



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Deborah J. Fuller
Judiciary Committee
March 14, 2008**

Senate Bill 671, An Act Concerning Identify Theft

Thank you for the opportunity to testify on behalf of the Judicial Branch regarding *Senate Bill 671, An Act Concerning Identify Theft*. This bill has a laudable purpose, but I wanted to bring to the Committee's attention some of the implementation issues that it engenders. Many of these issues arise from the fact that it would apply not only to records that have been recently created, but also to records that that were created in the past. Older records may contain social security numbers, because they were created at a time when the concern about identity theft and disclosure of social security numbers was not as prominent as it is now. This could be a problem.

Section 2 creates a financial penalty for the unauthorized disclosure of social security number information by a state agency. It is unclear what the term "unauthorized disclosure" means, as it is not defined in the bill. Depending on how the term "unauthorized disclosure" is defined, this may create an obstacle for the Judicial Branch when deciding whether to allow online access to scanned court documents, because the Branch has little control over what personal identifiers are contained on exhibits or on documents created by litigants. Many of our criminal files contain social security numbers. Would allowing the public access to criminal files be illegal? Would each file have to be redacted? While we can remove social security numbers from our files prospectively, there are millions of files in storage that may include it. Reviewing

these documents and redacting social security numbers en masse would be a very large project that would take considerable time and effort and would create a real hardship for us given our current shortage of Court Operations staff.

Section 3 gives injured persons the right to bring a civil action against the state for negligent, reckless or intentional disclosure of all personal identifying information listed in C.G.S. Sec. 53a-129a (this particular statute not only includes social security numbers, but also name, date of birth, motor vehicle operator's license number, etc.). This may also have a chilling effect on the amount and types of court records the Branch decides to make available online.

We would be happy to work with the Committee to craft language that would address these issues. Thank you for your consideration.