

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

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 18, 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, Social
10 Security numbers may be included in applications and forms
11 sent by mail, including documents sent as part of an
12 application or enrollment process or to establish, amend or
13 terminate an account, contract or policy or to confirm the
14 accuracy of the Social Security number. A Social Security
15 number that is permitted to be mailed under this section may
16 not be printed, in whole or in part, on a postcard or other
17 mailer not requiring an envelope, or visible on the envelope
18 or without the envelope having been opened.

19 (6) DISCLOSE IN ANY MANNER WHATSOEVER THE SOCIAL
20 SECURITY NUMBER OF AN INDIVIDUAL WHO APPLIES FOR A
21 RECREATIONAL LICENSE. FOR THE PURPOSES OF THIS PARAGRAPH, A
22 "RECREATIONAL LICENSE" MEANS A HUNTING LICENSE ISSUED
23 PURSUANT TO 34 PA.C.S. (RELATING TO GAME) OR A FISHING
24 LICENSE PURSUANT TO 30 PA.C.S (RELATING TO FISH).

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

28 (c) Use prior to July 1, 2006.--A person or entity, not
29 including a State agency or political subdivision, that has
30 used, prior to July 1, 2006, an individual's Social Security

1 number in a manner inconsistent with subsection (a) may continue
2 using that individual's Social Security number in that manner on
3 or after July 1, 2006, if all of the following conditions are
4 met:

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

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

12 (d) Written requests.--A written request by an individual to
13 stop the use of his or her Social Security number in a manner
14 prohibited by subsection (a) shall be implemented within 30 days
15 of the receipt of the request. There shall be no fee or charge
16 for implementing the request. A person or entity or State agency
17 or political subdivision shall not deny services to an
18 individual because the individual makes a written request
19 pursuant to this subsection.

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

25 (f) Government documents.--This section does not apply to a
26 document that originates with, or is filed, recorded or
27 maintained by any court, nor to a document that is required to
28 be open to the public and that originates with, or is filed,
29 recorded or maintained by any government agency, instrumentality
30 or taxing authority.

1 (g) Penalty.--Actions in violation of this act shall be
2 deemed a summary offense and shall be punishable by a fine of
3 not less than \$50 and not more than \$500. Fines under this
4 section shall be distributed equally between the Crime Victim's
5 Compensation Fund administered by the Pennsylvania Commission on
6 Crime and Delinquency and the Office of Attorney General for
7 future identity theft prevention.

8 Section 2. Criminal enforcement.

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

12 (b) Attorney General.--In addition to the authority
13 conferred upon the Attorney General under the act of October 15,
14 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
15 the Attorney General shall have the authority to investigate and
16 institute criminal proceedings for any violation of this act. A
17 person charged with a violation of this act by the Attorney
18 General shall not have standing to challenge the authority of
19 the Attorney General to investigate or prosecute the case and,
20 if any such challenge is made, the challenge shall be dismissed
21 and no relief shall be available in the courts of this
22 Commonwealth to the person making the challenge.

23 Section 3. Applicability.

24 The provisions of this act shall not apply to:

25 (1) A financial institution, as defined by section
26 509(3) of the Gramm-Leach-Bliley Act (Public Law 106-102, 15
27 U.S.C. § 6809(3)) or regulations adopted by agencies as
28 designated by section 504(a) of the Gramm-Leach-Bliley Act,
29 subject to Title V of the Gramm-Leach-Bliley Act or a
30 "licensee" as defined by 31 Pa. Code § 146a.2 (relating to

1 definitions).

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

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

10 Section 4. Effective date.

11 This act shall take effect July 1, 2006.