

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SENATOR JAY COSTA, SENATOR ANTHONY H. :
WILLIAMS, SENATOR VINCENT J. HUGHES, : **CASES**
SENATOR STEVEN J. SANTARSIERO, AND : **CONSOLIDATED**
SENATE DEMOCRATIC CAUCUS, :
Petitioners, : No. 310 MD 2021
V. :

SENATOR JACOB CORMAN III, SENATE :
PRESIDENT PRO TEMPORE, SENATOR CRIS :
DUSH, AND SENATE SECRETARY- :
PARLIAMENTARIAN MEGAN MARTIN, :
Respondents. :

COMMONWEALTH OF PENNSYLVANIA, :
PENNSYLVANIA DEPARTMENT OF STATE, : No. 322 MD 2021
AND VERONICA DEGRAFFENREID, ACTING :
SECRETARY OF THE COMMONWEALTH OF :
PENNSYLVANIA, :
Petitioners, :

V. :
: :
: :
SENATOR CRIS DUSH, SENATOR JAKE :
CORMAN, AND THE PENNSYLVANIA STATE :
SENATE INTERGOVERNMENTAL :
OPERATIONS COMMITTEE, :
Respondents. :

ARTHUR HAYWOOD :
JULIE HAYWOOD, : No. 323 MD 2021

V. :
: :
: :
VERONICA DEGRAFFENREID, ACTING :
SECRETARY OF STATE, COMMONWEALTH OF :
PENNSYLVANIA, :
Respondent. :

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INTRODUCTION

This application for summary relief describes in detail why the information demanded by an Intergovernmental Committee subpoena dated September 15, 2021, described in detail below, should not be released by the Secretary of State. Petitioners explain why this court should issue the relief in summary fashion, why release of the information violates the standard for privacy in voting, and why such a release is dangerous for every voter in the state of Pennsylvania, regardless of party affiliation.

Petitioners, Arthur Haywood and Julie Haywood, are private residents of Montgomery County, Pennsylvania, and are registered voters. Mr. Haywood voted by mail in the November 3, 2020 general election and in the May 18, 2021 primary election. Arthur Haywood, since 2008, has registered hundreds of voters in annual registration drives. In several instances, Mr. Haywood has been asked by a prospective voter where that person's private information is being submitted, and whether the information would be secured. Mr. Haywood is concerned that, if he had to explain to every voter that this private information would be disclosed to a third party, that countless prospective voters would decline registration, and current voters would be hesitant to vote in the future.

Julie Haywood also voted by mail in the November 3, 2020 general election and in the May 18, 2021 primary election in Pennsylvania. She is an attorney

who has practiced for over 30 years in health law. Mrs. Haywood retired in January, 2021 after working for 22 years in the legal department of a major health insurance company as Associate Deputy General Counsel. She served as primary legal counsel to the Privacy and Security areas of the company to ensure compliance with a variety of federal and state privacy, security and cybersecurity laws. In 2008, Mrs. Haywood also volunteered for the Barack Obama campaign in 2008, which was the largest Montgomery County voter registration operation in the county's history, registering over 2,600 people. In 2012, Mrs. Haywood served as neighborhood team leader for the Obama re-election campaign, where she coordinated and trained volunteers in voter registration. Since then, Mrs. Haywood has volunteered to register Pennsylvania voters in various local voter registration drives. In several instances, Mrs. Haywood has been asked by a prospective voter where that person's private information is being submitted, and whether the information would be secured. She is concerned that, if she had to explain to every voter that this private information would be disclosed to a third party, that countless prospective voters would decline registration, and current voters would be hesitant to vote in the future.

Arthur Haywood and Julie Haywood, along with every voter in the Commonwealth, registered to vote with the knowledge that their personal information, including driver's license and social security numbers would be private and not

released. The Haywoods are concerned that their private, personal information, particularly their social security numbers and drivers' license information, will be disclosed to unauthorized parties without their consent, and is at risk for misuse.

Senate Chair Chris Dush and Senate Republicans voted to subpoena the Secretary of State to obtain the personal information of all Pennsylvania voters in the November 3, 2020 general election and the May 18, 2021 primary election (collectively referred to herein as "Elections") on September 15, 2021. The personal information requested includes a voter's driver license number and the last four digits of a voter's social security number.

The requested information was demanded for release by the Secretary of State for the Commonwealth of Pennsylvania by October 1, 2021. Pursuant to agreement of the parties, enforcement of the subpoena is stayed pending adjudication of the cross-applications by the Court and any subsequent appeal thereof. Additionally, the parties requested and were granted an expedited review of the petitions for review in this matter, under applications for summary relief pursuant to Pennsylvania Rule of Appellate Procedure 1532 (b).

Release of the information demanded in the subpoena is unconstitutional. It is a violation of the State constitution under Articles I and VII. The constitution guarantees the Haywoods and all voters the free exercise of the right to vote, and the

preservation of secrecy in voting. In the course of voting, one must supply their driver's license number or the last four digits of their Social Security Number, or be identified by a unique, private number that the Commonwealth creates for each voter. If this private, sensitive information is released, the Haywoods fear that voting in the future could put their private information at risk of being shared with partisan or unknown third parties, causing a chilling effect on them and all Pennsylvania current and prospective voters. Additionally, disclosure of their dates of birth and last four digits of their Social Security Number exposes them to the risk of identity theft, or misuse of their voting information, thus disruption of the entire electoral process.

Accordingly, they ask that the Court declare that the information demanded in the subpoena is protected from disclosure under the Pennsylvania Constitution, Election Code, and Department of State regulations, and infringes on the fundamental right of suffrage. They also ask that the Court enjoin the release of the Petitioners' personal information and all voters' personal information.

STATEMENT OF UNDISPUTED FACTS

Arthur Haywood and Julie Haywood voted by mail in the November 3, 2020 general election and in the May 18, 2021 primary election in Pennsylvania. See Petition, ¶¶ 11, 12. Donald Trump lost the Pennsylvania presidential election vote of November 3, 2020 to Joseph Biden by 80,000 votes. Id. at ¶13. The election results in Pennsylvania were certified by the Pennsylvania Department of State on November 24, 2020. Id. at ¶14.

Pennsylvania courts rejected claims of November 2020 election fraud in Pennsylvania. Id. at ¶17. The election results for the United States were certified by the Congress of the United States on January 6, 2021. Id. at ¶18. Joseph Biden was sworn in as President of the United States on January 20, 2021. Id. at ¶19.

On August 23, 2021, Senator Cris Dush became the Chair of the Intergovernmental Committee (“Committee”). Id. at ¶23.

Chair Dush and Senate Republicans voted to subpoena the Secretary of State to obtain the personal information of all Pennsylvania voters in the November 3, 2020 general election and the May 18, 2021 primary election (collectively referred to herein as “Elections”) on September 15, 2021. Id. at ¶24. The personal information requested includes a voter’s driver license number and the last four digits of a voter’s

social security number. *Id.* at ¶25, and *See* Haywood Petition for Review, Exhibit B.

The requested information was demanded for release by the Secretary of State for the Commonwealth of Pennsylvania by October 1, 2021. *Id.* On September 17, 2021, several State Senators filed an action in this Court, *Costa v. Corman*, listed as No. 310 MD 2021 (Pa. Cmwlth.) On September 23, 2021, the Acting Secretary, the Department of State and the Commonwealth of Pennsylvania filed the second action, *Commonwealth v. Dush*, 322 MD 2021 (Pa. Cmwlth.) On September 27, 2021, Arthur Haywood and Julie Haywood filed their Petition for Review in this Court, *Haywood v. DeGraffenreid*, No. 323 MD 2021 (Pa. Cmwlth.) to pursue relief as individual voters.

Pursuant to agreement of the parties, enforcement of the subpoena is stayed pending adjudication of the cross-applications by the Court and any subsequent appeal thereof. Further, the matters have been consolidated and parties requested and were granted an expedited review of the petitions for review in this matter, under applications for summary relief pursuant to Pennsylvania R.A.P. 1532 (b). Petitioners Arthur Haywood and Julie Haywood hereby file this Application for Summary Relief.

ARGUMENT

In the following argument, Petitioners show why the information in the subpoena should not be released by the Secretary of State. In Part I, they explain the legal standard for a Petition for Summary Relief and the standard for privacy in voting. In Part II, they explain why the subpoena is dangerous. In Parts III and IV, they explain the legal standard for privacy and the statutes protecting voter privacy.

I. LEGAL STANDARD

At any time after the filing of a petition for review in an appellate or original jurisdiction matter, the court may on application enter judgment if the right of the applicant thereto is clear. PA RAP 1532 (b). The appellate court, in ruling on a motion for summary relief after the filing of a petition for review in an appellate or original jurisdiction matter, must view the evidence of record in the light most favorable to the non-moving party and may enter judgment only if: (1) there are no genuine issues as to any material facts, and (2) the right to relief is clear as a matter of law. *Northwestern Human Services v. Com. Dep. Of Public Welfare*, 1 A. 3d 988 Cmwlth 2010, affirmed 66 A. 3d 301, 620 Pa. 140. Here, there are no genuine issues of material fact, and Petitioners have a clear right to relief under several provisions including the Pennsylvania

Constitution and Election Code.

A. The release of Petitioner’s driver’s license information and social security number, in whole or in part, flies in the face of Pennsylvania constitutional guarantees to Petitioners.

Articles I and VII of the Constitution of Pennsylvania protects the right of all eligible citizens of the Commonwealth to vote. It guarantees that “[e]lections shall be free and equal” and that “no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” Pa. Cons. art. I, § 5. It further provides that “secrecy in voting shall be preserved.” Pa. Cons. art. VII, § 4.

Elections are governed by Pennsylvania’s Election Code and subject to federal law. As required by federal law, any qualified person wishing to register to vote in Pennsylvania must provide a driver’s license number or the last four digits of their Social Security number. 52 U.S.C. § 21083(a)(5)(i). Arthur Haywood and Julie Haywood provided this information in order to vote.

Someone who has not been issued either a driver’s license number or a Social Security number still may register to vote but will be identified on the Commonwealth’s voter rolls by a unique number that the Commonwealth creates for all registered voters. 52 U.S.C. § 21083(a)(5)(ii). The process for registering to vote in

Pennsylvania is governed by Title 25 of the Pennsylvania Consolidated Statutes and details the procedures that county and state officials must use.

Pursuant to these statutes, the Secretary of the Commonwealth is granted the authority to promulgate regulations necessary to establish, implement and administer the Statewide Uniform Registry of Electors (SURE) system. 25 Pa.C.S. § 1222(f). The SURE system is a single, uniform integrated computer system of registered votes. The regulations governing the operation of the SURE system allow limited access by authorized personnel to voter registration information.

According to 25 Pa.C.S. § 1301, voter registration is available to a citizen who will be 18 years of age on the date of the next election for which the person is registering to vote, has resided in the election district for at least 30 days prior to the next election and has not been confined for conviction of a felony within the last five years.

Voter registration may be completed by one of four prescribed methods provided by statute: in-person registration; registration with a driver's license application; registration by mail; or registration in conjunction with an application for public benefits through a government agency. 25 Pa.C.S. § 1321.

As provided by statute and Department of State regulations, the applications are submitted to county commissions in order to review the application,

verify the application and information of the applicant, and to approve the registration or hearing challenges to the voter registration application. 25 Pa.C.S. § 1328.

If the voter registration application is approved, the county commission notifies the voter, assigns a voter identification number, and adds the registrations to the list of votes for the election district. This information is also forwarded to the Department of State to be included in the statewide database of voters.

Pursuant to the Secretary's statutory authority, the Voter Registration Mail Application Form details the information to be provided by the applicant, which includes the name, address, date of birth, driver's license number and last four digits of the applicant's social security number. 4 Pa. Code § 183.1.

However, all or part of a voter's Social Security and driver's license number cannot be disclosed. 25 Pa. Cons. Stat. § 1404(a)(1); 4 Pa. Code § 183.14(c)(3). In addition, state and federal judges, state and federal law enforcement officers, state prosecutors, parole officers, and several other groups of individuals who can demonstrate a threat to personal safety can request that their home addresses not be disclosed. 4 Pa. Code § 183.14(c)(4)-(5).

As such, pursuant to Title 25, only a very limited number of officials review and retain the information that an applicant provides to register to vote. The authorized officials include the election commission officials in each county, the

Secretary of the Commonwealth, and the employees or agents that the Secretary assigns for the administration of the SURE system, with only very limited, statutorily prescribed exceptions.

Public information lists can be used only for purposes related to elections, political activities, or law enforcement, and a person obtaining the list must so attest in writing. 25 Pa. Cons. Stat. § 1404(b)(3), (c)(2); 4 Pa. Code § 183.14(b)(4)-(5). The lists cannot be used for commercial purposes. 25 Pa. Cons. Stat. § 1207(b). The lists also cannot be published on the Internet. 4 Pa Code § 183.14(k).

The security and confidentiality of this system is so important that the General Assembly included a criminal provision for the unauthorized access to the SURE system without lawful authority or with the intent to unlawfully misuse the equipment or information contained in the system. 25 Pa.C.S. § 1707.

On request, a county registration commission may provide a list containing individual registered voters in the county to an authorized requester. However, the list may not contain a digitized or electronic signature or the SURE registration number of the voter. 25 Pa.C.S. § 1404(a). Such a signature is listed on a person's driver's license. Further, pursuant to regulation promulgated by the Secretary of the Commonwealth at 4 Pa. Code § 183.14, the Department of State may also provide public information upon request. These lists may only include the following

information regarding the registrant's name, address, date of birth and voting history.

These lists **cannot** provide driver's license numbers, or all or part of voters' Social Security numbers. 25 Pa. Stat. §§ 3146.9(b), (c), 3150.17(b), (c). Even under the limited, controlled circumstances where public inspection by a voter is allowed, personal voter information cannot be used for commercial or improper purposes. 25 Pa. Cons. Stat. § 1207(b). Counties cannot make partial Social Security numbers or driver's license numbers available for public inspection. 25 Pa. Stat. §§ 3146.9(a); 3150.17(a); 2602(z.5). As a matter of fact, **no proof** of identification shall be made public according to Section 3146.9(a). Likewise, the Department does not make partial Social Security or driver's license numbers available for public inspection.

As found in *Advancement Project v. DOT*, 60 A. 3d 891 (2013 Pa. Cmwlth) according to Pennsylvania Driver's License provisions, only information **other** than that required to identify the licensee is allowed under 75 Pa. C.S. § 1610 (a). In other words, the information on a driver's license is non-disclosable under this section, and non-driver photo identification cards related to the driving record of the holder are also exempt from disclosure under Section 6114 (a).

These protections are all for good reason, as explained in Section II.

II. THE RELEASE OF PETITIONERS' AND ALL OTHER SIMILARLY SITUATED VOTERS' DRIVERS LICENSE AND SOCIAL SECURITY NUMBERS POSES A CHILLING EFFECT ON VOTERS AND POTENTIAL RISK OF HARM IF THIS INFORMATION IS INTERCEPTED.

A. Chilling Effect on Voters

Under the U.S. Constitution, “all qualified voters have a constitutionally protected right to vote.” *Reynolds v. Sims*, 377 U.S. 533, 554. (1964). The right to vote is a “fundamental political right” because it is “preservative of all rights.” *Id.* at 562.

When government action has a deterrent or chilling effect on a person’s willingness to exercise a constitutional right, this may trigger a violation of the U.S. Constitution. *Laird v. Tatum* 408 U. S. 1, 11 (1972) (citing *Baird v. State Bar of Arizona*, 401 U.S. 1, 91 S.Ct. 702, 27 L.Ed.2d 639 (1971); *Keyishian v. Board of Regents*, 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d 629 (1967)). The Commonwealth has a quasi-sovereign interest in Pennsylvanians’ willingness to exercise their right to vote. *See* *Pennsylvania v. Dush PFR* at ¶ 189.

If the Secretary of State shares with the Committee, and by doing so, an unknown third party, Petitioners’ private information,

including partial social security numbers, drivers' licenses and dates of birth, current and prospective voters will fear that voting in the future could put their private information at risk of being shared with partisan or unknown third parties. Certainly, Petitioners and other voters like them will be afraid to exercise their fundamental right to vote and participate in the electoral process. Furthermore, this would have a chilling effect on voter registration. Prospective voters who are already concerned about placing their sensitive information on a registration form, as Petitioners have experienced, may outright decline to register to vote for fear of intimidation by partisan actors.

As such, disclosure of such information would interfere with the exercise of the constitutionally protected right of suffrage under *Reynolds v. Sims*.

B. Risk of Grave Harm if this Information is Intercepted

The Pennsylvania Constitution protects Petitioners' right of informational privacy, which includes the right to control access to and the dissemination of personal information. Pa. Cons. art. I, § 1.

The personal information requested by the Subpoena—i.e., name, birth date, address, driver’s license number, and last four digits of the Social Security number—can pose the following dangers: hackers or misfeasors can use the combination of Petitioner’s last four digits and date of birth to:¹

- a) fraudulently secure medical services
- b) fraudulently secure retirement funds
- c) fraudulently apply for loans and credit cards
- d) use complex computer algorithms to guess the remainder of a voter’s social security number

This information is used by federal, state, and local agencies, as well as by financial institutions and other businesses, as a means of identifying an individual. Losses from this kind of fraud can include loss of medical benefits, reputation, retirement or other funds, or even employment.

Moreover, the above information can also be used to tamper with and change an individual’s voter registration. Modifications include changing the voter’s name, the voter’s address, and the voter’s party affiliation. If the information requested in the subpoena is shared with a third

¹ Gareth Neumann, [What Can A Scammer Do With the Last 4 Digits of Your Social Security Number? - Consumer Boomer](#), 2021 Consumer Boomer

party, voters will fear the intentional or unintentional misuse of that private, personal information and will be deterred from exercising their fundamental right to vote.

III. THE DEPARTMENT OF STATE’S DISCLOSURE OF PERSONAL INFORMATION VIOLATES THE PENNSYLVANIA BREACH OF PERSONAL INFORMATION NOTIFICATION ACT.

The Pennsylvania Breach of Personal Information Notification Act (the “Act”) provides for the notification of residents whose personal data was or may have been disclosed due to a security breach. This Act identifies the entities subject to the notification law, the protected data, the persons to whom notice must be given, when the notice must be given and the authority of the Pennsylvania Attorney General to enforce a violation as an unfair trade practice. 73 P.S. Section 2301 et. seq.

The Act extends to any *entity* that maintains, stores or manages computerized data that includes *personal information*. “Entity” is broadly defined under the Act to include a Pennsylvania state agency or political subdivision, an individual or business doing business in Pennsylvania.

“Personal information” is defined under the Act as an individual’s first name or

initial and last name in combination with and linked to any one or more of the following data elements when the data elements are not encrypted or redacted:

- Social Security number
- Driver's license number or a state identification card number issued in lieu of a driver's license
- Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account

An entity covered under the Act must give notice of a *breach of the security of the system* which is defined as the unauthorized access and acquisition of computerized data that materially compromises the security or confidentiality of personal information maintained by the entity as part of a database of personal information regarding multiple individuals and that causes, or the entity reasonably believes has caused or will cause, loss or injury to any Pennsylvania resident. 73 P.S. § 2303 (a).

Access to and use of the data by entity employees in the scope of employment and for the proper business purposes of the covered entity are not breaches of the security system. Each Pennsylvania resident whose unencrypted or un-redacted personal information was, or was reasonably believed to have been, accessed by an unauthorized person should be given notice of the breach. The notice shall be made as prescribed in

the Act without unreasonable delay to Pennsylvania residents.

Violation of the Act is deemed to be an unfair or deceptive practice in violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, which is enforced by the Pennsylvania Attorney General.

The Department of State is a Pennsylvania state agency that maintains an electronic database of all Pennsylvanians who have registered to vote and who have voted in each primary and general election. This database includes personal information provided during the voter registration process including an individual's first and last name, driver's license number and the last four digits of a person's social security number.

The Department of State's disclosure of this personal information to an unauthorized and unnamed third party, would constitute a **breach** of the security of their system as this is an unauthorized disclosure/access to personal information maintained in the Department of State's voter registration database.

- A. Voluntary disclosure of this personal information would be far worse than if the information is hacked on a large scale.

If this personal information is voluntarily disclosed by the Department of State, it would be far worse than the events surrounding *Dittman v. UPMC*, 649 Pa. 496 (2018).

In that case, a malicious third party hacked into the Department of State's database. Sixty-two thousand (62,000) employees of the University of Pittsburgh Medical Center (UPMC) brought a class action after their names, birth dates, social security numbers, tax information, addresses, salaries, and bank information were stolen by hackers who breached UPMC's computer systems. *Id.* at 501. The stolen information was used to file fraudulent tax returns and collect tax refunds using the names of some of the employees. *Id.*

The employees alleged that UPMC's data security practices were inadequate and UPMC should be liable for their harm. *Id.* The trial court granted UPMC's preliminary objections that it breached no cognizable legal duty and therefore could not be held criminally liable for the acts of the hackers. *Id.* at 502. The Superior Court sustained the dismissal and held that UPMC did not owe a duty to the employees and the economic loss doctrine barred their claims. *Id.* at 506. On appeal, the Supreme Court reversed the lower courts and held that an "employer owed employees a duty to exercise reasonable care to protect them against an unreasonable risk of harm in collecting and storing employee's data on its computer systems, and the economic loss doctrine did not bar employees' negligence claim." *Id.* at 517.

In this case, if the Department of State complies with the Senate Intergovernmental Committee's subpoena request, they will **willingly** turn over the personal information of

millions of Pennsylvania voters. As found in *Dittman*, the Department of State has a duty to exercise reasonable care to protect Petitioners', and seven million Pennsylvanians' personal information from unauthorized disclosure.

To add insult to injury, such unauthorized disclosure would violate the Act and as such would be considered an unfair or deceptive practice in violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, a law enforceable by the Pennsylvania Attorney General.

Accordingly, if the Department of State discloses this personal information to the Senate Intergovernmental Committee or an unnamed third party, they will need to provide notice of such breach to the Petitioners and the millions of Pennsylvanians who voted in the November 2020 general election and May 2021 primary election. At best, this is an arduous and formidable expense, which should not occur because the information should not be disclosed.

IV. DISCLOSURE OF A PENNSYLVANIA VOTER’S DRIVER’S LICENSE NUMBER AND LAST FOUR DIGITS OF A SOCIAL SECURITY NUMBER VIOLATES THE COMMONWEALTH’S PRIVACY POLICY.

When Petitioners, or any Pennsylvania voter, votes, whether in person or by mail, they have an expectation that their personal information will remain private. This includes ones’ driver’s license number and the last four digits of one’s social security number provided when we registered to vote. This expectation of privacy is expressly reinforced by the Privacy Policy set forth on the www.votesPA.com website. Citizens of Pennsylvania can access the Votes PA website to register to vote. The Pennsylvania Department of State’s Privacy Policy specifically states that “we are committed to maintaining your privacy.²”

In terms of “Public Disclosure”, the Department of State’s Privacy Policy also states that

“the Commonwealth does not disclose any personally identifiable information collected online **except where you have given us permission, or where the information is public information** under the Pennsylvania Right to Know Law at 65 P.S. 67.101, et seq.” (*Emphasis added*)

The Department of State would violate its own Privacy Policy if it disclosed

² <https://www.pa.gov/privacy-policy/>

personally identifiable information such as Petitioners' driver's license numbers and the last four digits of Petitioners' social security numbers to the Senate Intergovernmental Committee, or to an unidentified third party. This information is not considered public information, nor have Petitioners or the 7 million other Pennsylvania voters given the Department of State permission to disclose this information.

Arthur Haywood and Julie Haywood registered to vote with the Department of State with reliance on its privacy protections. The Haywoods and other voters are relying on the Department of State to protect them from release of their personal information and potential identity theft. The release of their social security numbers, or any part thereof, and date of birth subjects the Haywoods and all voters to the very risk they sought to avoid.

The law is crystal clear—the Haywoods, and all voters in the Commonwealth, under several provisions, have a right to privacy of their drivers' licenses and social security numbers. This information cannot be disclosed by the Secretary of State to the Committee or a third party without violating the law.

CONCLUSION

WHEREFORE, for the above stated reasons the Petitioners, pray that this Court

1) Grant summary relief to the Petitioners,

2) Declare that the Petitioners' and all other voters' personal information requested by the Intergovernmental Operations Committee's subpoena is protected from disclosure under the Pennsylvania Election Code, the Pennsylvania Constitution, and Department of State Regulations,

2) Enjoin the Secretary of State from releasing or disclosure of the Petitioners' protected information in response to the subpoena, AND

3) Enjoin the Secretary of State from releasing or disclosure of all voters' protected information in response to the subpoena.

Respectfully Submitted by

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Attorneys for Petitioners,
Arthur Haywood and Julie Haywood

DATE: October 13, 2021

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Dated: October 13, 2021

/s/Tamika N. Washington

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CERTIFICATE OF COMPLIANCE

This brief complies with the word-count limitations of Pa R.A.P. 2135 because it contains 4,776 words, including footnotes, based on the word count of the word processing system used to prepare it.

Dated: October 13, 2021 /s/Tamika N. Washington

Tamika N. Washington, Esquire
Attorney for Petitioners