



Senate

General Assembly

File No. 718

January Session, 2009

Substitute Senate Bill No. 1090

Senate, April 20, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE COLLECTION AND DISCLOSURE OF SOCIAL SECURITY NUMBERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) Any department, board,
2 commission, institution or other agency of the state or any political
3 subdivision of the state that requests an individual to disclose such
4 individual's Social Security number shall inform such individual: (1)
5 Whether such disclosure is mandatory or voluntary, (2) by what
6 statutory or other authority such number is requested, and (3) what
7 uses will be made of such number.

8 Sec. 2. Section 42-471 of the general statutes is repealed and the
9 following is substituted in lieu thereof (*Effective October 1, 2009*):

10 (a) As used in this section, "personal information" means
11 information capable of being associated with a particular individual
12 through one or more identifiers, including, but not limited to, a Social
13 Security number, a driver's license number, a state identification card

14 number, an account number, a credit or debit card number, a passport
15 number, an alien registration number or a health insurance
16 identification number, and does not include publicly available
17 information that is lawfully made available to the general public from
18 federal, state or local government records or widely distributed media.

19 [(a)] (b) Any person in possession of personal information of
20 another person shall safeguard the data, computer files and documents
21 containing the information from misuse by third parties, and shall
22 destroy, erase or make unreadable such data, computer files and
23 documents prior to disposal.

24 [(b)] (c) Any person who collects Social Security numbers in the
25 regular course of business [shall create a privacy protection policy
26 which shall be published or publicly displayed. For purposes of this
27 subsection, "publicly displayed" includes, but is not limited to, posting
28 on an Internet web page. Such policy] shall: (1) Protect the
29 confidentiality of [Social Security] such numbers, (2) prohibit unlawful
30 disclosure of [Social Security] such numbers, and (3) limit access to
31 [Social Security] such numbers. Such person shall adopt a privacy
32 policy, or amend an existing privacy policy, to set forth the measures
33 such person takes to ensure that the requirements of subdivisions (1) to
34 (3), inclusive, of this subsection are met. Such person shall make such
35 policy available on such person's Internet web site or, if such person
36 does not have an Internet web site, shall provide such policy to any
37 individual upon request.

38 [(c) As used in this section, "personal information" means
39 information capable of being associated with a particular individual
40 through one or more identifiers, including, but not limited to, a Social
41 Security number, a driver's license number, a state identification card
42 number, an account number, a credit or debit card number, a passport
43 number, an alien registration number or a health insurance
44 identification number, and does not include publicly available
45 information that is lawfully made available to the general public from
46 federal, state or local government records or widely distributed

47 media.]

48 (d) For persons who hold a license, registration or certificate issued
49 by a state agency other than the Department of Consumer Protection,
50 this section shall be enforceable only by such other state agency
51 pursuant to such other state agency's existing statutory and regulatory
52 authority.

53 (e) Any person [or entity that] who violates the provisions of
54 subsection (b) or (c) of this section shall be subject to a civil penalty of
55 five hundred dollars for each violation, provided such civil penalty
56 shall not exceed five hundred thousand dollars for any single event. It
57 shall not be a violation of this section if such violation was
58 unintentional. The Attorney General shall institute a civil action to
59 recover such penalty.

60 (f) The provisions of this section shall not apply to any agency or
61 political subdivision of the state.

62 [(g) Any civil penalties received pursuant to this section shall be
63 deposited into the privacy protection guaranty and enforcement
64 account established pursuant to section 19 of substitute senate bill 30 of
65 the February 2008, regular session.]

66 (g) The Department of Consumer Protection shall adopt regulations,
67 in accordance with chapter 54, to implement the provisions of this
68 section including prescribing best practices for data protection and
69 data disposal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section
Sec. 2	October 1, 2009	42-471

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Various State Agencies	GF - Cost	Minimal	None
Attorney General	GF - Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
All Municipalities	STATE MANDATE - Cost	Minimal	None

Explanation

State and municipal agencies will incur a one-time, minimal cost to change various paper and electronic forms, update web sites, and provide signage to notify individuals in accordance with the bill. Additionally the bill results in a potential revenue gain due to civil penalties which could be imposed on violators by the Attorney General.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis

sSB 1090

AN ACT CONCERNING THE COLLECTION AND DISCLOSURE OF SOCIAL SECURITY NUMBERS.

SUMMARY:

This bill requires government entities that request Social Security numbers to tell the people being asked (1) if the disclosure is mandatory or voluntary, (2) the legal authority for the request, and (3) how the numbers will be used. The requirement applies to state departments, boards, commissions, institutions, and other agencies and political subdivisions.

By law, anyone who collects Social Security numbers in the course of business must create a privacy protection policy and publish or publicly display it. The bill (1) limits the requirement to people who collect the numbers in the regular course of business, (2) requires them to include in the policy the steps they will take to protect the numbers from disclosure, and (3) specifically requires them to provide a copy of the policy upon request.

The bill requires the attorney general to bring a civil action to recover the penalty that may be imposed against intentional violators of the privacy protection policy requirement and eliminates the requirement that the civil penalties be deposited into the privacy protection guaranty and enforcement account. This account does not exist. By law, intentional violators are subject to a civil penalty of \$500 for each violation, up to a maximum of \$500,000 per event.

Lastly, the bill requires the Department of Consumer Protection to adopt implementing regulations and include in them best practices for data protection and data disposal.

EFFECTIVE DATE: October 1, 2009

BACKGROUND

Protection of Social Security Numbers in the Course of Business

Anyone who collects Social Security numbers in the course of business must create a privacy protection policy that must be published or publicly displayed, which includes posting it on an Internet web page. The policy must ensure confidentiality of Social Security numbers, prohibit their unlawful disclosure, and limit access to them.

Prohibition Against Publicly Disclosing Social Security Numbers

With certain exceptions, the law prohibits individuals and businesses from publicly disclosing Social Security numbers. The prohibition does not prevent the numbers from being (1) collected, used, or released as required by state or federal law or (2) used for internal verification or administrative purposes (CGS § 42-470).

The law also prohibits:

1. intentionally communicating or otherwise making available to the general public an individual's Social Security number;
2. printing anyone's Social Security number on a card that the person or entity must use to access the person or entity's products or services;
3. requiring anyone to transmit his or her Social Security number over the Internet, unless the connection is secure or the number is encrypted; or
4. requiring anyone to use his or her Social Security number to access an Internet web site, unless a password or unique personal identification number or other authentication is also required to access it.

Related Bill

SB 838, favorably reported by the General Law Committee, makes changes to the identity theft crimes and places restrictions on the dissemination of personally identifying information.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/31/2009)