



1           **§ -2 Definitions.** As used in this chapter:

2           "Business" means a sole proprietorship, partnership,  
3 limited partnership, corporation, limited liability company,  
4 association, or any other form of business entity. The term  
5 also includes a financial institution organized, chartered, or  
6 holding a license or authorization certificate under the laws of  
7 this State, any other state, the United States, or any other  
8 country, or the parent or the subsidiary of any such financial  
9 institution. The term also includes an entity whose business is  
10 records destruction.

11           "Government agency" means any department, division, board,  
12 commission, public corporation, or other agency or  
13 instrumentality of the State or of any county.

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

18           **§ -3 Social security number protection.** (a) Except as  
19 otherwise provided in subsection (b), a business or government  
20 agency may not do any of the following:



- 1           (1) Intentionally communicate or otherwise make available  
2           to the general public an individual's entire social  
3           security number;
- 4           (2) Intentionally print or imbed an individual's entire  
5           social security number on any card required for the  
6           individual to access products or services provided by  
7           the person or entity;
- 8           (3) Require an individual to transmit the individual's  
9           entire social security number over the Internet,  
10          unless the connection is secure or the social security  
11          number is encrypted;
- 12          (4) Require an individual to use the individual's entire  
13          social security number to access an Internet website,  
14          unless a password or unique personal identification  
15          number or other authentication device is also required  
16          to access the Internet website;
- 17          (5) Print an individual's entire social security number on  
18          any materials that are mailed to the individual,  
19          unless state or federal law requires the social  
20          security number to be on the document to be mailed,  
21          the materials are employer-to-employee communications,  
22          or where specifically requested by 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 in the following  
10 instances:

11           (1) To the inclusion of a social security number in an  
12           application or in documents related to an enrollment  
13           process, or to establish, amend, or terminate an  
14           account, contract, or policy; or to confirm the  
15           accuracy of the social security number for the purpose  
16           of obtaining a credit report pursuant to 15 U.S.C.  
17           section 1681(b). A social security number that is  
18           permitted to be mailed under this section may not be  
19           printed, in whole or in part, on a postcard or other  
20           mailer not requiring an envelope, or visible on the  
21           envelope or without the envelope having been opened;



- 1           (2) To the opening of an account or the provision of or  
2           payment for a product or service authorized by an  
3           individual;
- 4           (3) To the collection, use, or release of a social  
5           security number to investigate or prevent fraud;  
6           conduct background checks; conduct social or  
7           scientific research; collect a debt; obtain a credit  
8           report from or furnish data to a consumer reporting  
9           agency pursuant to the Fair Credit Reporting Act, 15  
10          U.S.C. sections 1681 to 1681v, as amended; undertake a  
11          permissible purpose enumerated under the federal Gramm  
12          Leach Bliley Act, 15 U.S.C. sections 6801 to 6809, as  
13          amended; or locate an individual who is missing or due  
14          a benefit, such as a pension, insurance, or unclaimed  
15          property benefit; or locate a lost relative;
- 16          (4) To a business or government agency acting pursuant to  
17          a court order, warrant, subpoena, or when otherwise  
18          required by law;
- 19          (5) To a business or government agency providing the  
20          social security number to a federal, state, or local  
21          government entity including a law enforcement agency  
22          or court, or their agents or assigns;



1           (6) To a social security number that has been redacted;  
2           and

3           (7) To the collection, use, or release of a social  
4           security number in the course of administering a  
5           claim, benefit, or procedure relating to an  
6           individual's employment, including an individual's  
7           termination from employment, retirement from  
8           employment, injuries suffered during the course of  
9           employment, and other related claims, benefits, or  
10          procedures.

11          (c) A business or government agency covered by this  
12          section shall make reasonable efforts to cooperate, through  
13          systems testing and other means, to ensure that the requirements  
14          of this chapter are complied with.

15          (d) Any business that violates any provision of this  
16          chapter shall be deemed to have engaged in an unfair or  
17          deceptive act or practice in the conduct of trade or commerce  
18          within the meaning of section 480-2. The attorney general or  
19          the director of the office of consumer protection may bring an  
20          action based upon unfair or deceptive acts or practices declared  
21          unlawful by this section. No such action may be brought against  
22          a government agency.



1           (e) In addition to any penalty provided for in subsection  
2 (d), any business that violates any provision of this chapter is  
3 liable to the injured party in an amount equal to the sum of any  
4 actual damages sustained by the injured party as a result of the  
5 violation, or damages not less than \$500, whichever is greater.  
6 The court, in any action brought under this section, may award  
7 reasonable attorneys' fees to the prevailing party. No such  
8 action may be brought against a government agency."

9           SECTION 2. This Act shall take effect on July 1, 2050.

**Report Title:**

Identity Theft; Social Security Information

**Description:**

Requires businesses and government agencies, 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; and requiring the transmission of a SSN to third parties without the individual's written consent unless the third party needs the information for a legitimate purpose. (SD2)

