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Private Info in Public Documents Puts Millions at Risk Whistleblower's Social Security Number published on Internet means World Wide Woes.

A North Carolina court has ordered a whistleblower's personal identity, including Social Security number, be removed from multiple websites, however the international nature of the web poses unique obstacles. Lauranell "Nell" Burch, PhD, a staff scientist at the National Institute of Health (NIH), is accused of publishing private information from public records at a Panama website through a Thailand intermediary. When connected to the web, it can be seen from anywhere.

Within weeks of notifying authorities of what he believed to be bankruptcy fraud, Glenn Hagele, of Sacramento Calif., learned that archived government documents with his private identity information were being published on the Internet.

"I was shocked, dumfounded really," says Hagele, who is founder of the Council for Refractive Surgery Quality Assurance (<http://www.USAEyes.org>), a nonprofit Lasik patient advocacy. "My name, date of birth, driver's license number, bank account numbers, credit card numbers, samples of my signature, and worst of all, my Social Security number, were on the Internet for anyone to see."

According to a lawsuit filed in North Carolina Superior Court, Hagele's identity was published by Dr. Burch, who was sharing her Durham home with Brent Hanson at the time he was targeted for the bankruptcy the fraud investigation. Hagele believes the publication is retaliation for notifying authorities.

The North Carolina Attorney General sent multiple letters to Dr. Burch demanding that Hagele's personal information be removed. The lawsuit alleges that rather than removing Hagele's identity, Dr. Burch made his information available through other websites. The suit further asserts Dr. Burch used computer systems of her employer, the National Institute of Environmental Health Sciences, a division of the NIH, to manage the websites.

"The proverbial smoking gun," says Hagele, "is found in emails sent to a domain registrar in Thailand that originate from Dr. Burch's computer at the NIH. A registrar handles management of a website's Internet address. Hagele says he was not surprised.

“Months ago the NIH was notified of what appeared to be inappropriate use of Dr. Burch’s NIH computer,” says Hagele. “Apparently they did not take the steps necessary to stop her from using NIH computers to keep my Social Security number published.”

Hagele’s identity information was culled from government documents filed in the early 1990s, including a child support notification, a tax lien, and a personal bankruptcy. “The documents may at first seem embarrassing, but all tax and support issues were fully resolved years ago and the bankruptcy of over a decade ago was an undesired necessity to save the family home,” says Hagele. “Private information on otherwise public documents is still private information and should not be published by someone with a grudge.”

“This is really not so much an issue of whether or not Dr. Burch can gain access to public documents, but whether or not it is appropriate to publicize private information once it was in her possession,” says Raleigh attorney Jon Sasser, who is representing Hagele.

That question was recently decided by the North Carolina legislature, which clarified relevant law making it unlawful to “knowingly broadcast or publish to the public” private identity information including a Social Security number. The law became effective December 1, 2007.

“Malicious publication of identity is exactly why the law was strengthened,” says attorney Sasser. “There is a tremendous difference between legitimate access to public documents and publicizing someone’s Social Security number.”

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