

Judiciary Committee Public Hearing

March 5, 2007

Senate Bill 821

AN ACT REQUIRING A DISCLOSURE STATEMENT WHEN A STATE OR LOCAL GOVERNMENT AGENCY REQUESTS AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.

Chairman McDonald, Chairman Lawlor and members of the Judiciary Committee:

My name is Rick Taff and I am a constituent of Senator Mary Ann Handley who introduced SB 821.

I wish to explain the origins of this bill and why it is before you today.

Last fall, I filled out a form to register for an adult education, non-credit "French for Beginners" course at Manchester Community College.

The registration form requested the usual information such as my name, address and telephone number, but it also requested that I provide my Social Security Number. I could think of no reason why the college would need my Social Security Number for an adult education French class.

The form also requested my birth date which made me even more reluctant to provide a Social Security number. A Social Security number combined with a birth date and other personally identifying information could easily result in identity theft if that information fell into the wrong hands.

I decided to do a little research on the authority of government agencies to request Social Security numbers.

This research soon led me to the Federal Privacy Act of 1974, Public Law 93-579.

Section 7 of that act, uncodified but appearing as 5 United States Code 552a, *note*, provides in subsection (a) that a Federal, State or local

government agency may, under certain circumstances, require the disclosure of an individual's Social Security number.

However, subsection (b) of section 7 then provides:

"(b) Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will made of it."

The legislative history of this provision demonstrates that although government agencies might be authorized to request an individual's Social Security number, Congress wanted citizens to be able to make an informed choice before they provided their Social Security number to a government agency. Hence the requirement that an agency disclose certain things when it requests a Social Security number.

Since Manchester Community College did not have a disclosure statement in their registration form, or even an asterisk informing a registrant to look elsewhere for such a disclosure statement, it seemed to me that the college was not in compliance with this federal law.

But Manchester Community College was not alone in failing to include this federally-required disclosure statement. I checked the University of Connecticut website and found a similar registration form that also did not have the required disclosure statement.

Just to ensure that I wasn't missing something, I did some additional Internet research and found colleges in other states with privacy policies that specifically acknowledged the requirements of section 7(b) of the Federal Privacy Act of 1974 and incorporated disclosure statements in their forms and applications.

I also found other documents that indicated that the disclosure statement requirement of Section 7(b) is still "good law" and applicable to state agencies. For example, I came across a letter from the United States Department of Health and Human Services dated September 9, 2005, reminding all state IV-D agencies of the requirements of Section 7(b) and urging them to examine their child support forms to ensure that the forms carry the requisite disclosure statement.

I did some legal research and likewise found court cases that applied Section 7(b) and faulted government agencies in other states for failing to comply with its disclosure requirements.

Since Senator Mary Ann Handley is my state senator and also a former teacher at Manchester Community College, I thought that she might be interested in this issue. So I wrote a letter to Sen. Handley and to the Attorney General's office, explaining what I had discovered and that it seemed to me, after my cursory research, that colleges and other state and local government agencies were failing to comply with the Federal Privacy Act when they requested an individual's Social Security number for various government programs and services.

I thought that perhaps the enactment of a state law tracking the language of section 7(b) of the Federal Privacy Act would cause state and local agencies to become more aware of this issue and not automatically request an individual's Social Security number in the same manner that they request a telephone number or an email address. It would make these agencies stop and think about whether they really needed the number to carry out their governmental function and, if they did, make them disclose to the individual their authority for requesting the number and what uses they would make of it.

Such a disclosure statement would serve to allow an individual to make an informed decision whether or not to disclose his or her Social Security number.

In these days of concern over individual privacy and identity theft, I thought more disclosure by government agencies could only be a good thing.

Senator Handley was kind enough to introduce a bill tracking the language of Section 7(b) of the Federal Privacy Act of 1974, and that bill is SB 821 before you today.

Thank you.