
A BILL FOR AN ACT

RELATING TO SOCIAL SECURITY NUMBER PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act shall be known and may be cited as the
2 "Social Security Number Protection Act of 2006."

3 SECTION 2. The legislature finds that identity theft is a
4 serious crime, with lasting negative repercussions on the
5 finances and life of the person whose identity was stolen. One
6 of the tools most frequently used to steal a person's identity
7 is the person's social security number. While it was originally
8 introduced by the federal government to keep track of payroll
9 taxes, its use has spread so that it has virtually become a
10 universal identifier. Security experts recommend, to the
11 greatest extent possible, that people protect their social
12 security number and use it only for its intended federal
13 purposes.

14 The purpose of this Act is to minimize the abuses
15 associated with the fraudulent use of a social security number
16 by restricting its use as an identifier.



1 SECTION 3. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 26 to be appropriately designated
3 and to read as follows:

4 "CHAPTER

5 SOCIAL SECURITY NUMBER PROTECTION

6 § -1 Definitions. As used in this chapter:

7 "Business" means a sole proprietorship, partnership,
8 limited partnership, corporation, limited liability company,
9 association, or any other form of business entity. The term
10 also includes a financial institution organized, chartered, or
11 holding a license or authorization certificate under the laws of
12 this State, any other state, the United States, or any other
13 country, or the parent or the subsidiary of any such financial
14 institution. The term also includes an entity whose business is
15 records destruction. The term shall not include any government
16 or governmental subdivision or agency.

17 "Redacted" means the rendering of data so that it is
18 unreadable or is truncated so that no more than the last four
19 digits of the identification number are accessible as part of
20 the data.

21 "State" means any department, office, or agency of the
22 State and does not include its political subdivisions.

1 **§ -2 Social security number protection.** (a) Except as
2 otherwise provided in subsection (b), a business and the State
3 may not:

4 (1) Intentionally communicate or otherwise make available
5 to the general public an individual's entire social
6 security number;

7 (2) Intentionally print or imbed an individual's entire
8 social security number on any card required for the
9 individual to access products or services provided by
10 the person or entity;

11 (3) Require an individual to transmit the individual's
12 entire social security number over the Internet,
13 unless the connection is secure or the social security
14 number is encrypted;

15 (4) Require an individual to use the individual's entire
16 social security number to access an Internet website,
17 unless a password or unique personal identification
18 number or other authentication device is also required
19 to access the Internet website;

20 (5) Print an individual's entire social security number on
21 any materials that are mailed to the individual; and

1 (6) Sell, lease, loan, trade, rent, or otherwise
2 intentionally disclose an individual's social security
3 number to a third party without written consent to the
4 disclosure from the individual, when the party making
5 the disclosure knows or in the exercise of reasonable
6 diligence would have reason to believe that the third
7 party lacks a legitimate purpose for obtaining the
8 individual's social security number.

9 (b) Subsection (a) shall not apply to:

10 (1) The inclusion of a social security number in documents
11 that are mailed and:

12 (A) Are specifically requested by the individual
13 identified by the social security number;

14 (B) Required by state or federal law to be on the
15 document to be mailed;

16 (C) Required as part of an application or enrollment
17 process;

18 (D) Used to establish, amend, or terminate an
19 account, contract, or policy; or

20 (E) Used to confirm the accuracy of the social
21 security number.

1 A social security number that is permitted to be
2 mailed under this paragraph may not be printed, in
3 whole or in part, on a postcard or other mailer not
4 requiring an envelope, or visible on the envelope or
5 without the envelope having been opened;

6 (2) The opening of an account or the provision of or
7 payment for a product or service authorized by an
8 individual;

9 (3) The collection, use, or release of a social security
10 number to investigate or prevent fraud; conduct
11 background checks; conduct social or scientific
12 research; collect a debt; obtain a credit report from
13 or furnish data to a consumer reporting agency
14 pursuant to the Fair Credit Reporting Act, 15 U.S.C.
15 Sections 1681 to 1681v, as amended; undertake a
16 permissible purpose enumerated under the federal Gramm
17 Leach Bliley Act, 15 U.S.C. Sections 6801 to 6809, as
18 amended; locate an individual who is missing or due a
19 benefit, such as a pension, insurance, or unclaimed
20 property benefit; or locate a lost relative;

21 (4) An action pursuant to a court order, warrant,
22 subpoena, or otherwise required by law;

- 1 (5) Social security numbers that are provided to a
- 2 federal, state, or local government entity, including
- 3 a law enforcement agency or court, or their agents or
- 4 assigns;
- 5 (6) The collection, use, or release of a social security
- 6 number as required by state or federal law;
- 7 (7) The sharing of the social security number by business
- 8 affiliates;
- 9 (8) The use of a social security number for internal
- 10 verification or administrative purposes;
- 11 (9) A social security number that has been redacted; and
- 12 (10) Documents or records that are recorded or required to
- 13 be open to the public pursuant to the constitution or
- 14 laws of the State or court rule or order, and nothing
- 15 in this section shall limit access to those documents
- 16 or records.
- 17 (c) A business covered by this section and the State shall
- 18 make reasonable efforts to cooperate, through systems testing
- 19 and other means, to ensure that the requirements of this chapter
- 20 are complied with.
- 21 (d) Any business that violates or attempts to violate any
- 22 provision of this chapter shall be deemed to have engaged in an

1 unfair or deceptive act or practice in the conduct of trade or
2 commerce within the meaning of section 480-2."

3 SECTION 3. This Act shall take effect on July 1, 2096.

SB 2293 SD2

HD1

Report Title:

Identity Theft; Social Security Information

Description:

Prohibits businesses, subject to limited exceptions, from disclosing an individual's social security number to the general public, printing the SSN on an identification card or in mailings to customers, requiring the transmission of a SSN to third parties; and selling or otherwise disclosing the SSN to third parties without written consent. (SB2293 HD1)

