
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 313 Session of
2011

INTRODUCED BY TOMLINSON, BROWNE, ALLOWAY, KITCHEN, ORIE,
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FERLO, COSTA, BREWSTER, KASUNIC AND BRUBAKER,
JANUARY 28, 2011

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, JANUARY 28, 2011

AN ACT

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

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

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

13 AN ACT

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

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

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

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

3 (1) Publicly post or publicly display in any manner [an
4 individual's Social Security number] confidential individual
5 information. "Publicly post" or "publicly display" means to
6 intentionally communicate or otherwise make available to the
7 general public.

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

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

17 (4) Require an individual to use [his or her Social
18 Security number] confidential individual information to
19 access an Internet website unless a password or unique
20 personal identification number or other authentication device
21 is also required to access the website.

22 (5) (i) Print [an individual's Social Security number]
23 confidential individual information on any materials that
24 are mailed to the individual unless Federal or State law
25 requires the [Social Security number] confidential
26 individual information to be on the document to be
27 mailed.

28 (ii) Notwithstanding [this provision, Social
29 Security numbers] subparagraph (i), confidential
30 individual information may be included in applications

1 and forms sent by mail, including documents sent as part
2 of an application or enrollment process or to establish,
3 amend or terminate an account, contract or policy or to
4 confirm the accuracy of the [Social Security number. A
5 Social Security number] confidential individual
6 information. Confidential individual information that is
7 permitted to be mailed under this section may not be
8 printed, in whole or in part, on a postcard or other
9 mailer not requiring an envelope, or visible on the
10 envelope or without the envelope having been opened.

11 (6) Disclose in any manner, except to the agency issuing
12 the license, [the Social Security number] confidential
13 individual information of an individual who applies for a
14 recreational license. For the purposes of this paragraph, a
15 "recreational license" means a license issued pursuant to 30
16 Pa.C.S. (relating to fish) or 34 Pa.C.S. (relating to game).

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

21 (c) Exception.--

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

30 (i) The use of the [Social Security number]

1 confidential individual information is continuous. If the
2 use is stopped for any reason, subsection (a) shall
3 apply.

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

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

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

28 (e) Unified judicial system documents.--This section does
29 not apply to a document that originated with, or is filed with,
30 recorded in or is maintained by any court component or part of

1 the unified judicial system.

2 (f) Government documents.--This section does not apply to
3 any document that:

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

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

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

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

21 Section 4. Applicability.

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

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

1 (2) A covered entity, as defined by regulations
2 promulgated at 45 CFR Pts. 160 (relating to general
3 administrative 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
6 104-191, 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. This act shall take effect in 60 days.