S T A T E O F N E W Y O R K

4558

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. JAFFEE, GALEF, SPANO -- Multi-Sponsored by -- M. of A. DelMONTE, DINOWITZ, GUNTHER, MOLINARO, REILLY, SWEENEY -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the public posting or display of a person's social security account number

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 399-ff to read as follows:

S 399-FF. PROHIBIT PUBLIC POSTING OR DISPLAY OF A PERSON'S SOCIAL SECURITY ACCOUNT NUMBER. 1. AS USED IN THIS SECTION, THE TERM "SOCIAL SECURITY ACCOUNT NUMBER" SHALL INCLUDE THE NUMBER ISSUED BY THE FEDERAL SOCIAL SECURITY ADMINISTRATION AND ANY NUMBER DERIVED FROM SUCH NUMBER.

2. A PERSON OR ENTITY SHALL NOT DO ANY OF THE FOLLOWING:

(A) PUBLICLY POST OR PUBLICLY DISPLAY IN ANY MANNER A PERSON'S SOCIAL SECURITY NUMBER. FOR THE PURPOSES OF THIS SECTION, THE TERM "PUBLICLY POST" OR "PUBLICLY DISPLAY" MEANS TO INTENTIONALLY COMMUNICATE OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC.

(B) PRINT A PERSON'S SOCIAL SECURITY NUMBER ON ANY CARD REQUIRED FOR SUCH PERSON TO ACCESS PRODUCTS OR SERVICES PROVIDED BY THE PERSON OR ENTITY.

(C) REQUIRE A PERSON TO TRANSMIT HIS OR HER SOCIAL SECURITY NUMBER OVER THE INTERNET, UNLESS THE CONNECTION IS SECURE OR THE SOCIAL SECURITY NUMBER IS ENCRYPTED.

(D) REQUIRE A PERSON 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 DEVICE IS ALSO REQUIRED TO ACCESS THE INTERNET WEB SITE.

(E) PRINT A PERSON'S SOCIAL SECURITY NUMBER ON ANY MATERIALS THAT ARE MAILED TO SUCH PERSON, UNLESS STATE OR FEDERAL LAW REQUIRES THE SOCIAL SECURITY NUMBER TO BE ON THE DOCUMENT TO BE MAILED. NOTWITHSTANDING THIS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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PARAGRAPH, 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.

3. THIS SECTION SHALL NOT PREVENT THE COLLECTION, USE OR RELEASE OF A SOCIAL SECURITY NUMBER AS REQUIRED BY STATE OR FEDERAL LAW OR THE USE OF A SOCIAL SECURITY NUMBER FOR INTERNAL VERIFICATION OR ADMINISTRATIVE PURPOSES.

4. A PERSON OR ENTITY MAY NOT ENCODE OR EMBED A SOCIAL SECURITY NUMBER IN OR ON A CARD OR DOCUMENT, INCLUDING, BUT NOT LIMITED TO, USING A BAR CODE, CHIP, MAGNETIC STRIP, OR OTHER TECHNOLOGY, IN PLACE OF REMOVING THE SOCIAL SECURITY NUMBER, AS REQUIRED BY THIS SECTION.

5. EACH VIOLATION OF ANY PROVISION OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF ONE THOUSAND DOLLARS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.