



PRESS RELEASE

Vietnam Veterans of America

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VVA and DoD Settle on Lawsuit Challenging DoD's Leaking of Personal Information Belonging to Active Duty and Veterans

(Buffalo, New York)— Today, in federal court in Buffalo, New York, Vietnam Veterans of America (VVA) and the Department of Defense (DoD) filed a signed [settlement agreement](#) in a lawsuit challenging DoD's leaking of personal information belonging to active duty and veterans to identify thieves and companies who sell data for unauthorized commercial purposes.

Filed July 31, 2017, by Vietnam Veterans of America, the VVA New York State Council, VVA Chapter 77, and VVA member Thomas Barden, the lawsuit seeks to end the systematic violation of veterans' and service members' privacy rights.

Since 1985, DoD has been operating a website/database for the sole purpose of allowing those engaged in financial and legal transactions to verify a servicemembers' eligibility for the benefits and forbearance provided by the *Servicemembers Civil Relief Act* (SCRA), the federal law designed to protect our service members from financial burdens during deployment.

“When VVA discovered that the SCRA site allowed personal and private information, including details pertaining to the military service of millions of veterans and service members, to be easily accessible on the internet, to anybody at all, anonymously, for any purpose, we brought it to DoD's attention,” said John Rowan, VVA National President. “As DoD refused to properly secure this military data, we asked the courts to order them to do so.”

“Today, we settled in court as DoD has agreed to implement significant changes to the SCRA website designed to better protect the personal information of servicemembers, while restricting access to those individuals and entities using the website for its intended purpose under federal law,” said Rowan.

“The government has a duty to veterans and service members to safeguard their privacy and to

ensure that it is not leaving sensitive information unsecured,” said Jonathan Manes, supervising attorney at the Civil Liberties and Transparency Clinic of the University at Buffalo School of Law, which represented the plaintiffs in the suit. “In this case, the government violated that duty. It should not have required a lawsuit to address this problem, but we are pleased the government came to the table with VVA to fix it.”

Under the terms of the settlement, DoD will implement a “Terms of Use,” with language defining the authorized use of the SCRA website and warning of potential account termination and criminal penalties in the event of misuse. DoD will also require all users to register for an account on the SCRA website in order to run both single-record and multiple-record searches. DoD has agreed to make changes to the SCRA website interface to make clear a social security number is not required in order to access SCRA information, thus discouraging collection of social security numbers from third-party users of the site for the purpose of SCRA verification.

Further, DoD will implement analytics to monitor the use of the SCRA website in order to identify patterns of misuse that would indicate a user is attempting to misuse the database, and will deactivate the user’s account if misuse is confirmed.

“We are not done with this issue,” said Rowan. “Veterans are not a product. We will not let those who have exploited our defenders go unpunished—Monetizing our service members by sharing their personal information for profit while compromising their identities is despicable and damaging to our national defense.”

“We remain vigilant in our efforts to ensure the intent of SCRA and protect veterans like Thomas Barden, a retired Air Force Master Sergeant, who was defrauded by scammers who gained his trust through the use of private details accessible on the DoD website. And we will continue in our fight to put a stop to perpetrators who exploit our defenders by the selling their personal information for profit,” said Rowan.

Under the terms of the settlement, DoD will provide VVA quarterly reports that include a list of the company names of active users; information on the volume of searches per active user; the number of suspected and terminated accounts; and the company names of suspended and terminated accounts. We will be monitoring these reports to ensure that no veteran or service member will be preyed upon through the use of private details accessible on any government website.

“We will pursue any companies who obtain the SCRA data for unauthorized commercial or fraudulent purposes or who sell this data in order to profit off our men and women in uniform,” Rowan added. “We will demand any such violators face the full repercussions provided by law, so they cannot continue to exploit our veterans’ and service members’ private information in the future.”

“We are grateful to Jonathan Manes and Buffalo School of Law student attorneys Richard Barney III, Khalil Williams, Alex Betschen, along with many other former student attorneys of the UB School of Law,” noted Rowan.

