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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**  
**No. 601** Session of  
2005

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INTRODUCED BY WONDERLING, CORMAN, C. WILLIAMS, BRIGHTBILL,  
ERICKSON, FERLO, KITCHEN, LEMMOND, MUSTO, RHOADES, ROBBINS,  
TOMLINSON, WAUGH, M. WHITE, WOZNIAK, GREENLEAF, GORDNER,  
VANCE, LAVALLE, D. WHITE, ORIE, KASUNIC, STACK, RAFFERTY,  
LOGAN AND PIPPY, APRIL 4, 2005

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 3, 2006

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AN ACT

1 Relating to confidentiality of Social Security numbers; AND <—  
2 MAKING A RELATED REPEAL.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Privacy of Social Security numbers.

6 (a) General rule.--A person or entity or State agency or  
7 political subdivision shall not do any of the following:

8 (1) Publicly post or publicly display in any manner an  
9 individual's Social Security number. "Publicly post" or  
10 "publicly display" means to intentionally communicate or  
11 otherwise make available to the general public.

12 (2) Print an individual's Social Security number on any  
13 card required for the individual to access products or  
14 services provided by the person, entity or State agency or  
15 political subdivision.

(3) Require an individual to transmit his or her Social Security number over the Internet unless the connection is secure or the Social Security number is encrypted.

(4) Require an individual to use his or her Social Security number to access an Internet website unless a password or unique personal identification number or other authentication device is also required to access the website.

(5) Print an individual's Social Security number on any materials that are mailed to the individual unless Federal or State law requires the Social Security number to be on the document to be mailed. Notwithstanding this provision, Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process or to establish, amend or terminate an account, contract or policy or to confirm the accuracy of the Social Security number. A Social Security number that is permitted to be mailed under this section may not be printed, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on the envelope or without the envelope having been opened.

(6) Disclose in any manner ~~whatsoever~~, EXCEPT TO THE AGENCY ISSUING THE LICENSE, the Social Security number of an individual who applies for a recreational license. For the purposes of this paragraph, a "recreational license" means a ~~hunting~~ license issued pursuant to 30 PA.C.S. (RELATING TO FISH) OR 34 Pa.C.S. (relating to game) ~~or a fishing license pursuant to~~.

(b) ~~Exception.~~ APPLICABILITY.--Except as provided in subsection (c), subsection (a) applies only to the use of Social Security numbers on or after ~~July 1, 2006~~ THE EFFECTIVE DATE OF

1 THIS SECTION.

2 ~~(c) Use prior to July 1, 2006. A person or entity, not~~ <—

3 (C) EXCEPTION.-- <—

4 (1) A PERSON OR ENTITY, NOT including a State agency or

5 political subdivision, that has used, prior to ~~July 1, 2006~~ <—

6 THE EFFECTIVE DATE OF THIS SECTION, an individual's Social <—

7 Security number in a manner inconsistent with subsection (a)

8 may continue using that individual's Social Security number

9 in that manner on or after ~~July 1, 2006~~ THE EFFECTIVE DATE OF <—

10 THIS SECTION, if all of the following conditions are met:

11 ~~(1)~~ (I) The use of the Social Security number is <—

12 continuous. If the use is stopped for any reason, subsection

13 (a) shall apply.

14 ~~(2)~~ (II) The individual is provided an annual <—

15 disclosure, commencing in the year ~~2006~~ AFTER THE EFFECTIVE <—

16 DATE OF THIS SECTION, that informs the individual that he or

17 she has the right to stop the use of his or her Social

18 Security number in a manner prohibited by subsection (a).

19 ~~(d) Written requests. A written request by an individual to~~ <—

20 (2) AN INDIVIDUAL WHO RECEIVES AN ANNUAL DISCLOSURE <—

21 UNDER PARAGRAPH (1) HAS THE RIGHT TO stop the use of his or

22 her Social Security number in a manner prohibited by

23 subsection (a) ~~shall be implemented~~ AND MUST EXERCISE THAT <—

24 RIGHT BY SUBMITTING A WRITTEN REQUEST TO THE PERSON OR

25 ENTITY. THE PERSON OR ENTITY SHALL DISCONTINUE USE OF THE

26 INDIVIDUAL'S SOCIAL SECURITY NUMBER within 30 days of the

27 receipt of the request. There shall be no fee or charge for

28 ~~implementing~~ COMPLYING WITH the request. A person or entity <—

29 ~~or State agency or political subdivision~~ shall not deny <—

30 services to an individual because the individual makes a

written request pursuant to this subsection.

~~(e) Internal verification. This section does not prevent~~ <—

(D) CONSTRUCTION.--THIS SECTION SHALL NOT BE CONSTRUED TO <—  
PREVENT the collection, use or release of a Social Security  
number as required by Federal or State law or the use of a  
Social Security number for internal verification, administrative  
purposes or for law enforcement investigations.

~~(f) Government documents. This section does not apply to a~~ <—  
~~document that originates with, or is filed, recorded or~~  
~~maintained by any court, nor to a document that is required to~~  
~~be open to the public and that originates with, or is filed,~~  
~~recorded or maintained by any government agency, instrumentality~~  
~~or taxing authority.~~

~~(E) COURT DOCUMENTS. ANY PORTION OF ANY RECORD, ORDER,~~ <—  
~~PETITION OR OTHER PAPER WHICH INCLUDES AN INDIVIDUAL'S SOCIAL~~  
~~SECURITY NUMBER MAY BE KEPT IN THE FILES OF THE COURT AS A~~  
~~PERMANENT RECORD THEREOF AND WITHHELD FROM PUBLIC INSPECTION~~  
~~EXCEPT:~~

~~(1) UPON AN ORDER OF THE COURT GRANTED UPON CAUSE SHOWN;~~

~~(2) AS NECESSARY, BY LAW ENFORCEMENT AND COURT~~

~~PERSONNEL; OR~~

~~(3) AFTER REDACTION OF INFORMATION LISTING AN~~  
~~INDIVIDUAL'S SOCIAL SECURITY NUMBER.~~

~~(F) STATE AGENCIES AND POLITICAL SUBDIVISIONS. IF A STATE~~  
~~AGENCY OR POLITICAL SUBDIVISION DETERMINES THAT A PUBLIC RECORD,~~  
~~CONTAINING SOCIAL SECURITY NUMBER INFORMATION, IS SUBJECT TO~~  
~~ACCESS, THE STATE AGENCY OR POLITICAL SUBDIVISION SHALL GRANT~~  
~~ACCESS TO THE INFORMATION WHICH IS SUBJECT TO ACCESS AND DENY~~  
~~ACCESS TO THE SOCIAL SECURITY NUMBER. IF THE SOCIAL SECURITY~~  
~~NUMBER IS AN INTEGRAL PART OF THE PUBLIC RECORD AND CANNOT BE~~

1 ~~SEPARATED, THE STATE AGENCY OR POLITICAL SUBDIVISION SHALL~~  
2 ~~REDACT FROM THE PUBLIC RECORD THE SOCIAL SECURITY NUMBER, AND~~  
3 ~~SHALL GRANT ACCESS TO THE INFORMATION WHICH IS SUBJECT TO~~  
4 ~~ACCESS. THE STATE AGENCY OR POLITICAL SUBDIVISION MAY NOT DENY~~  
5 ~~ACCESS TO THE PUBLIC RECORD IF THE SOCIAL SECURITY NUMBER IS~~  
6 ~~ABLE TO BE REDACTED.~~

7 (E) UNIFIED JUDICIAL SYSTEM DOCUMENTS.--THIS SECTION DOES <—  
8 NOT APPLY TO A DOCUMENT THAT ORIGINATED WITH, OR IS FILED WITH,  
9 RECORDED IN OR IS MAINTAINED BY ANY COURT COMPONENT OR PART OF  
10 THE UNIFIED JUDICIAL SYSTEM.

11 (F) GOVERNMENT DOCUMENTS.--THIS SECTION DOES NOT APPLY TO  
12 ANY DOCUMENT THAT:

13 (1) IS REQUIRED BY LAW TO BE OPEN TO THE PUBLIC; AND

14 (2) ORIGINATES WITH, OR IS FILED, RECORDED OR MAINTAINED  
15 BY ANY GOVERNMENT AGENCY, INSTRUMENTALITY OR TAXING  
16 AUTHORITY.

17 (g) Penalty.--Actions in violation of this act shall be  
18 deemed a summary offense and shall be punishable by a fine of  
19 not less than \$50 and not more than \$500 AND, FOR EVERY SECOND <—  
20 OR SUBSEQUENT VIOLATION, BY A FINE OF NOT LESS THAN \$500 AND NOT  
21 MORE THAN \$5,000. Fines under this section shall be distributed  
22 equally between the Crime Victim's Compensation Fund  
23 administered by the Pennsylvania Commission on Crime and  
24 Delinquency and the Office of Attorney General for future  
25 identity theft prevention.

26 Section 2. Criminal enforcement.

27 (a) District attorneys.--The district attorneys of the  
28 several counties shall have authority to investigate and to  
29 institute criminal proceedings for any violation of this act.

30 (b) Attorney General.--In addition to the authority

1 conferred upon the Attorney General under the act of October 15,  
2 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,  
3 the Attorney General shall have the authority to investigate and  
4 institute criminal proceedings for any violation of this act. A  
5 person charged with a violation of this act by the Attorney  
6 General shall not have standing to challenge the authority of  
7 the Attorney General to investigate or prosecute the case and,  
8 if any such challenge is made, the challenge shall be dismissed  
9 and no relief shall be available in the courts of this  
10 Commonwealth to the person making the challenge.

11 SECTION 4 3. THE PROVISIONS OF 34 PA.C.S. § 325(D) (RELATING <—  
12 TO LIMITATION ON DISCLOSURE OF CERTAIN RECORDS) ARE REPEALED  
13 INSOFAR AS THEY ARE INCONSISTENT WITH SECTION 1(G).

14 Section ~~3-5~~ 4. Applicability. <—

15 The provisions of this act shall not apply to:

16 (1) A financial institution, as defined by section  
17 509(3) of the Gramm-Leach-Bliley Act (Public Law 106-102, 15  
18 U.S.C. § 6809(3)) or regulations adopted by agencies as  
19 designated by section 504(a) of the Gramm-Leach-Bliley Act,  
20 subject to Title V of the Gramm-Leach-Bliley Act or a  
21 "licensee" as defined by 31 Pa. Code § 146a.2 (relating to  
22 definitions).

23 (2) A covered entity, as defined by regulations  
24 promulgated at 45 CFR Pts. 160 (relating to general  
25 administrative requirements) and 164 (relating to security  
26 and privacy) pursuant to Subtitle F of the Health Insurance  
27 Portability and Accountability Act of 1996 (Public Law 104-  
28 191, ~~42 U.S.C.~~ 110 Stat. 1936). <—

29 (3) An entity subject to the Fair Credit Reporting Act  
30 (Public Law 91-508, 15 U.S.C. § 1681 et seq.).

1 Section ~~4-6~~ 5. Effective date.

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2 This act shall take effect ~~July 1, 2006~~ IN 180 DAYS.

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