

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 WONDERLING, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED,
JUNE 13, 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 ~~may include Social Security numbers.~~, INCLUDING <—

13 DOCUMENTS SENT AS PART OF AN APPLICATION OR ENROLLMENT

14 PROCESS OR TO ESTABLISH, AMEND OR TERMINATE AN ACCOUNT,

15 CONTRACT OR POLICY OR TO CONFIRM THE ACCURACY OF THE SOCIAL

16 SECURITY NUMBER. A SOCIAL SECURITY NUMBER THAT IS PERMITTED

17 TO BE MAILED UNDER THIS SECTION MAY NOT BE PRINTED, IN WHOLE

18 OR IN PART, ON A POSTCARD OR OTHER MAILER NOT REQUIRING AN

19 ENVELOPE, OR VISIBLE ON THE ENVELOPE OR WITHOUT THE ENVELOPE

20 HAVING BEEN OPENED.

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

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

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

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

8 (3) A written request by an individual to stop the use
9 of his or her Social Security number in a manner prohibited
10 by subsection (a) shall be implemented within 30 days of the
11 receipt of the request. There shall be no fee or charge for
12 implementing the request.

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

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

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

26 (f) Penalty.--Actions in violation of this act shall be
27 deemed a summary offense and shall be punishable by a fine of
28 not less than \$50 and not more than \$500. Fines under this
29 section shall be distributed equally between the individual
30 whose Social Security number was unlawfully disclosed or

1 requested and the Office of Attorney General for future identity
2 theft prevention.

3 SECTION 2. CRIMINAL ENFORCEMENT. <—

4 (A) DISTRICT ATTORNEYS.--THE DISTRICT ATTORNEYS OF THE
5 SEVERAL COUNTIES SHALL HAVE AUTHORITY TO INVESTIGATE AND TO
6 INSTITUTE CRIMINAL PROCEEDINGS FOR ANY VIOLATION OF THIS ACT.

7 (B) ATTORNEY GENERAL.--IN ADDITION TO THE AUTHORITY
8 CONFERRED UPON THE ATTORNEY GENERAL UNDER THE ACT OF OCTOBER 15,
9 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT,
10 THE ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO INVESTIGATE AND
11 INSTITUTE CRIMINAL PROCEEDINGS FOR ANY VIOLATION OF THIS ACT. A
12 PERSON CHARGED WITH A VIOLATION OF THIS ACT BY THE ATTORNEY
13 GENERAL SHALL NOT HAVE STANDING TO CHALLENGE THE AUTHORITY OF
14 THE ATTORNEY GENERAL TO INVESTIGATE OR PROSECUTE THE CASE AND,
15 IF ANY SUCH CHALLENGE IS MADE, THE CHALLENGE SHALL BE DISMISSED
16 AND NO RELIEF SHALL BE AVAILABLE IN THE COURTS OF THIS
17 COMMONWEALTH TO THE PERSON MAKING THE CHALLENGE.

18 Section 2 3. Applicability. <—

19 The provisions of this act shall not apply to:

20 (1) A financial institution, as defined by section
21 509(3) of the Gramm-Leach-Bliley Act (Public Law 106-102, 15
22 U.S.C. § 6809(3)) or regulations adopted by agencies as
23 designated by section 504(a) of the Gramm-Leach-Bliley Act,
24 subject to Title V of the Gramm-Leach-Bliley Act OR A <—
25 "LICENSEE" AS DEFINED BY 31 PA. CODE § 146A.2 (RELATING TO
26 DEFINITIONS).

27 (2) A covered entity, as defined by regulations
28 promulgated at 45 CFR Pts. 160 (relating to general
29 ~~administration~~ ADMINISTRATIVE requirements) and 164 (relating <—
30 to security and privacy) pursuant to Subtitle F of the Health

1 Insurance Portability and Accountability Act of 1996 (Public
2 Law 104-191, 42 U.S.C. 110 Stat. 1936).

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

5 Section 3 4. Effective date.

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6 This act shall take effect July 1, 2006.