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CONFIDENTIALITY AND SOCIAL SERVICES (PART VI): COLLECTION, USE, AND DISCLOSURE OF SOCIAL SECURITY NUMBERS

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Social Security numbers (SSNs) are assigned to individuals by the federal Social Security Administration (SSA) in connection with its administration of the Old Age, Survivors, and Disability Insurance (OASDI or Social Security) program for retired or disabled workers and their dependents and survivors.¹ SSNs, however, are, and long have been, widely-used by government agencies and businesses as personal identification numbers for general record-keeping purposes that have nothing to do with the Social Security program.² In fact, it has been claimed that the SSN

is the most frequently used recordkeeping number in the United States. SSNs are used for employee files, medical records, health insurance accounts, credit and banking accounts, university ID cards, and many other purposes.³

Some federal and state laws require or allow state and county social services agencies to collect, use, or disclose SSNs in connection with their administration of federal and state public assistance and social services programs. Other federal and state laws, however, restrict the ability of state and county social services agencies to collect, use, or disclose SSNs.

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¹ Congress enacted the Social Security Act in 1935. The first SSNs were issued in November, 1936. Social Security Administration, "Social Security Number Chronology" (available on-line at www.ssa.gov/history/ssn/ssnchron.html).

² In 1943, President Roosevelt issued an executive order (Executive Order 9397) requiring federal agencies to use SSNs whenever they established new identification systems for individuals. In 1961, the federal Civil Service Commission adopted the SSN as the official federal employee identifier. The following year, the Internal Revenue Service adopted the SSN as the official taxpayer identification number. Social Security Administration, "Social Security Number Chronology" (available on-line at www.ssa.gov/history/ssn/ssnchron.html).

³ Privacy Rights Clearinghouse, "Fact Sheet 10: Your Social Security Number: How Secure Is It?" (available on-line at www.privacyrights.org/fs/fs10-ssn.htm).

This *Social Services Bulletin* summarizes the provisions of several federal and state laws, including the Social Security Act, the federal Privacy Act, the State Privacy Act, and the newly-enacted state Identity Theft Protection Act of 2005, governing the collection, use, or disclosure of SSNs by state and county social services agencies.⁴

Collection of Social Security Numbers by Social Services Agencies

The Federal and State Privacy Acts

Congress enacted the federal Privacy Act in 1974.⁵ The federal Privacy Act applies primarily to the acquisition, use, and disclosure of personal information by *federal* (not state or local) government agencies.⁶

⁴ The collection, use, and disclosure of SSNs by local governments is also discussed in David M. Lawrence, *Public Records Law for North Carolina Governments* (Chapel Hill: Institute of Government, 1997), 197-203 (and 2004 supplement, 61-62).

This is the sixth in a series of *Social Services Bulletins* addressing issues involving confidentiality and social services. *Social Services Bulletin No. 30* (February, 2001) discussed the general meaning, purposes, nature, scope, and limits of confidentiality. *Social Services Bulletin No. 31* (May, 2001) examined the legal sources of rules governing the acquisition, use, and disclosure of confidential information. *Social Services Bulletin No. 35* (April, 2002) outlined a process that social services agencies can use to analyze issues, solve problems, and answer questions involving the acquisition, use, and disclosure of confidential information. *Social Services Bulletin No. 37* (October, 2002) identified and briefly summarized many of the federal and state statutes and regulations that govern the acquisition, use, and disclosure of information by county social services departments. *Social Services Bulletin No. 38* (August, 2003) summarized the impact of the federal HIPAA medical privacy rule on state and county social services agencies. To order copies of any of these *Social Services Bulletins*, please contact the Institute's publications office at 919-966-4119, sales@iogmail.iog.unc.edu, or <https://iogpubs.iog.unc.edu/>.

⁵ Most of the provisions of the federal Privacy Act are codified in 5 U.S.C. 552a.

⁶ As discussed below, the federal Privacy Act does restrict the use and redisclosure of personal information that is disclosed by federal agencies to state or local government agencies in connection with computerized data matching programs related to federally-funded public assistance or social services programs administered by state or local social services agencies.

Section 7 of the federal Privacy Act, however, makes it unlawful for any federal, state, or local government agency to deny to any individual any right, benefit, or privilege provided by law based on the individual's refusal to provide his or her SSN to the agency *unless*

1. disclosure of the individual's SSN is required by federal statute, or
2. disclosure of the individual's SSN was required under a federal or state statute or regulation adopted before January 1, 1975 to verify the identity of an individual in connection with a system of records established before January 1, 1975.⁷

Section 7 of the federal Privacy Act also provides that any federal, state, or local government agency that requests an individual to provide his or her SSN to the agency must inform the individual whether that disclosure is mandatory or voluntary, identify the legal authority under which the agency is requesting disclosure of the individual's SSN, and tell the individual how the agency will use the individual's SSN.

North Carolina's State Privacy Act, enacted in 2001, mirrors the provisions of the federal Privacy Act with respect to the collection of SSNs by state and local government agencies.⁸

Although the federal and state privacy acts impose certain requirements on state and local government agencies with respect to the collection of SSNs from individuals, they do not expressly limit the authority of state or local government agencies to collect or use SSNs.

The Identity Theft Protection Act of 2005

North Carolina's Identity Theft Protection Act of 2005 was enacted by the General Assembly and signed into law by Governor Easley on September 21, 2005.⁹

Many of the act's provisions govern the collection, use, and disclosure of SSNs and other personal identifying information by private businesses and do not apply to state or local government agencies.

Section 4 of the act, however, enacts a new statute, G.S. 132-1.9, that restricts the collection, use, and disclosure of SSNs and other personal identifying

⁷ Section 7 of the federal Privacy Act is not codified in the United States Code but is published as a note following 5 U.S.C. 552a.

⁸ G.S. 143-64.60. The State Privacy Act is reprinted in the appendix to this bulletin.

⁹ S.L. 2005-414.

information by state and local government agencies, including state and county social services agencies.¹⁰

The provisions of the new act are based on the premise that state and local government agencies should collect SSNs and other personal identifying information from individuals only for necessary and legitimate purposes or when required by law.¹¹

Effective December 1, 2005, the act prohibits state and local government agencies from collecting an individual's SSN from that individual *unless*

1. the agency is authorized by law to do so, *or*
2. collection of the SSN is "imperative for the performance of [the] agency's duties and responsibilities."¹²

The act also provides that the collection of SSNs by state and local government agencies must be relevant to the purpose for which they are collected and prohibits agencies from collecting SSNs unless and until the necessity of doing so has been clearly documented.¹³

As discussed below, a number of federal and state laws expressly authorize or require state and county social services agencies to collect SSNs from individuals in connection with the administration of public assistance and social services programs.¹⁴ In these situations, the state's new Identity Theft Protection Act will *not* prohibit state and county social services agencies from collecting SSNs from individuals. But if other state or federal laws do *not* authorize state or county social services agencies to collect SSNs from individuals, the Identity Theft Protection Act will prohibit them from doing so unless

¹⁰ The act's provisions limiting the collection, use, and disclosure of SSNs by state and local government agencies were codified as G.S. 132-1.8 but probably will be recodified as G.S. 132-1.9 by the Reviser of Statutes. G.S. 132-1.9 is reprinted in the appendix to this bulletin. The act's provisions regarding the use and disclosure of SSNs and other personal identifying information by state and local government agencies are discussed in the text accompanying notes 23 through 31

¹¹ G.S. 132-1.9(a)(2).

¹² G.S. 132-1.9(b)(1). These prohibitions, however, do not apply to the collection of SSNs for public health purposes pursuant to and in compliance with G.S. Ch. 130A or the collection of SSNs in connection with documents filed with a court or with the register of deeds if federal or state law requires disclosure. G.S. 132-1.9(c), (d).

¹³ G.S. 132-1.9(b)(1).

¹⁴ Some of these federal and state laws are discussed in the following section of this bulletin. *See* text accompanying notes 17 through 19.

they have determined that collecting SSNs from individuals is "imperative for the performance of [the] agency's duties and responsibilities."

Effective July 1, 2007, the new law will prohibit state and local government agencies from requiring an individual to (a) transmit his or her SSN over the Internet unless the connection is secure or the number is encrypted; or (b) use his or her SSN to access an Internet web site unless a password, unique personal identification number, or other authentication device is used.¹⁵

An individual who is affected by a state or local government agency's violation of the act's restrictions regarding collection of SSNs may petition a state district or superior court for an order requiring the agency to comply with the act.¹⁶

Federal and State Laws That Authorize the Collection of SSNs by State and County Social Services Agencies

Several federal and state laws authorize or require the collection of SSNs in connection with the administration of public assistance and social services programs.

One provision of the federal Social Security Act (42 U.S.C. 1320b-7) requires an individual who applies for public assistance under the Food Stamp, Medicaid, or Temporary Assistance for Needy Families programs to furnish his or her SSN to the state agency administering the program.¹⁷

Another provision of the Social Security Act (42 U.S.C. 405(c)(2)(C)(i)) provides that a state or local government agency may require an individual to furnish his or her SSN for identification purposes in connection with the administration of any state or local public assistance program.¹⁸

Several state statutes allow state and county child support enforcement agencies to obtain SSNs and other

¹⁵ G.S. 132-1.9(b)(7), (8). These prohibitions do not apply to the collection of SSNs for public health purposes pursuant to and in compliance with G.S. Ch. 130A or the collection of SSNs in connection with documents filed with a court or with the register of deeds if federal or state law requires disclosure. G.S. 132-1.9(c), (d).

¹⁶ G.S. 132-1.9(h).

¹⁷ *See also* 10A N.C.A.C. 21B.0203 (Medicaid); 10A N.C.A.C. 71U.0207 (Food Stamps).

¹⁸ *See also* 10A N.C.A.C. 71P.0508 (State-County Special Assistance); 10A N.C.A.C. 22N.0202, 22N.0302 (Medicaid providers).

personal information regarding parents who owe child support. G.S. 110-139, for example, requires employers, financial institutions, and utility companies to furnish the SSNs of employees and customers to the state child support enforcement agency.¹⁹

As noted above, the provisions of new G.S. 132-1.9(b)(1) will not restrict the collection of SSNs by state and county social services agencies when their collection of SSNs is authorized under one of these federal or state laws.²⁰

Use and Disclosure of Social Security Numbers by Social Services Agencies

The Federal and State Privacy Acts

The federal Privacy Act (5 U.S.C. 552a(o)) restricts the use and redisclosure of SSNs and other personal information provided by federal agencies to state and county social services agencies via computerized data matching programs used in connection with the administration of federal and state public assistance and social services programs.

Except as noted above, neither the federal Privacy Act (5 U.S.C. 552a (note)) nor the State Privacy Act (G.S. 143-64.60) expressly restricts the use or disclosure of SSNs collected by state or county social services agencies.

One federal court, however, has held that the federal Privacy Act prohibits a state or local government agency from using or disclosing an individual's SSN if the agency failed to comply with the act's "notice" requirements when it obtained the SSN from the individual.²¹ And North Carolina's Attorney General has reached a similar conclusion with respect to the disclosure of SSNs that were obtained by local election boards without giving individuals notice of their legal rights under the federal Privacy Act.²²

¹⁹ See also G.S. 20-7(b2)(2); G.S. 49-7; G.S. 49-14(a); G.S. 50-8; G.S. 50-13.4(g), (h); G.S. 52C-3-310(a); G.S. 52C-6-602(a)(4); G.S. 93B-14(1); G.S. 110-132(a); G.S. 110-133; G.S. 130A-101(f) (Child Support Enforcement).

²⁰ State and county social services agencies, however, will be subject to the requirements of G.S. 132-1.9(b)(2), (3), (7), and (8) with respect to their collection of SSNs from individuals.

²¹ Yeager v. Hackensack Water Co., 615 F.Supp. 1087 (D.N.J. 1985).

²² N.C. Atty. Gen. Advisory Opinion No. 425 (June 24, 1999) (available on-line at www.ncdoj.com/)

The Identity Theft Protection Act of 2005

Despite the fact that most SSNs included in the records of local government agencies were confidential and protected from disclosure under federal and state laws prior to enactment of the state's Identity Theft Protection Act of 2005,²³ the new law expressly prohibits state and local government agencies, officials, and employees from intentionally communicating or disclosing an individual's SSN to the general public on or after December 1, 2005.²⁴

Effective December 1, 2005, the new act also prohibits state and local government agencies, officials, and employees from using an individual's SSN for any purpose other than that stated in the notice provided to the individual at or before the time the individual furnished his or her SSN to the agency.²⁵

As of July 1, 2007, the new law will prohibit state and local government agencies from intentionally printing or embedding an individual's SSN on a card that is required for access to government services.²⁶ The act also will prohibit, on or after July 1, 2007, state and local government agencies from printing an individual's SSN on any materials mailed to the individual unless state or federal law requires that the SSN be printed on the mailed materials, and, if state or federal law requires the SSN to be printed on the mailed materials, prohibits state and local government

DocumentStreamerClient?directory=AGOpinions&file=425.pdf).

²³ Lawrence, *Public Records Law for North Carolina Local Governments*, 197-198, 201. See also note 36 and accompanying text.

²⁴ The act also prohibits the disclosure of a person's identifying information to the general public. "Identifying information" generally includes an individual's SSN, drivers license number, bank account number, credit card number, personal identification code, password, biometric data, etc. but does not include drivers license numbers appearing on law enforcement records, electronic identification numbers, email names and addresses, Internet account numbers and identification names, or an individual's parent's surname before marriage.

²⁵ G.S. 132-1.9(b)(4). The act also requires a state or local government agency that includes an SSN collected from an individual in a public record to segregate the individual's SSN on a separate page from the rest of the record or take other appropriate action to facilitate redaction of the SSN when complying with a valid public records request. G.S. 132-1.9(b)(2).

²⁶ G.S. 132-1.9(b)(6).

agencies from printing the SSN in such a manner that it is visible without the envelope's being opened.²⁷

The act's prohibitions regarding the use and disclosure of SSNs and other personal identifying information, however, do not apply to a state or local government agency's disclosure of an SSN

- pursuant to a court order, warrant, or subpoena;²⁸
- to another governmental entity if disclosure is necessary to the other entity's work;²⁹
- on a document filed with a court or recorded in the office of the register of deeds if the disclosure is required by federal or state law.³⁰

An individual who is affected by a state or local government agency's violation of the act's restrictions regarding the use or disclosure of SSNs or other personal identifying information may petition a state district or superior court for an order requiring the agency to comply with the act.³¹

The act's requirements regarding use and disclosure of SSNs, however, probably will have only a minimal impact on state and county social services agencies.

These agencies will, of course, have to comply with the act's requirements *if* they require individuals to transmit their SSNs over the Internet or print an individual's SSN on materials that are mailed to that individual.³² And, unless they are required to do so by applicable federal law or regulation, they will not be allowed to print or imbed an individual's SSN on any card that is required for an individual to access social services or public assistance.³³

²⁷ G.S. 132-1.9(b)(9).

²⁸ G.S. 132-1.9(c)(2).

²⁹ G.S. 132-1.9(c)(1).

³⁰ G.S. 132-1.9(c)(6), (7), (d). The act's prohibitions also do not apply if the SSN is redacted, if the SSN is disclosed for public health purposes in compliance with G.S. Ch. 130A, or if the SSN is disclosed on a certified copy of a vital statistics record pursuant to G.S. 130A-93(c). G.S. 132-1.9(c). It is important to note that the exceptions to the act's general prohibition against public disclosure of SSNs and personal identifying information do not operate as an affirmative authorization to disclose an individual's SSN or personal identifying information if disclosure of the individual's SSN or personal identifying information is prohibited under another state or federal law.

³¹ G.S. 132-1.9(h).

³² G.S. 132-1.9(b)(7), (8), (9).

³³ G.S. 132-1.9(b)(6).

But the act's restrictions on the disclosure of SSNs and personal identifying information do not appear to exceed those that already apply to state and county social services agencies under existing federal and state law.³⁴ And the act's prohibition against using an individual's SSN for any purpose other than that stated in the notice the agency provides to an individual when it requests an individual's SSN simply "gives teeth" to the existing requirements of the federal and state privacy acts.³⁵

Other Federal and State Laws Governing the Use or Disclosure of SSNs and Personal Identifying Information

Dozens of federal and state laws govern the use and disclosure of personal information obtained by state and county social services agencies in connection with their administration of public assistance and social services programs.³⁶ As a general rule, these laws restrict the use and disclosure of personal information (including SSNs) concerning persons who apply for or receive public assistance or social services but allow state and county social services agencies to share personal information with other public agencies under certain circumstances and to disclose personal information pursuant to a valid court order. But these laws generally do not distinguish between SSNs and other personal information with respect to use or disclosure by social services agencies.

One federal statute, however, expressly prohibits a state or county social services agency from using or disclosing an individual's SSN that was obtained from

³⁴ Much of the information in records maintained by state and county social services agencies is not subject to public inspection or disclosure under the state's Public Records Law (G.S. Ch. 132). See Lawrence, *Public Records Law for North Carolina Local Governments*, 74-75, 81-102; John L. Saxon, "Confidentiality and Social Services (Part II): Where Do Confidentiality Rules Come From?" *Social Services Bulletin No. 31* (May 2001), 7-8. And to the extent that this is the case, it is unclear whether state and county social services agencies will need to segregate SSNs on a separate page of the record or take other appropriate action to facilitate redaction of SSNs as required by G.S. 132-1.9(b)(2).

³⁵ See notes 21 and 22 and accompanying text.

³⁶ Many of these laws are summarized in John L. Saxon, "Confidentiality and Social Services (Part IV): An Annotated Index of Federal and State Confidentiality Laws," *Social Services Bulletin No. 37* (October 2002).

the individual in connection with the administration of a public assistance program for any other purpose unless allowed by other federal law.³⁷ And under the U.S. Constitution's supremacy clause, this federal law preempts state laws, including the new Identity Theft Protection Act, to the extent that they allow the disclosure of SSNs under circumstances in which the federal law prohibits disclosure.³⁸

Constitutional Right to Privacy

Federal and state courts are divided with respect to whether a state or local government agency's disclosure of an individual's SSN violates the individual's constitutional right to privacy. A federal appellate court has held that the disclosure of the SSN of a bankruptcy debtor through allowing public inspection of the debtor's bankruptcy petition did not violate the debtor's right to privacy.³⁹ But at least two courts have ruled that a state agency's disclosure of an individual's SSN violates his or her right to privacy.⁴⁰ In each case, though, the issue was the same: whether the government's interest in disclosing the individual's SSN outweighed the individual's interest in preventing disclosure.⁴¹

Conclusion

Although federal and state laws allow state and county social services agencies to collect and use SSNs in connection with their administration of public assistance and social services programs, these agencies are subject to several federal and state laws that restrict

³⁷ 42 U.S.C. 405(c)(2)(C)(i), (vi) (reprinted in the appendix to this bulletin). The statute also prohibits state or local government agencies from disclosing SSNs that are obtained pursuant to any law enacted after September 30, 1990. 42 U.S.C. 405(c)(2)(C)(viii) (reprinted in the appendix to this bulletin).

³⁸ See Lawrence, *Public Records Law for North Carolina Governments*, 22-25; Saxon, *Social Services Bulletin No. 31*, 13-15.

³⁹ *In re Crawford*, 194 F.3d 954 (9th Cir. 1999).

⁴⁰ *State ex rel. Beacon Journal Publishing Co. v. Akron*, 640 N.E.2d 164 (Ohio 1994); *Arakawa v. Sakata*, 133 F.Supp.2d 1223 (D.Haw. 2001).

⁴¹ The constitutional right to privacy with respect to collection, use, and disclosure of personal information by government agencies is discussed in more detail in Saxon, *Social Services Bulletin No. 31* (May 2001), 2-3.

their collection, use, and disclosure of SSNs. These restrictions can be summarized in three general rules.

First, state and county social services agencies must comply with the provisions of the federal Privacy Act and the State Privacy Act that require them to inform individuals whether disclosure of their SSNs is mandatory or voluntary and how their SSNs will be used.

Second, state and county social services agencies must comply with federal laws that prohibit them from

- using or disclosing an individual's SSN for any purpose other than the administration of public assistance programs if the individual's SSN was obtained from the individual in connection with the administration of a state public assistance program;
- disclosing an individual's SSN if the SSN was obtained pursuant to any federal or state law enacted after September 30, 1990; and
- disclosing an individual's SSN if the SSN was provided by a federal agency via a computerized data matching program in connection with the administration of a federal or state public assistance and social services programs.

And finally, state and county social services agencies will have to comply with the provisions of the state's new Identity Theft Protection Act to the extent that they impose additional requirements or restrictions with respect to the collection, use, or disclosure of SSNs that are not contrary to the requirements of federal law, but they may *not* disclose SSNs in circumstances allowed under the Identity Theft Protection Act if federal law prohibits disclosure.

Appendix

42 U.S.C. 405(c)(2)(C)(i).

It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if he has more than one such number) issued to him by the Commissioner of Social Security.

42 U.S.C. 405(c)(2)(C)(vi).

For purposes of clause (i) of this subparagraph, an agency of a State (or political subdivision thereof) charged with the administration of any general public assistance, driver's license, or motor vehicle registration law which did not use the social security account number for identification under a law or regulation adopted before January 1, 1975, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in clause (i) above and for the purpose of responding to requests for information from an agency administering a program funded under part A of subchapter IV of this chapter or an agency operating pursuant to the provisions of part D of such subchapter.

42 U.S.C. 405(c)(2)(C)(viii).

(I) Social security account numbers and related records that are obtained or maintained by authorized persons pursuant to any provision of law enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security account number or related record.

(II) Paragraphs (1), (2), and (3) of section 7213(a) of the Internal Revenue Code of 1986 shall apply with respect to the unauthorized willful disclosure to any person of social security account numbers and related records obtained or maintained by an authorized person pursuant to a provision of law enacted on or after October 1, 1990, in the same manner and to the same extent as such paragraphs apply with respect to unauthorized disclosures of return and return information described in such paragraphs. Paragraph (4) of section 7213(a) of such Code shall apply with respect to the willful offer of any item of material value in exchange for any such social security account number or related record in the same manner and to the same extent as such paragraph applies with respect to offers (in exchange for any return or return information) described in such paragraph.

(III) For purposes of this clause, the term "authorized person" means an officer or employee of the United States, an officer or employee of any State, political subdivision of a State, or agency of a State or political subdivision of a State, and any other person (or officer or employee thereof), who has or had access to social security account numbers or related records pursuant to any provision of law enacted on or after October 1, 1990. For purposes of this subclause, the term "officer or employee" includes a former officer or employee.

(IV) For purposes of this clause, the term "related record" means any record, list, or compilation that

indicates, directly or indirectly, the identity of any individual with respect to whom a social security account number or a request for a social security account number is maintained pursuant to this clause.

G.S. 143-64.60. State Privacy Act.

(a) It is unlawful for any State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

The provisions of this subsection shall not apply with respect to:

(1) Any disclosure which is required or permitted by federal statute, or

(2) The disclosure of a social security number to any State or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

G.S. 132-1.9. Social security numbers and other personal identifying information (effective Dec. 1, 2005, except as noted).

(a) The General Assembly finds the following:

(1) The social security number can be used as a tool to perpetuate fraud against a person and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual. While the social security number was intended to be used solely for the administration of the federal Social Security System, over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes.

(2) Although there are legitimate reasons for State and local government agencies to collect social security numbers and other personal identifying information from individuals, government should collect the information only for legitimate purposes or when required by law.

(3) When State and local government agencies possess social security numbers or other personal identifying information, the governments should minimize the instances this information is disseminated either internally within government or externally with the general public.

(b) Except as provided in subsections (c) and (d) of this section, no agency of the State or its political subdivisions, or any agent or employee of a government agency, shall do any of the following:

(1) Collect a social security number from an individual unless authorized by law to do so or unless the collection of the social security number is otherwise imperative for the performance of that agency's duties and responsibilities as prescribed by law. Social security numbers collected by an agency must be relevant to the purpose for which collected and shall not be collected until and unless the need for social security numbers has been clearly documented.

(2) Fail, when collecting a social security number from an individual, to segregate that number on a separate page from the rest of the record, or as otherwise appropriate, in order that the social security number can be more easily redacted pursuant to a valid public records request.

(3) Fail, when collecting a social security number from an individual, to provide, at the time of or prior to the actual collection of the social security number by that agency, that individual, upon request, with a statement of the purpose or purposes for which the social security number is being collected and used.

(4) Use the social security number for any purpose other than the purpose stated.

(5) Intentionally communicate or otherwise make available to the general public a person's social security number or other identifying information. "Identifying information", as used in this subdivision, shall have the same meaning as in G.S. 14-113.20(b), except it shall not include electronic identification numbers, electronic mail names or addresses, Internet account numbers, Internet identification names, parent's legal surname prior to marriage, or drivers license numbers appearing on law enforcement records.

(6) Intentionally print or imbed an individual's social security number on any card required for the individual to access government services. **(Effective July 1, 2007)**

(7) Require an individual to transmit the individual's social security number over the Internet, unless the connection is secure or the social security number is encrypted. **(Effective July 1, 2007)**

(8) Require an individual to use the individual's 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. **(Effective July 1, 2007)**

(9) Print an individual's social security number on any materials that are mailed to the individual, unless

state or federal law required that the social security number be on the document to be mailed. A social security number that is permitted to be mailed under this subdivision 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. **(Effective July 1, 2007)**

(c) Subsection (b) of this section does not apply in the following circumstances:

(1) To social security numbers or other identifying information disclosed to another governmental entity or its agents, employees, or contractors if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt status of such numbers.

(2) To social security numbers or other identifying information disclosed pursuant to a court order, warrant, or subpoena.

(3) To social security numbers or other identifying information disclosed for public health purposes pursuant to and in compliance with Chapter 130A of the General Statutes.

(4) To social security numbers or other identifying information that have been redacted.

(5) To certified copies of vital records issued by the State Registrar and other authorized officials pursuant to G.S. 130A-93(c). The State Registrar may disclose any identifying information other than social security numbers on any uncertified vital record.

(6) To any recorded document in the official records of the register of deeds of the county.

(7) To any document filed in the official records of the courts.

(d) No person preparing or filing a document to be recorded or filed in the official records by the register of deeds or of the courts may include any person's social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords in that document, unless otherwise expressly required by law or court order, adopted by the State Registrar on records of vital events, or redacted. Any loan closing instruction that requires the inclusion of a person's social security number on a document to be recorded shall be void. Any person who violates this subsection shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation.

(e) The validity of an instrument as between the parties to the instrument is not affected by the inclusion of personal information on a document

recorded or filed with the official records of the register of deeds. The register of deeds may not reject an instrument presented for recording because the instrument contains an individual's personal information.

(f) Any person has the right to request that a register of deeds or clerk of court remove, from an image or copy of an official record placed on a register of deeds' or court's Internet Web site available to the general public or an Internet Web site available to the general public used by a register of deeds or court to display public records by the register of deeds or clerk of court, the person's social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords contained in that official record. The request must be made in writing, legibly signed by the requester, and delivered by mail, facsimile, or electronic transmission, or delivered in person to the register of deeds or clerk of court. The request must specify the personal information to be redacted, information that identifies the document that contains the personal information and unique information that identifies the location within the document that contains the social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords to be redacted. The request for redaction shall be considered a public record with access restricted to the register of deeds, the clerk of court, their staff, or upon order of the court. The register of deeds or clerk of court shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction and shall have no duty to remove redaction for any reason upon subsequent request by an individual or by order of the court, if impossible to do so. No fee will be charged for the redaction pursuant to such request. Any person who requests a redaction without proper authority to do so shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation.

(g) A register of deeds or clerk of court shall immediately and conspicuously post signs throughout his or her offices for public viewing and shall immediately and conspicuously post a notice on any Internet Web site available to the general public used by a register of deeds or clerk of court a notice stating, in substantially similar form, the following:

(1) Any person preparing or filing a document for recordation or filing in the official records may not include a social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords in the document, unless expressly required by law or court order, adopted by the State Registrar on records of vital events, or redacted so that no more than the last four digits of the identification number is included.

(2) Any person has a right to request a register of deeds or clerk of court to remove, from an image or copy of an official record placed on a register of deeds' or clerk of court's Internet Web site available to the general public or on an Internet Web site available to the general public used by a register of deeds or clerk of court to display public records, any social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords contained in an official record. The request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the register of deeds or clerk of court. The request must specify the personal information to be redacted, information that identifies the document that contains the personal information and unique information that identifies the location within the document that contains the social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords to be redacted. No fee will be charged for the redaction pursuant to such a request. Any person who requests a redaction without proper authority to do so shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation.

(h) Any affected person may petition the court for an order directing compliance with this section. No liability shall accrue to a register of deeds or clerk of court or to his or her agent for any action related to provisions of this section or for any claims or damages that might result from a social security number or other identifying information on the public record or on a register of deeds' or clerk of court's Internet website available to the general public or an Internet Web site available to the general public used by a register of deeds or clerk of court.

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