THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 242 Session of 2009

INTRODUCED BY TOMLINSON, CORMAN, WONDERLING, EICHELBERGER, BROWNE, BRUBAKER, WAUGH, ERICKSON, GREENLEAF, TARTAGLIONE, RAFFERTY, BAKER, FONTANA, KITCHEN, FERLO, COSTA, LOGAN, WILLIAMS, BOSCOLA, WARD AND D. WHITE, FEBRUARY 19, 2009

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, FEBRUARY 19, 2009

AN ACT

Amending the act of June 29, 2006 (P.L.281, No.60), entitled "An act relating to confidentiality of Social Security numbers; and making a related repeal," further providing for title of act; extending privacy provisions to certain confidential individual information; and further providing for applicability.

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

Section 1. The title of the act of June 29, 2006 (P.L.281, No.60), entitled "An act relating to confidentiality of Social Security numbers; and making a related repeal," is amended to read:

AN ACT

Relating to confidentiality of Social Security numbers and other individual information; and making a related repeal.

Section 2. Sections 1 and 4 of the act are amended to read:

Section 1. Privacy of [Social Security numbers] confidential individual information.

(a) General rule.--A person or entity or State agency or
(1) Publicly post or publicly display in any manner [an individual's Social Security number] confidential individual information. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

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

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

(4) Require an individual to use [his or her Social Security number] confidential individual information 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) (i) Print [an individual's Social Security number] confidential individual information on any materials that are mailed to the individual unless Federal or State law requires the [Social Security number] confidential individual information to be on the document to be mailed.

(ii) Notwithstanding [this provision, Social Security numbers] subparagraph (i), confidential individual information 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] confidential individual
information. Confidential individual information 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, except to the agency issuing
the license, [the Social Security number] confidential
individual information of an individual who applies for a
recreational license. For the purposes of this paragraph, a
"recreational license" means a license issued pursuant to 30
Pa.C.S. (relating to fish) or 34 Pa.C.S. (relating to game).

(b) Applicability.--Except as provided in subsection (c),
subsection (a) applies only to the use of [Social Security
numbers] confidential individual information on or after the
effective date of this section.

(c) Exception.--

(1) A person or entity, not including a State agency or
political subdivision, that has used, prior to the effective
date of this section, [an individual's Social Security
number] confidential individual information in a manner
inconsistent with subsection (a) may continue using that
[individual's Social Security number] confidential individual
information in that manner on or after the effective date of
this section, if all of the following conditions are met:

(i) The use of the [Social Security number]
confidential individual information is continuous. If the
use is stopped for any reason, subsection (a) shall apply.

(ii) The individual is provided an annual disclosure, commencing in the year after the effective date of this section, that informs the individual that he or she has the right to stop the use of his or her Social Security number confidential individual information in a manner prohibited by subsection (a).

(2) An individual who receives an annual disclosure under paragraph (1) has the right to stop the use of his or her Social Security number confidential individual information in a manner prohibited by subsection (a) and must exercise that right by submitting a written request to the person or entity. The person or entity shall discontinue use of the individual's Social Security number confidential individual information within 30 days of the receipt of the request. There shall be no fee or charge for complying with the request. A person or entity shall not deny services to an individual because the individual makes a written request pursuant to this subsection.

(d) Construction.--This section shall not be construed to prevent the collection, use or release of Social Security number confidential individual information as required by Federal or State law or the use of Social Security number confidential individual information for internal verification, administrative purposes or for law enforcement investigations.

(e) Unified judicial system documents.--This section does not apply to a document that originated with, or is filed with, recorded in or is maintained by any court component or part of the unified judicial system.
(f) Government documents.—This section does not apply to any document that:

(1) is required by law to be open to the public; and

(2) originates with, or is filed, recorded or maintained by any government agency, instrumentality or taxing authority.

(g) Penalty.—Actions in violation of this act shall be deemed a summary offense and shall be punishable by a fine of not less than $50 and not more than $500 and, for every second or subsequent violation, by a fine of not less than $500 and not more than $5,000. Fines under this section shall be distributed equally between the Crime Victim's Compensation Fund administered by the Pennsylvania Commission on Crime and Delinquency and the Office of Attorney General for future identity theft prevention.

(h) Definition.—For purposes of this act, "confidential individual information" means the Social Security number, date of birth, driver's license number and financial institution account number of an individual.

Section 4. Applicability.

The provisions of this act shall not apply, to the extent preempted by Federal law, to:

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

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

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

Section 3. This act shall take effect in 60 days.