

9862

I N A S S E M B L Y

February 4, 2010

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to limitations of the use of social security numbers

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

1 Section 1. Legislative findings and declaration. The original purpose
2 of the social security number was to serve as a mechanism for the feder-
3 al government to track the earnings of an individual in order to deter-
4 mine the amount of social security taxes to credit to the individual's
5 account. Since its creation, the social security number has been used
6 for numerous purposes by private businesses as well as government. The
7 increased use of the social security number has led to invasion of indi-
8 viduals' privacy as well as fraud and identity theft. In the absence of
9 federal statutory provisions protecting social security numbers from
10 misuse, the legislature finds it necessary and appropriate to provide
11 for such protections in this state.

12 S 2. The general business law is amended by adding a new section 144
13 to read as follows:

14 S 144. LIMITATIONS OF THE USE OF SOCIAL SECURITY NUMBERS. 1. DEFI-
15 NITIONS:

16 (A) "ORGANIZATION" SHALL MEAN ANY NATURAL PERSON, GOVERNMENTAL AGENCY
17 OR UNIT, CORPORATION, TRUST, UNINCORPORATED ASSOCIATION, NOT-FOR-PROFIT
18 ORGANIZATION, PARTNERSHIP, AFFILIATE AND ANY OTHER COMMERCIAL ENTITY
19 LOCATED OR DOING BUSINESS IN THE STATE.

20 (B) "INFORMED WRITTEN CONSENT" MEANS WRITTEN CONSENT GIVEN AFTER BEING
21 INFORMED WHETHER PROVIDING A SOCIAL SECURITY NUMBER IS VOLUNTARY OR
22 MANDATORY, WHAT STATUTORY AUTHORITY REQUIRES PROVIDING THE NUMBER AND
23 HOW SUCH NUMBER WILL BE USED.

24 2. NO ORGANIZATION SHALL SELL, SHARE, LEASE, OR TRADE AN INDIVIDUAL'S
25 SOCIAL SECURITY NUMBER WITH ANY OTHER PERSON WITHOUT INFORMED WRITTEN
26 CONSENT OF THE INDIVIDUAL TO WHOM THE SOCIAL SECURITY NUMBER PERTAINS,
27 EXCEPT WHERE ALLOWED BY STATE OR FEDERAL LAW.

28 S 3. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.

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