

Previous articles in this series appeared on July 18, Part 1, "Privacy Issue Caught in Credit Net"; July 25, Part 2, "Computers Help Target Buyers."

Next Wednesday, August 8: Part 4, proposed changes to the Fair Credit Reporting Act and actions individual consumers can take to protect their privacy.

ILLUSTRATIONS BY GUY STUART



From Database to Blacklist

Computer records let employers and landlords discriminate against unsuspecting applicants

By **Simon L. Garfinkel**
Special to The Christian Science Monitor

BOSTON

IN Baton Rouge, La., H. J. Robinson runs a service for employers that keeps track of workers' compensation lawsuits. The service, say consumer advocates, keeps employees who have filed claims against one employer from getting a job with another.

In Van Nuys, Calif., Harvey Saltz operates a computer database designed to keep tenants who have skipped out on one landlord from finding other apartments. A pending lawsuit charges that mismatches have kept innocent tenants from securing housing.

In Brookline, Mass., a 90-year-old company called MIB maintains confidential health records on more than 15 million people in the United States.

The services provided by these and similar companies are often double-edged swords, say privacy experts. While arguably helping to prevent fraud, they can also function as electronic blacklists. The databanks often operate without the knowledge or consent of the individuals on whom they maintain records, and for the most part they operate without regulation from the US Fair Credit Reporting Act (FCRA).

Finding fibbers and frauds

Mr. Robinson, president of Employers Information Service (EIS), says his not-for-profit corporation lets employers know before they hire a new worker if that person has ever filed a workers' compensation claim. Robinson says that employers are besieged by people who apply for jobs and later fake injuries in order to collect compensation settlements:

"A guy comes in, puts the application in, and swears that he has never had an injury. You turn him around, screen him, and he has had three total infirmities in the past year. It's fraud," says Robinson. "Confidentially, we are finding that a lot of these people have an attorney before they are even injured."

The data in the computer come from court records and reports filed by EIS's "member employers." The company covers New Mexico, Texas, Oklahoma, Louisiana, Alabama, and Tennessee. Robinson won't say how many records he has on file. Industrial Foundation of America, a similar company in Odessa, Texas, has more than 2 million reports, according to the company's promotional material. To

use either system, employers must have job applicants provide their Social Security number and sign a waiver.

David Czernik, executive director of the Louisiana Consumers League, says that the purpose of these databases is punitive: to punish people who have dared to file workers' compensation claims. And businesses that reject applicants don't always tell them about the negative listing, he says.

"Families have been devastated because people have been denied employment, and they don't know why," says Mr. Czernik. Because of a loophole in the FCRA, employers do not need to tell applicants about the database if they deny employment for a reason other than the database search.

"Since they convey information about an individual over the phone in a minute to employers, proving employment denial as a consequence of EIS's information is difficult," says Czernik.

Tenant screening

Similar databases that record disputes between landlords and tenants are being maintained by more than a dozen companies in metropolitan centers throughout the country. The databases contain reports of eviction filings and settlements, as well as, in some cases, accusations by landlords about tenants who had damaged apartments or owed money when they left.

For Alice Arias, a mother of

and ordered to pay \$1,400 in back rent. Arias — the one with the sons — wrote a letter to UDR asking that the registry correct its records. "They never responded to me," she says.

From 1984 to 1986, Arias lived in a motel room with her possessions in storage. She said she saw more than 100 apartments, each landlord turning her down because of the report at UDR.

Arias receives disability assistance. But her monthly check of \$455 is not enough to pay \$600 a month for a motel room and \$100 a month for storage. She got behind on her storage payments, and the company sold her furniture, appliances, and photos of her deceased father for \$312.

Arias is one of nine tenants who filed suit against the UDR in 1987. The case is pending.

One reason for mismatches, says Diana Smith, owner of the Renter Index tenant-screening service in Dallas, is that court records do not include identifying information such as Social Security number or driver's license number. But even if the matching could be performed perfectly, say those familiar with tenant screening, simply reporting eviction filings is tantamount to tenant blacklisting.

"Once a landlord hears that another landlord had an eviction action filed against [a tenant], they don't want to hear anything else. They just don't rent to you," says Paul Lee, a lawyer who worked on the UDR suit.

Some screening services allow landlords to report that tenants damaged their apartments or had loud parties; no corroborating evidence is required. Landlords Credit Data Service in Pawtucket, R. I., records the names from every New England newspaper of people arrested in conjunction with violent crime or drugs.

People who need low-cost or public housing are often forced to forfeit their rights to privacy, says Jeffery Purcell, an attorney with the Greater Boston Legal Services.

Prospective public-housing tenants must sign broadly written release forms. The statement from one project reads: "I authorize any public or private custodian of records to disclose to the . . . Housing Authority . . . any income records or information, about me or my family, relative to: Public Assistance, Social Services, Mental Health Evaluation & Supportive Services, Public Housing or Housing Rental Assistance application, or payments claim, during the period of my tenancy."

"They basically play a videotape of your life, and if they find

anything you have done that they don't like, you don't get public housing," says Mr. Purcell. And information often leaks from administrators to security guards, custodians, and other residents in the project. "If your kid has a [criminal or psychiatric] problem,



then everybody else in the building knows about it."

Insurance risks targeted

Perhaps one of the most mysterious consumer-reporting companies is MIB, formerly the Medical Information Bureau, in Brookline, Mass.

"It's a very difficult company to learn very much about," says Massachusetts state senator Lois Pines. "They just don't want people to know that they exist or what they do."

"The purpose of MIB is to help keep the cost of insurance down for insurance companies and for consumers by preventing losses that would occur due to fraud or omissions," says MIB's president Neil Day. MIB's files are used by more than 750 insurance companies throughout the United States and Canada.

MIB stores its records in a specially coded format, which the company refuses to share with regulators, legislators, or consumer groups. There are codes for medical conditions and mental health, as well as nonmedical conditions like "hazardous sport participation" and "hazardous driving records."

In the past, says Robert Ellis Smith, editor of the Privacy Journal, other MIB codes have stood for "sexual deviance" and "sloppy appearance." Mr. Day refuses to release a list of the current codes used by his company, saying that to do so would compromise his firm's confidentiality.

Although MIB will tell a person if he or she has medical records on file, it will send those records only to a medical profes-



four sons in Los Angeles, a common last name made her the unsuspecting victim of a database mismatch. In 1984, when Ms. Arias started searching for a new apartment, she discovered that another woman with the same name was on file at the U.D. Registry (UDR), in Van Nuys, Calif.

"We have the same name and we both lived in Montebello," remembers Arias. "I lived on Bradley. She lived on Bradeley." The other Arias, who lived with four daughters, had been evicted

Checking PBS For Elitism

19th-Century M

By Merle Rubin

HAD enough of those upper-class British characters on "Masterpiece Theater"? Have you stopped following the costly adventures of homebuilders on "This Old House"? Through with the millionaire fund managers forever doing guest shots on "Wall Street Week"?

To be more direct about it, do you find the Public Broadcasting Service a bit elitist - featuring people and subjects that have little to do with the hard-pressed lives lived by 90 percent of the "public" mentioned in its title?

If so, you have plenty of company. People level all kinds of charges that broadly classify as anti-elitist in attitude - some of them even anti-intellectual: The entertainment is high-falutin, force-feeding viewers on things like ballet. The news shows are full of self-serving corporate types and academic theorists.

Alan Lomax, the legendary folklorist, tells me he thinks PBS is elitist in another way - ethnically - because it is dominated by British and Northern European artistic standards. And many say PBS, funded by taxes, airs too many British plays - a practice they view as snobbish - when it should be buying American.

That last point resonates in Congress when funding time rolls around. To show the flag, the network sticks an "American" label on any series it can: "American Playhouse," "The American Experience," "American Masters," "American Patchwork." Last June a Canadian drama about a Blackfoot Indian girl aired on "American Playhouse" (well, the theme was more or less American, the series explained).

But the most recent anti-elitist salvo involves blue- and white-collar working Americans. If you have the impression that labor is all but invisible on public TV, you are right. The City University of New York (CUNY) has taken an exhaustive two-year look at PBS's 1988 and '89 prime-time hours and found a giant hole where the worker should have been.

The lion's share of time - in programs of all sorts - went to people in the business and social upper crust. They accounted for 10 times more programming hours, in fact, than the average worker. There were plenty of movie stars, big-name athletes, and famous artists on PBS, but no equivalent of commercial TV's "Roseanne" or the movie world's "Norma Rae" and "9 to 5." And of the very few workers portrayed in dramas, most were British.

As for unions - forget it. One lonely 60-minute program about a union-management conflict showed up in the entire two years covered by the analysis, while many hours were devoted each month to business.

The clearest window on the forces skewering public programming in this way may be the story of Made in USA Productions, a nonprofit company that helped finance the CUNY study. It's been struggling for some 15 years to get a series about American labor on PBS, and you'd think public TV would have pounced on the idea. Where else on the schedule would you be able to find labor well-represented? Not on the MacNeil-Lehrer Hour, however well-done. Its guests tend to look as if they just stepped from a board room or think tank, according to one recent study.

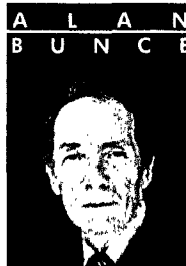
It took until 1984 for a pilot script - called "The Killing Floor," about the Chicago stockyards - to air on "American Playhouse," and to this day "Playhouse" has not accepted a second program that Made in USA is trying to get aired.

"Playhouse" says one problem is script quality. Someone at Made in USA tells me she thinks it has something to do with public TV's desire to appease future corporate funders by keeping labor's story at arm's length - along with union funding of such shows.

The real reasons are undoubtedly more complex, yet it's obvious an imbalance as flagrant as this one needs redressing. Public TV should turn its cameras on the richly dramatic history of working people and the place of labor in American society.

Will viewers - including union members - then start rushing home from work to turn on shows about union meetings and blue-collar life? Creatively that takes a great deal more than most entertainment is offering today. It takes people like Arthur Miller and Paddy Chayevsky and other explorers of the American soul.

Minorities now play a sizeable role in public TV's picture of American society - a fact to applaud. Now it's labor's turn.



sional. The company receives 15,000 requests by individuals to have their report sent to their physician every year, says Day. Between 250 and 300 people argue with their reports.

A PERSON applying for life insurance enjoys none of the privacy rights and protections that a person applying for credit does, says Josh Kratka, an attorney with the Massachusetts Public Interest Research Group (MASSPIRG).

"MIB has agreed to abide by [the FCRA]. They will send those codes to your physician. Your insurance company is not under those obligations. . . . If you are denied life insurance, you have no way of knowing whether it was legitimate or based on an error in your records that is going to follow you around for the rest of your life," says Mr. Kratka.

In one case, says Kratka, a Massachusetts man told his insurance company that he had been an alcoholic but had managed to remain sober for several years and regularly attended Alcoholics Anonymous meetings. The insurance company denied him coverage and forwarded a code to MIB: "alcohol abuse; dangerous to health."

The next company the man applied to for insurance, Kratka says, learned of the "alcohol abuse" through the information bureau and charged the man a 25 percent higher rate.

In another case, he says, a clerical error caused a woman's records at MIB to say that she carried the AIDS virus. "It was only after unusual intervention by the state regulatory board," because the woman worked for a physician, that the records were corrected, Kratka says. MASSPIRG has filed state legislation that would extend many of the FCRA's protections to medical records.

As health-care costs continue to rise, say experts, consumers can expect less and less privacy regarding their medical records.

"Doctors, in order to get paid, are being asked more and more to identify a chargeable condition in their clients. . . . The breach in confidentiality is a natural consequence of the way in which third-party billing of physician's time is structured in this country," says Dr. Paul Billings, chief of genetic medicine at the Pacific Presbyterian Medical Center in San Francisco.

No federal law ensures the confidentiality of medical records. Some hospitals, Mr. Smith says, have even started using them for target marketing.

BRITISH novelist and biographer A. N. Wilson takes his title for this book from Lytton Strachey's famous quartet of biographical essays. Published in 1918, the final year of the Great War that had come to seem a horrific exercise in futility, Strachey's irreverent portraits of "Eminent Victorians" signaled a radical change in attitude among a generation deeply skeptical of their parents' values.

Wilson sees Strachey's "Eminent Victorians" as an "elegant and hilarious example" of the "literature of despair" that emerged in the wake of World War I. "The world has not got any nicer" since then, Wilson writes, "in fact, the reverse. But somehow, it is no longer possible to dismiss anyone, whether dead or alive, in quite the debonair spirit in which he caricatures his subjects. We share a common humanity with people in the past, even when they baffle us. . . ."

Strachey's brief, sprightly sketches were a marked contrast to the reverential, multivolume biographies that proliferated in Victorian times. Yet, his witty portraits of Cardinal Manning, Florence Nightingale, Dr. Arnold, who set his stamp upon English public (private) school education as headmaster of Rugby, and General Gordon, hero-martyr of Khartoum, are not without sympathetic insight into these characters, and in the case of Florence Nightingale, a spark of genuine admiration.

Although Wilson's aim in giving us his own version of "Eminent Victorians" is to correct Strachey's mockery by providing a "simpler, less propagandist" view of some other eminent Victorians, his writing has a Stracheyan elegance. There is more than a touch of irony in his tone that lightens-it even as he is commending Victorians for their undeniable greatness.

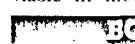
Wilson's book resembles Strachey's in its enticing blend of playfulness and seriousness, sophistication, and mock-simplicity. Both writers love to "explain things," whether it is the wretchedly inferior status of women in the greater part of the 19th century or the debates that racked the Anglican Church, a propensity that renders both versions of "Eminent Victorians" exceedingly accessible.

Certainly Wilson's attitude - and the figures he has chosen to sketch - show the Victorians in a kinder light.

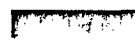
In place of the flinty Cardinal Manning (a leading High Churchman who converted to Roman Catholicism), Wilson

gives us the fully and eminently convincing figure of Cardinal Manning whose convulsions of duty to compose oratory's great works. "Apollo Wilson replied Florence Nightingale's well-impressed phine Butler, a real woman with courage and a to champion the mentionable c shamefully Victorian double titute.

The easily Dr. Arnold are replaced by Albert and V both of whom targets for me But both, Wilson well worth reshaped the i archy in a way viable in mo



EMINENT
By A. N. Wilson
New York & London
236



stone, for all had a largeness in his ground on which British, nor European.

Wilson's well the pioneering lia Margaret simply not of other eminent portray. One chosen because aunt of another, Strachey's Woolf.

Wilson is of his portrait of As a novelist I stands the prim imagination in relatively realistic an impassioned near visionary lotte's "Jane Brontë's "Wu

Without a solemnity trad: with the Victorian a strongly felt, pathetic, and in 19th century's most impressive products: six great men and women sketches with Strachey's lightness without Strachey's bias.

Merle Rubin, Pasadena, Calif
viewing literature