

## No. 2006-60

## AN ACT

## SB 601

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

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

Section 1. Privacy of Social Security numbers.

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

(1) Publicly post or publicly display in any manner an individual's Social Security number. "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 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 over the Internet unless the connection is secure or the Social Security number is encrypted.

(4) Require an individual to use his or her Social Security number 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) Print an individual's Social Security number on any materials that are mailed to the individual unless Federal or State law requires the Social Security number to be on the document to be mailed. Notwithstanding this provision, Social Security numbers 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 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 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 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 in a manner inconsistent with subsection (a) may continue using that individual's Social Security number 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 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 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 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 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 a Social Security number as required by Federal or State law or the use of a Social Security number 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.

**Section 2. Criminal enforcement.**

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

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

**Section 3. Repeal.**

The provisions of 34 Pa.C.S. § 325(d) (relating to limitation on disclosure of certain records) are repealed insofar as they are inconsistent with section 1(g).

**Section 4. Applicability.**

The provisions of this act shall not apply 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 5. Effective date.**

This act shall take effect in 180 days.

APPROVED—The 29th day of June, A.D. 2006.

EDWARD G. RENDELL