

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

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, APRIL 4, 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
16 Security number over the Internet unless the connection is

1 secure or the Social Security number is encrypted.

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

6 (5) Print an individual's Social Security number on any
7 materials that are mailed to the individual unless Federal or
8 State law requires the Social Security number to be on the
9 document to be mailed. Notwithstanding this provision,
10 applications and forms sent by mail may include Social
11 Security numbers.

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

15 (c) Use prior to July 1, 2006.--A person or entity, not
16 including a State agency or political subdivision, that has
17 used, prior to July 1, 2006, an individual's Social Security
18 number in a manner inconsistent with subsection (a) may continue
19 using that individual's Social Security number in that manner on
20 or after July 1, 2006, if all of the following conditions are
21 met:

22 (1) The use of the Social Security number is continuous.
23 If the use is stopped for any reason, subsection (a) shall
24 apply.

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

29 (3) A written request by an individual to stop the use
30 of his or her Social Security number in a manner prohibited

1 by subsection (a) shall be implemented within 30 days of the
2 receipt of the request. There shall be no fee or charge for
3 implementing the request.

4 (4) A person or entity or State agency or political
5 subdivision shall not deny services to an individual because
6 the individual makes a written request pursuant to this
7 subsection.

8 (d) Internal verification.--This section does not prevent
9 the collection, use or release of a Social Security number as
10 required by Federal or State law or the use of a Social Security
11 number for internal verification, administrative purposes or for
12 law enforcement investigations.

13 (e) Government documents.--This section does not apply to a
14 document originating with any court or taxing authority, or any
15 record filed, recorded or maintained by a government agency or
16 instrumentality and is required to be open to the public.

17 (f) 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. Fines under this
20 section shall be distributed equally between the individual
21 whose Social Security number was unlawfully disclosed or
22 requested and the Office of Attorney General for future identity
23 theft prevention.

24 Section 2. Applicability.

25 The provisions of this act shall not apply to:

26 (1) A financial institution, as defined by section
27 509(3) of the Gramm-Leach-Bliley Act (Public Law 106-102, 15
28 U.S.C. § 6809(3)) or regulations adopted by agencies as
29 designated by section 504(a) of the Gramm-Leach-Bliley Act,
30 subject to Title V of the Gramm-Leach-Bliley Act.

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

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

9 Section 3. Effective date.

10 This act shall take effect July 1, 2006.