Civil Action No. 1:12-cv-00327 (ABJ)

EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY INFORMATION CENTER, *et al.*,	)))
Plaintiffs,	)))
v.	) Civil Action No. 1:12-cv-00327 (ABJ))
THE UNITED STATES DEPARTMENT OF EDUCATION,	)))
Defendant.	)))

DECLARATION OF PLAINTIFF DEBORAH PEEL

I, DEBORAH PEEL, of full age, hereby declare to the best of my knowledge and belief:

1.   My name is Deborah Peel. I reside in Austin, Texas. I am a plaintiff in this case.

2.   I a practicing physician, national expert on health privacy, and the founder of Patient Privacy Rights, a non-profit health privacy advocacy organization. I have provided testimony to Congressional committees on genetic privacy and medical record privacy. I have also led a coalition of 50 organizations from across the political spectrum that urged Congress to restore patient control over use of their medical information in all electronic systems.

3.   I am a member of the Board of Directors of the Electronic Privacy Information Center.

4.   I attended the University of Texas at Austin ("UT") in Austin, Texas from 1968-1970. I received my M.D. in 1974 from the University of Texas Medical Branch ("UTMB") in Galveston, Texas. In 1977, I completed my Residency in General Adult Psychiatry at UTMB in Galveston, Texas. In 1999, I completed a post-graduate training in Freudian psychoanalysis at the Dallas Psychoanalytic Institute in Dallas, Texas.

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5.   UT and UTMB are subject to the statutory requirements under the FERPA because they receive federal funding.

6.   UT and UTMB continue to maintain education records about me. UTMB collected a full set of fingerprints as a requirement to matriculate.

7.   I object to any disclosure of my education records and fingerprints that arise from the 2011 FERPA regulations.

8.   In particular, I do not want the information I disclosed to UT and UTMB or my fingerprints to be re-disclosed to non-governmental actors for purposes I cannot discern, without my authorization.

9.   I believe I am adversely affected by the 2011 FERPA regulations because they permit UT and UTMB to disclose sensitive personal information about me without my consent. It may be incorporated, for example, in databases that are used for employee background checks. By matching my UT and UTMB education records to other records, a non-educational institution with which I have no personal connection would be able to create a detailed dossier about me for reasons I cannot discern. My fingerprints could be used or disclosed to law enforcement databases or fusion centers.

10. My UT and UTMB education records, if released inappropriately, may be used in part for the purpose of computing my credit score. My credit score is important, not only for borrowing money, but for an increasing number of ordinary transactions. Prospective employers, landlords, and many others look at credit scores. A troubling recent use of the credit score is by insurance companies to establish rates. It has been documented that insurers may raise an individual's rates or even deny coverage based on the credit score.

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For example, the credit record can cause one's auto insurance premiums to increase, even if one has a perfect driving record.

11. My UT and UTMB education records, if obtained by commercial institutions, may be used for consumer profiling and "dynamic pricing." It has been documented that financial institutions use consumer profiling to restrict choices, and mislead or exclude consumers.

12. Since accountability and oversight are lacking for commercial databases, I do not want my UT and UTMB education records to be used as input to any commercial database. I rely on FERPA to ensure the confidentiality of the information I disclosed to University of Texas at Austin and University of Texas Medical Branch.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed in Washington, D.C. on January 14, 2013.

DEBORAH PEEL
Member,
EPIC Advisory Board
EPIC Board of Directors