramifications of accumulating and using data from millions of U.S.-born citizens. As an example, DHS-USCIS reports it has “updated its SAVE Participation poster” so that user agencies can display a notice that purportedly informs “the public that the information they provide may be used by SAVE, as required by the SAVE Memorandum of Agreement, SAVE Program Guide, and the Privacy Act of 1974.”¹³ But a catch-all poster does not fulfill DHS-USCIS’s legal obligations or the

⁷ DHS-USCIS [Docket No. USCIS-2025-0337], Privacy Act of 1974, System of Records Notice, 90 Fed. Reg. 48948, 48949 (Oct. 31, 2025) (hereafter SORN).

⁸ See 42 U.S.C. § 1320b-7(d); see also DHS-USCIS, *Guide to Understanding SAVE Verification Responses* (April 2022) available at <https://www.uscis.gov/sites/default/files/document/guides/SAVE-Guide%20to%20Understanding%20SAVE%20Verification%20Responses.pdf> (“Note: SAVE does not verify the citizenship of native-born United States citizens. SAVE cannot verify United States citizenship using a United States passport or birth records.”),

⁹ See Privacy Act, 5 U.S.C. § 552a.

¹⁰ Dep’t of Homeland Sec., *Privacy Impact Assessment for the Systematic Alien Verification Entitlements Program*, DHS Ref. No. DHS/USCIS/PIA-006(d) at 21 (Oct. 31, 2025) (hereafter SAVE PIA).

¹¹ *Id.* (emphasis in original).

¹² *Id.*

¹³ DHS-USCIS, *Updated SAVE Participation Poster* (last updated Aug. 26, 2025), available at <https://www.uscis.gov/save/current-user-agencies/news-alerts/updated-save-participation-poster>.

participating agencies' legal obligations to the individuals whose data is being shared. DHS-USCIS and the participating agencies must do more to comply with the Privacy Act.

II. The SORN's new Routine Uses should be withdrawn because they would allow unknown third-party "entities" to access Americans' most sensitive data.

DHS should also withdraw its new Routine Use L and Routine Use M. According to the SORN, Routine Use L "support[s] sharing with Social Security Administration and other federal organizations," while Routine Use M "support[s] sharing with federal agencies (e.g., the Department of Health and Human Services) to support auditing of federal programs administered by state, local, and tribal governments (e.g., Medicaid)." ¹⁴ But the SORN's actual new routine use language is far broader than that: both Routine Use L and M permit data sharing with any entity so long as it is a party to a "DHS-approved agreement." ¹⁵ This deliberately vague language would effectively allow DHS to share data—without any notification to the affected individuals—with any party it chooses for the purported purposes of immigration or voter fraud enforcement. But this unfettered use of Americans' private personal data is anathema to the Privacy Act and other data privacy and security statutes enacted by Congress.

This is particularly concerning where federal agencies enlist the help of third parties, making it possible that unidentified actors will have access to sensitive personal information without notice to or consent from the affected individual. This is not a speculative concern; as recently as April 2025, the Department of Government Efficiency enlisted a third-party technology company and gave it access to a massive repository of data. ¹⁶ DHS-USCIS has also signaled its interest in privatizing its law enforcement functions, for example by recently issuing an RFI seeking private vendors to assist with tracking down individuals and serving process. ¹⁷

Routine Uses L and M also demonstrate a substantial and unwarranted expansion of the federal government's use of SAVE to audit public benefit programs and voting rolls. As explained further below, the undersigned States are fully committed to ensuring that public benefits are provided only to eligible individuals, including by using SAVE and other methods to determine immigration status when required. And our States are committed to protecting the rights of our citizens to vote. But Routine Uses L and M signal the federal government's move toward auditing state programs in a manner that is outside the scope of the federal government's

¹⁴ SORN, supra 6, at 48949.

¹⁵ *Id.*

¹⁶ See, e.g., Priscilla Alvarez, et al., *DOGE is Building a Master Database for Immigration Enforcement*, Sources Say, CNN (Apr. 25, 2025), available at <https://www.cnn.com/2025/04/25/politics/doge-building-master-database-immigration>; Makena Kelly & Vittoria Elliott, *DOGE Is Building a Master Database to Surveil and Track Immigrants* (Apr. 18, 2025), available at <https://www.wired.com/story/doge-collecting-immigrant-data-surveil-track/>.

¹⁷ See Request for Information Notice, 26-SS-DCR-01 (Oct. 31, 2025), available at <https://sam.gov/workspace/contract/opp/ba672b1263504509be2fa823ee9b6725/view> (DHS contract opportunity was published on October 31, 2025.); See also Alex Woodward, *ICE wants to spend \$180M on bounty hunters to track down thousands of immigrants*, The Independent (Nov. 13, 2025), available at <https://www.independent.co.uk/news/world/americas/us-politics/ice-skip-tracers-bounty-hunters-contracts-b2864688.html>.

role, overly burdensome, does not protect public resources, and risks potential harm to our residents. *See infra*, § IV.

DHS should withdraw the “routine uses” in this SORN and instead partner with the States to ensure that SAVE is accurate, effective, and protects all individuals’ privacy and security.

III. The SORN’s expansion of SAVE may worsen inaccuracies or errors within SAVE verifications.

DHS is adding more data sources without providing information on the execution of the integration and what safeguards it is using to ensure the system will produce accurate matches. Failure to engage in data matching will increase errors. Even without the SORN’s amendments, SAVE is an imperfect system. Many applicants’ immigration statuses cannot be verified during an initial SAVE query due to a variety of data-related errors, including “an issue electronically locating the records”; “conflicting data” within the databases used by SAVE; or “the nature of the applicant’s status.”¹⁸ Analysts have emphasized the shortcomings in SAVE’s data, including the lack of comprehensive or up-to-date information on all individuals’ citizenship or immigration status.¹⁹

In recognition of SAVE’s imperfections, and to protect individuals who are lawfully seeking public benefits, DHS-USCIS has required user agencies to request additional verification steps, starting with a manual search by SAVE of immigration databases (including “databases that were not automatically searched during the initial [verification] step”).²⁰ When that does not work, a user agency moves on to “Third Step Verification,” in which the “agency **MUST** submit photocopies (front and back) of the applicant’s relevant immigration documents” to SAVE.²¹ Use of SAVE plus manual verification results in high accuracy in ensuring that only eligible residents obtain services.

These additional verification steps are time-consuming: DHS-USCIS states that the “additional verification” process should be complete “within 3-5 federal working days,” but the Third Step Verification process can require “extensive research” and “may take 10-20 federal working days.”²² This becomes especially onerous when multiplied by the significant number of required additional verifications. Of 86.6 million initial SAVE queries logged by DHS-USCIS

¹⁸ DHS-USCIS, *Guide to Understanding SAVE Verification Responses 2*, available at <https://www.uscis.gov/sites/default/files/document/guides/SAVE-Guide%20to%20Understanding%20SAVE%20Verification%20Responses.pdf> (last visited Nov. 13, 2025) (hereafter “USCIS Verification Response Guide”).

¹⁹ Jasleen Singh and Spencer Reynolds, *Homeland Security’s “SAVE” Program Exacerbates Risks to Voters* (July 21, 2025), available at <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>.

²⁰ USCIS Verification Response Guide at 1-2.

²¹ *Id.* at 2 (emphasis in original).

²² *Id.*

during fiscal years 2012-2016, over 14 million (or 16.3%) returned a response requiring additional verification.²³

DHS now risks making SAVE less accurate by connecting SAVE to new data sources without properly grappling with the inevitable problems that arise when matching records between multiple, often incomplete, data systems. And it is unclear whether DHS has a plan to adjudicate collisions in records or place guardrails prior to irrevocably combining the data. The SORN announces that DHS-USCIS is “updating the categories of records in the system to include collecting both full and truncated (last four digits) Social Security number (other than those collected on Form G-845, Verification Request), U.S. passport number, driver’s license number, and information from the Social Security Administration.”¹¹ This expansion will increase the likelihood that conflicting, mismatched, or unclear data will impede the ability of SAVE to accurately verify an individual’s immigration status. Matching records is a complicated process that has its own branch of data science known as entity resolution. For example, past problems in data matching have included:

- In 2024, the Department of Education encountered numerous issues in attempting to match federal student aid data with IRS data. Approximately 15% of FAFSA applications were matched to incorrect income information, affecting the amount of financial support awarded to students.²⁴
- A hospital has successfully shown that the Centers for Medicare & Medicaid Services’ matching process failed to properly match Medicare patients with their Supplemental Security Income (SSI) benefits.²⁵

Here, the SORN and its accompanying PIA offer nominal and insufficient explanations regarding what, if any, safeguards or manual checks will ensure that the system will produce accurate matches. Further, DHS has not assured States that DHS’s errors in implementation of matching rules will not lead to errors in program administration.

Even DHS-USCIS has acknowledged that the use of new data sources that were not intended for this purpose may create new inaccuracies—and that it cannot fix the inaccuracies generated when searching by SSN. In the Privacy Impact Assessment accompanying the new SORN, DHS-USCIS acknowledges the “risk that the U.S. Citizenship and Immigration Services may share inaccurate information with registered agencies, which could in turn impact a registered user agency’s eligibility determination for an individual.”²⁶ Shockingly, DHS-USCIS

²³ U. S. Government Accountability Office, *Immigration Status Verification Benefits: Actions Needed to Improve Effectiveness and Oversight*, Table 1 (Published March 2017), available at <https://www.gao.gov/assets/gao-17-204.pdf>. See also Institute for Responsive Government, *An Updated Federal System to Verify Voter Citizenship* (May, 23, 2025), available at <https://responsivegov.org/research/uscis-save-system-overhaul/>.

²⁴ Maria Carrasco, *FSA Releases Details on Three Additional Issues with FAFSA Applicant Records*, NASFAA, available at https://www.nasfaa.org/news-item/33264/FSA_Releases_Details_on_Three_Additional_Issues_With_FAFSA_Applicant_Records (last visited November 14, 2025).

²⁵ *Pomona Valley Hosp. Med. Ctr. v. Becerra*, 82 F.4th 1252, 1259 (D.C. Cir. 2023)

²⁶ SAVE PIA, *supra* 8, at 19.

also acknowledges that it cannot mitigate the risks caused by its new incorporation of SSNs into SAVE:

Generally, the SAVE Program has a 3-step process. The first step is a general query of the system. However, due to misspelling of names, transposed numbers, or incomplete information, the SAVE Program may produce inaccurate results. To mitigate this, the SAVE Program has a manual step process where a U.S. Citizenship and Immigration Services staff member will try to reconcile the request manually. The third step is for the U.S. Citizenship and Immigration Services to get additional documentation from the registered agency. However, this only partially mitigates the risk since **the new request using Social Security numbers does not allow for a second and third step review**. The U.S. Citizenship and Immigration Services does not have direct access to the Social Security Administration system to support these additional steps.²⁷

In short: if the use of SSNs (or just the last four digits of SSNs) in bulk SAVE queries leads to inaccurate results, then DHS-USCIS cannot fix that problem. It will be up to the States or the affected individuals to fix these errors.

IV. The SORN's expansion of SAVE will impose significant burdens on States and harm eligible residents seeking public assistance or registering to vote.

Despite these accuracy risks, the Administration is moving forward with expanding the use of SAVE. For example, the Centers for Medicare and Medicaid Services (CMS) in August announced a new initiative where it would check State Medicaid rolls against SAVE.²⁸ But States already have comprehensive systems in place to ensure that federal Medicaid dollars are only used to serve individuals with an eligible immigration status, and those systems already use SAVE for limited purposes where appropriate. Notably, CMS's expanded use of SAVE began months *before* the issuance of the new SORN, which purports to seek public comments on a new "Routine Use M" that would cover such audits, evidence that DHS has no intent to meaningfully review and consider these public comments in its decision-making process.²⁹

As explained above and acknowledged in the new SORN, when SAVE is unable to verify an individual's immigration status it provides "instructions on actions the user agency may take, including requesting additional verification."³⁰ This process is time-consuming for individual cases. But despite States' long-standing work to verify individuals when registering them to vote or approving public benefit applications, in its SORN, DHS-USCIS announces its intent to use

²⁷ *Id.* at 19-20 (emphasis added).

²⁸ CMS, *CMS Launches Nationwide Push to Remove Ineligible Medicaid Enrollees, Uphold Citizenship Requirements* (Aug. 19, 2025), available at <https://www.cms.gov/newsroom/press-releases/cms-launches-nationwide-push-remove-ineligible-medicaid-enrollees-uphold-citizenship-requirements>

²⁹ SORN, *supra* 6, at 48949 (describing "routine use M" as "to support sharing with federal agencies (e.g., the Department of Health and Human Services) to support auditing of federal programs administered by state, local, and tribal governments (e.g., Medicaid)").

³⁰ SORN, *supra* 6, at 48950.

SAVE to “audit benefits granted or voter registration records.”³¹ If used by the federal government to audit state programs—particularly when combined with the new SAVE functionality that permits bulk upload of thousands of cases at a time—States will be asked to painstakingly, and at times manually, assess the immigration statuses of thousands of individuals due to faulty or incomplete data.

This would generate intolerable costs for States and risks for their residents. It will be incredibly costly (if not impossible) for States to verify immigration status accurately for the significant number of individuals for whom SAVE will not provide an immediate and clear response in these new (and potentially unnecessary) audits. DHS-USCIS brags that its unprecedented expansion of SAVE has “resulted in more than 205 million status verifications queries as of October 2025 compared to 25 million status verification queries in all of calendar year 2024.”³² Assuming a 5-10% error or uncertainty rate based upon DHS-USCIS’s own prior assessment,³³ that means SAVE might wrongly call into question the immigration status of 10 to 20 million individuals. The costs of addressing these errors will be overwhelming for States and the increased costs of the expansion are unfunded and will be borne by the States.

Further, these inaccuracies will harm States by creating the false impression that States are failing to engage in robust checks to ensure that only eligible individuals receive public services or are registered to vote. This is not true. Incidents of fraud by public benefit recipients are rare, and state and local governments have long partnered with federal agencies to protect against them.³⁴ Incidents of fraudulent voter registrations are infinitesimally rare and similarly protected against by state voter registration processes.³⁵ But if SAVE creates lists full of errors, it

³¹ See SORN, supra 6, at 48949-51 (describing voter list maintenance, voter registration, and voter verification of U.S. citizens by birth as purpose of SAVE); cf. Privacy Act Notice of Modified System of Records, 85 Fed. Reg. 31798 (May 27, 2020) (failing to list voter list maintenance, voter registration, or voter verification as purpose of SAVE); see also Privacy Act Notice of Modified System of Records, 76 FR 58525 at 58527 (Sept. 21, 2011) (describing voter registration but not voter list maintenance or voter verification as lawful purpose of SAVE).

³² DHS-USCIS, *SAVE Optimization: New Option to Create Cases with the Last Four Digits of an SSN*, available at <https://www.uscis.gov/save/current-user-agencies/news-alerts/save-optimization-new-option-to-create-cases-with-the-last-four-digits-of-an-ssn> (last updated Nov. 3, 2025).

³³ Undated computer matching agreements with state agencies posted to DHS’s website state that information within the DHS-USCIS Verification Information System database used by SAVE to verify immigration status “is 90-95% accurate in reflecting immigration status.” See Computer Matching Agreement (CMA) between DHS-USCIS and California Department of Healthcare Services, at 11, available at https://www.dhs.gov/sites/default/files/publications/7-uscis_ca-dhcs_cma.pdf; CMA between DHS-USCIS and New York Department of Labor, at 11, available at https://www.dhs.gov/sites/default/files/publications/10-uscis_ny-dol_cma.pdf.

³⁴ See, e.g., Congressional Research Service, *Supplemental Nutrition Assistance Program: Errors and Fraud* (Updated Apr. 7, 2025), available at <https://www.congress.gov/crs-product/IF10860> (noting that in “FY2021, state agencies attempted to collect \$54 million in overpayments resulting from recipient trafficking and recipient application fraud,” out of over \$100 billion in SNAP benefits delivered that fiscal year).

³⁵ See, e.g., *Fish v. Kobach*, 309 F. Supp. 3d 1048 (D. Kan. 2018), *aff’d sub nom. Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020) (describing how in action challenging documentary proof of citizenship law Secretary of State failed to demonstrate that substantial number of noncitizens successfully registered to vote under prior attestation regime as evidence illustrated no more than 39 noncitizens successfully registered to vote in Kansas between 1999 and 2013, representing .002% of registered voter population, and several of those registrations were result of errors

creates an incorrect perception that there are many non-citizens voting or ineligible individuals who are obtaining public benefits. Such misinformation creates the unacceptable risk that the public will lose faith in government and the integrity of our elections. This loss of faith will deter eligible voters from registering or voting and eligible recipients from seeking public benefits to which they are entitled.

In short, SAVE's inevitable inaccuracies, when used in the manner envisioned by this SORN, will likely delay or deny benefits for constituents, wrongly flag Americans for removal from state voter rolls and investigation, waste taxpayer resources, and undermine public trust. DHS has turned a blind eye to these problems. Federal and state governments have an obligation to ensure that individuals' rights are protected, and that government agencies do not take action to deny public benefits—much less the right to vote—based solely on an initial data query.³⁶ The expansions and new routine uses of personal data envisioned by this SORN threaten to flip these presumptions on their head.

V. The SORN's expansion of SAVE creates risks to the privacy and security of Americans' data.

The SAVE modifications reflected in the new SORN also raise data privacy and security concerns.

As discussed above, SAVE user agencies may now bulk upload social security numbers, driver's licenses, and dates of birth through the SAVE program.³⁷ Through this new functionality, SAVE users will have the capacity to upload whole voter files, potentially including millions of individual entries.³⁸ The SORN suggests that SAVE or the USCIS Verification Data Integration Service, its underlying data composite, stores this bulk sensitive information, noting "records collected in the process of enrolling in SAVE and in verifying U.S. citizenship or immigration status are stored and retained in SAVE for ten (10) years from the date of the completion of verification."³⁹ Given DHS's well-documented demands for individuals' healthcare records and

on part of state employees or confusion on applicants' part); *Kobach v. U.S. Election Assistance Comm'n*, 772 F.3d 1183, 1197–98 (10th Cir. 2014) (upholding Election Assistance Commission decision to add Arizona and Kansas-specific documentary proof of citizenship instructions on National Mail Voter Registration Form because Kansas and Arizona had failed to meet their evidentiary burden of providing substantial evidence noncitizens registered to vote using National Form); *Memorandum of Decision Concerning State Requests to Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form*, 79 Fed. Reg. 7439 (Jan. 7, 2014) (determining Kansas and Arizona failed to demonstrate that substantial number of noncitizens registered to vote in their states as they respectively provided evidence that only 21 out of 1,762,330 registered voters in Kansas, representing .001% of the registered voter population, and 196 of 2,706,223 registered voters in Arizona, representing .007% of the registered voter population, may have been unlawfully registered, which could have been attributed to human error); Justin Levitt, *The Truth About Voter Fraud*, Brennan Center for Justice at 19-20 (Nov. 9, 2007), available at https://www.brennancenter.org/media/179/download/Report_Truth-About-Voter-Fraud.pdf?inline=1 (reviewing elections and finding incident rates of possible noncitizen voter fraud between 0.0002% and 0.017 % at most).

³⁶ See National Voter Registration Act, 52 U.S.C. § 20507.

³⁷ SAVE PIA, *supra* 8, at 5-6.

³⁸ *Id.* at 6.

³⁹ SORN, *supra* 6, at 48954-55.

other private personal data,⁴⁰ these new bulk data collection functions raise important questions about whether DHS will commit to preserving the privacy of this personally identifying information—or whether it will use voter rolls and public benefit files to augment its ability to surveil both U.S. citizens and non-citizens.

In addition, all of these transactions and activities raise potential risks for data security. This risk is borne out in recent events. For example, in 2023, the Centers for Medicare & Medicaid Services (CMS) suffered a data breach that compromised data from millions of individuals.⁴¹ In 2015, the Office of Personnel Management (OPM) likewise suffered a data breach which affected approximately 21.5 million individuals.⁴² Recently, the U.S. federal court filing system was also compromised and as a result documents that were filed under seal may have been leaked including some with the names of witnesses and defendants who were cooperating with law enforcement.⁴³ These incidents highlight the difficulties of robustly protecting data when it is rapidly consolidated and warn against the hasty collection, storage, and centralization of vast amounts of sensitive information.

The Administration has thus far shown insufficient attention to these critical issues, as evidenced by such lapses as a recent whistleblower report alleging that a DOGE employee created “a live copy of the country’s Social Security information in a cloud environment that circumvents oversight.”⁴⁴ Given the substantial privacy and security risks at stake, the Administration must commit to the safe, secure and lawful use of data by the SAVE program.

Conclusion

For the foregoing reasons, we urge DHS to withdraw its incorporation of U.S. citizen data as well as its new Routine Uses. We also call upon DHS to reconsider all other changes to the SAVE Program set forth in its October 31, 2025, SORN, which as described above would impose undue burdens on state and local governments and would jeopardize the rights of individuals.

⁴⁰ See, e.g., Kimberly Kindy & Amanda Seitz, *Trump Administration Gives Personal Data of Immigrant Medicaid Enrollees to Deportation Officials*, AP News (June 14, 2025), <https://apnews.com/article/medicaid-deportation-immigrants-trump-4e0f979e4290a4d10a067da0acca8e22>; Priscilla Alvarez, et al., *DOGE is Building a Master Database for Immigration Enforcement, Sources Say*, CNN (April 25, 2025), <https://www.cnn.com/2025/04/25/politics/doge-building-master-database-immigration>; Makena Kelly & Vittoria Elliott, *DOGE Is Building a Master Database to Surveil and Track Immigrants* (April 18, 2025), <https://www.wired.com/story/doge-collecting-immigrant-data-surveil-track/>.

⁴¹ See Steve Adler, *CMS Confirms 3.1 Million Individuals Affected by MOVEit Hack on Wisconsin Physicians Service*, HIPAA Journal (Sept. 25, 2024), available at <https://www.hipaajournal.com/cms-wisconsin-physicians-service-moveit-hack/>.

⁴² See Congressional Research Service, *Cyber Intrusion into U.S. Office of Personnel Management: In Brief* (July 17, 2015), available at https://www.congress.gov/crs_external_products/R/PDF/R44111/R44111.4.pdf.

⁴³ See John Fritze, *Federal judiciary says it is the victim of ‘escalated cyberattacks,’* CNN (Aug. 7, 2025), available at <https://www.cnn.com/2025/08/07/politics/federal-judiciary-says-it-is-the-victim-of-escalated-cyberattacks> (last visited Nov. 17, 2025).

⁴⁴ See Letter from Gov’t Accountability Project, Protected Whistleblower Disclosure of Charles Borges Regarding Violation of Laws, Rules & Regulations, Abuse of Authority, Gross Mismanagement, and Substantial and Specific Threat to Public Health and Safety at the Social Security Administration, at 3 (Aug. 26, 2025).


Sincerely,



Letitia James
Attorney General of New York



Rob Bonta
Attorney General of California



Philip J. Weiser
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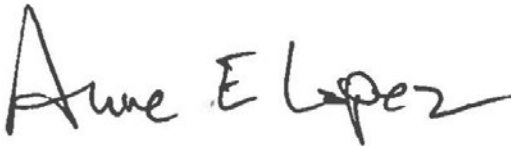
William Tong
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Kathleen Jennings
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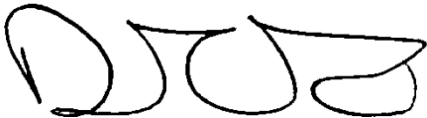
Aaron D. Ford
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