

Right to Know Advisory Committee
 REVISED PROPOSED DRAFT
 Protection of Social Security Numbers

Original draft	Comments
<p>Sec. 1. 1 MRSA §402, sub-§3, ¶N is amended to read:</p> <p style="padding-left: 40px;">N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife <u>an agency or official</u>. <u>Subchapter 2-A applies to the protection of Social Security numbers in the possession of an agency or official</u>; and</p>	
<p>Sec. 2. 1 MRSA §410 is amended to read:</p> <p>§410. Violations</p> <p>For every willful violation of this subchapter <u>or subchapter 2-A</u>, the state government agency or local government entity whose officer or employee committed the violation shall be <u>is</u> liable for a civil violation for which a forfeiture of not more than \$500 may be adjudged.</p>	
<p>Sec. 3. 1 MRSA c. 13, sub-c. 2-A is enacted to read:</p> <p style="text-align: center;"><u>SUBCHAPTER 2-A</u> <u>PROTECTION OF SOCIAL SECURITY NUMBERS</u></p> <p><u>§461. Collection and disclosure of Social Security numbers</u></p>	

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1. Collection of Social Security number; prohibition; collection practice. An agency or official of this State or any of its political subdivisions may not collect an individual's Social Security number unless specifically required by state or federal law or court order. When an agency or official is required to collect an individual's Social Security number, the agency or official shall collect and maintain the Social Security number in manner that facilitates preserving the confidentiality of the Social Security number when it is contained in or associated with an otherwise public record.

- What does “collect” mean?
 - Collect document, and it contains SSN
- Collection of SSN “specifically required” is too narrow
- Phrasing the statute in the negative requires amending other statutes to enable existing government operations to continue. Simpler to declare that all government agencies are authorized to collect in order to positively ID or locate information or to contact a person; the prohibit unauthorized release
- The legislation should allow SSNs to be collected for workers’ compensation case tracking purposes and the like, but make it clear that disclosure of SSNs is strictly prohibited.
- Need lead-time
- Many times SSNs are collected because required by a federal agency, but not all of it is in law; federal regulations require the collection, and some collection is required by the federal agency on its own authority
- Cover independent authorities, too?
- Dept. of Audit’s work cuts across all State agencies and State and Federal programs; would need court orders or change in statute
- Limit collection to federal or state law or rule or court order, or for criminal justice purposes
- Registries of Deeds are required to file documents that may or may not have SSNs - conflicts with statute that says

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	<p>cannot redact unless specifically requested?</p> <ul style="list-style-type: none"> • Change to “authorized” to collect rather than “required” to collect • Allow collection “for the purpose of carrying out the agency’s or official’s licensing, examination or investigative responsibilities • Include: unless the SSN is required in connection with an application for or administration of a loan or other financial assistance through the agency or official, or is an application to open or the administration of an account under T. 20, c. 417-E
<p><u>2. Nondisclosure of Social Security number.</u> Except as provided in subsection 3, an agency or official:</p>	
<p><u>A. May not disclose an individual’s Social Security number if that Social Security number was collected on or after January 1, 2011; and</u></p>	<ul style="list-style-type: none"> • In conflict with Registries of Deeds statute that does not allow altering a document? • Is this giving the agency the option?
<p><u>B. May redact or otherwise refuse to disclose an individual’s Social Security number that was collected prior to January 1, 2011.</u></p>	<ul style="list-style-type: none"> • In conflict with Registries of Deeds statute that does not allow altering a document? • Is the expectation that agencies go back into files and redact SSNs?
<p><u>3. Permitted disclosure of Social Security numbers.</u> An agency or official may disclose the Social Security number of an individual only in the following</p>	

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<p><u>circumstances.</u></p>	
<p><u>A. An agency or official may disclose the Social Security number of an individual when the disclosure is expressly required by state or federal law or a court order.</u></p>	<ul style="list-style-type: none"> • In conflict with Registries of Deeds statute that does not allow altering a document?
<p><u>B. A state or local law enforcement agency may, for purposes of furthering an investigation, disclose the Social Security number of an individual to any individual, state, local or federal agency or other legal entity.</u></p>	<ul style="list-style-type: none"> • Too narrow - many agencies need information, validation, conduct investigations that are not law enforcement agencies (change to “regulatory agency?”) • Allows disclosure to anyone? • Any way to make this a pilot project to see if it works? • Dept. of Audit must disclose fraud to federal authorities (USGAO standards) • Change “law enforcement agency” to “criminal justice agency”
<p><u>C. An agency or official may disclose the Social Security number of an individual when the individual expressly consents in writing to the disclosure.</u></p>	<ul style="list-style-type: none"> • Delete “expressly” • Expand to consent to disclosure of non-public personal information • Add new ¶: D. A criminal justice agency may disseminate the SSN of an individual to another criminal justice agency for criminal justice purposes • Add new ¶: D. An agency or official may disclose the SSN of an individual

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for purposes of carrying out the agency's or official's licensing, examination or investigative responsibilities

- Add new ¶: D. An agency or official may disclose the SSN of an individual to a credit reporting agency when permitted to obtain a credit report from, or to report or receive other information to or from a credit reporting agency under the Fair Credit Reporting Act or other applicable law
- Add a new ¶: E. An agency or official may disclose the SSN of an individual in connection with the agency's or officials activities related to the application, processing, servicing, reporting or collecting of a loan under the Federal Family Education Loan Program
- Add a new ¶: F. An agency or official may disclose the SSN of an individual to the Maine Bureau of Revenue Services in connection with collecting an obligation to such agency, and entitle to have obligation offset from any tax refund
- Add a new ¶: G. An agency or official may disclose the SSN of an individual to the Maine Bureau of Revenue Services in connection with administration of certain benefits under T. 20-A, c. 417-E to verify eligibility
- Add a new ¶: H. An agency or official may disclose the SSN of an individual collected in connection with the opening or administration of an account under T. 20-A, c. 417-E

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	<ul style="list-style-type: none">• Add a new ¶: I. An agency or official may disclose the SSN of an individual in connection with any audits or other procedures conducted for the agency related to the agency's financial statements or records of any programs administered by the agency or any benefits awarded by the agency
<p><u>4. Compliance.</u> <u>An agency or official complies with this section if the agency or official either removes or completely and permanently obscures a Social Security number on a public record before disclosing the public record.</u></p>	<ul style="list-style-type: none">• Applies only after 1/1/11?
<p><u>5. Notice.</u> <u>If an agency or official discloses a Social Security number in violation of this section, the agency or official shall provide notice to the person whose Social Security number was disclosed as in Title 10, chapter 210-B.</u></p>	<ul style="list-style-type: none">• Applies only after 1/1/11?• Do the penalties of Title 10, c. 210-B apply, as well?
	<p>Note:</p> <ul style="list-style-type: none">• Federal criminal justice agencies routinely provide SSNs to the State Bureau of Identification when providing criminal history record information regarding individual• It is standard practice for the Maine Secretary of State's Office, Bureau of Motor Vehicles to provide SSNs to law enforcement agencies when such agencies request a driving history

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record report regarding any given
individual

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