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RFID: What Does Congress Need to Know?

What is RFID?

Radio Frequency Identification technology holds enormous promise. In a very real sense, it is a technological key to enhance personal safety, public safety / homeland security, personal convenience, and to drive down costs across a wide array of governmental, commercial and consumer applications. The term, "RFID," however, covers a lot of ground and RFID products work in a variety of different ways. Some use batteries, some do not. Some RFID "tags" require contact with a scanner to be read, while other systems have somewhat longer "read ranges." RFID tags can be worn, attached to products and packages, applied to labels, some can be implanted in pets, and one RFID application, VeriChip, has been approved for human implantation.

What is VeriChip?

VeriChip, cleared by the FDA for healthcare applications, is a miniaturized, implantable RFID device containing a unique verification number that gives VeriChip Subscribers the assurance that, even if they are medically incapacitated, they can be identified instantly and accurately. Furthermore, through VeriChip, authorized users can have immediate and secure access to medical and other critical databases.

The tiny VeriChip is implanted subdermally via a simple outpatient procedure. When scanned with a proprietary VeriChip scanner, a small amount of radio frequency energy passes from the scanner energizing the dormant VeriChip, which then emits a radio frequency signal transmitting the individual's unique personal verification number. Via the Internet, the VeriChip ID number provides access to the designated secure healthcare information database containing the patient or provider supplied data. Our company provides authorized organizations with a scanner to access the unique verification number held by the VeriChip - if, and only if, the Subscriber authorizes access. Authorized users may obtain instant access to the Subscriber data stored on the Global VeriChip Subscriber (GVS) Registry - through secure, encrypted, password protected web access to Subscriber-supplied or authorized information.

RFID and Privacy

Despite its enormous potential, RFID, like any technology that can be used to facilitate the collection, use and dissemination of personal information carries privacy implications. In evaluating RFID's privacy implications, we urge the Congress, the Internet Caucus and other policy makers to rely on several key metrics. First, do individuals whose information will be processed in an RFID application receive a clear, detailed and user-friendly notice explaining the application and the information on privacy implications? Second, do consumers have the option of explicit (opt-in) consent before the RFID application is initiated? Third, is the information in the RFID application anonymized? Fourth, if not, how sensitive is the personal information captured in the application and how important or beneficial to the consumer is the intended use? Fifth, has the RFID integrator implemented a comprehensive security plan, including encryption and authentication between the RFID reader and the RFID tag? In that regard, a close "read range" makes unauthorized interception much more difficult. Sixth, has the RFID integrator implemented a comprehensive privacy plan, including confidentiality standards; a plan for compliance with applicable privacy law; the appointment of a Chief Privacy Officer; and the implementation of a regular audit program?

VeriChip and Privacy

Applying these metrics to VeriChip illustrates the high level of privacy and security protection built into the VeriChip application. Prior to implantation, individuals receive a detailed explanation of the VeriChip process, security and privacy protections, and all other material information. Of course, a VeriChip can be implanted only after the consumer understands the procedure and all of its implications and only after providing explicit consent. At any time, a consumer can opt to have VeriChip removed. Further, VeriChip contains only a unique identification number and, thus, is anonymized, as well as encrypted.

VeriChip is a low frequency, passive read RFID device and thus has an extremely short read range, thereby minimizing the potential for hacking or other security breaches. Authentication technology is employed to allow the VeriChip reader and the VeriChip device to link up. Further, VeriChip has implemented a comprehensive privacy program, including the appointment of a Chief Privacy Officer and a compliance program to assure that VeriChip complies with all applicable privacy law including comprehensive health information privacy standards prescribed by HIPAA. And, of course, VeriChip provides consumers with an important and indeed, potentially life-saving service – secure and immediate access to an individual's medical record by authorized healthcare providers, even when the individual is unconscious or otherwise incapacitated.