

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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

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

SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 26, 2005

AN ACT

1 Relating to confidentiality of Social Security numbers.

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

4 Section 1. Privacy of Social Security numbers.

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

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

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

15 (3) Require an individual to transmit his or her Social

1 Security number over the Internet unless the connection is
2 secure or the Social Security number is encrypted.

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

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

20 (b) Exception.--Except as provided in subsection (c),
21 subsection (a) applies only to the use of Social Security
22 numbers on or after July 1, 2006.

23 (c) Use prior to July 1, 2006.--A person or entity, not
24 including a State agency or political subdivision, that has
25 used, prior to July 1, 2006, an individual's Social Security
26 number in a manner inconsistent with subsection (a) may continue
27 using that individual's Social Security number in that manner on
28 or after July 1, 2006, if all of the following conditions are
29 met:

30 (1) The use of the Social Security number is continuous.

1 If the use is stopped for any reason, subsection (a) shall
2 apply.

3 (2) The individual is provided an annual disclosure,
4 commencing in the year 2006, that informs the individual that
5 he or she has the right to stop the use of his or her Social
6 Security number in a manner prohibited by subsection (a).

7 ~~(3) A written request by an individual to stop the use~~ <—

8 (D) WRITTEN REQUESTS.--A WRITTEN REQUEST BY AN INDIVIDUAL TO <—
9 STOP THE USE of his or her Social Security number in a manner
10 prohibited by subsection (a) shall be implemented within 30 days
11 of the receipt of the request. There shall be no fee or charge
12 for ~~implementing the request.~~ <—

13 ~~(4) A person or entity or State agency or political~~
14 IMPLEMENTING THE REQUEST. A PERSON OR ENTITY OR STATE AGENCY OR <—
15 POLITICAL subdivision shall not deny services to an individual
16 because the individual makes a written request pursuant to this
17 subsection.

18 ~~(d)~~ (E) Internal verification.--This section does not <—
19 prevent the collection, use or release of a Social Security
20 number as required by Federal or State law or the use of a
21 Social Security number for internal verification, administrative
22 purposes or for law enforcement investigations.

23 ~~(e) Government documents. This section does not apply to a~~ <—
24 ~~document originating with any court or taxing authority, or any~~
25 ~~record filed, recorded or maintained by a government agency or~~
26 ~~instrumentality and is required to be open to the public.~~

27 (F) GOVERNMENT DOCUMENTS.--THIS SECTION DOES NOT APPLY TO A <—
28 DOCUMENT THAT ORIGINATES WITH, OR IS FILED, RECORDED OR
29 MAINTAINED BY ANY COURT, NOR TO A DOCUMENT THAT IS REQUIRED TO
30 BE OPEN TO THE PUBLIC AND THAT ORIGINATES WITH, OR IS FILED,

1 RECORDED OR MAINTAINED BY ANY GOVERNMENT AGENCY, INSTRUMENTALITY
2 OR TAXING AUTHORITY.

3 ~~(f)~~ (G) Penalty.--Actions in violation of this act shall be <—
4 deemed a summary offense and shall be punishable by a fine of
5 not less than \$50 and not more than \$500. Fines under this
6 section shall be distributed equally between the individual <—
7 ~~whose Social Security number was unlawfully disclosed or~~
8 ~~requested~~ CRIME VICTIM'S COMPENSATION FUND ADMINISTERED BY THE <—
9 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY and the Office
10 of Attorney General for future identity theft prevention.

11 Section 2. Criminal enforcement.

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

15 (b) Attorney General.--In addition to the authority
16 conferred upon the Attorney General under the act of October 15,
17 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
18 the Attorney General shall have the authority to investigate and
19 institute criminal proceedings for any violation of this act. A
20 person charged with a violation of this act by the Attorney
21 General shall not have standing to challenge the authority of
22 the Attorney General to investigate or prosecute the case and,
23 if any such challenge is made, the challenge shall be dismissed
24 and no relief shall be available in the courts of this
25 Commonwealth to the person making the challenge.

26 Section 3. Applicability.

27 The provisions of this act shall not apply to:

28 (1) A financial institution, as defined by section
29 509(3) of the Gramm-Leach-Bliley Act (Public Law 106-102, 15
30 U.S.C. § 6809(3)) or regulations adopted by agencies as

1 designated by section 504(a) of the Gramm-Leach-Bliley Act,
2 subject to Title V of the Gramm-Leach-Bliley Act or a
3 "licensee" as defined by 31 Pa. Code § 146a.2 (relating to
4 definitions).

5 (2) A covered entity, as defined by regulations
6 promulgated at 45 CFR Pts. 160 (relating to general
7 administrative requirements) and 164 (relating to security
8 and privacy) pursuant to Subtitle F of the Health Insurance
9 Portability and Accountability Act of 1996 (Public Law 104-
10 191, 42 U.S.C. 110 Stat. 1936).

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

13 Section 4. Effective date.

14 This act shall take effect July 1, 2006.