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By: **Senator Dyson**

Introduced and read first time: January 27, 2005

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Privacy of Social Security Numbers**

3 FOR the purpose of prohibiting the public posting or displaying of an individual's  
4 Social Security number under certain circumstances; prohibiting the printing of  
5 an individual's Social Security number on certain cards under certain  
6 circumstances; prohibiting a person from requiring an individual to transmit  
7 the individual's Social Security number over the Internet under certain  
8 circumstances; prohibiting a person from requiring an individual to use the  
9 individual's Social Security number to access an Internet website under certain  
10 circumstances; prohibiting the printing of an individual's Social Security  
11 number on materials mailed, electronically transmitted, or transmitted by  
12 facsimile to the individual under certain circumstances; providing for certain  
13 exceptions to the prohibitions relating to an individual's Social Security number;  
14 providing that a violation of this Act is an unfair or deceptive trade practice  
15 under the Maryland Consumer Protection Act; authorizing a person that, before  
16 a certain date, used an individual's Social Security number in a manner  
17 prohibited under this Act to continue to use the individual's Social Security  
18 number under certain circumstances; defining certain terms; providing for the  
19 termination of certain provisions of this Act; providing for the application of this  
20 Act; making this Act an emergency measure; and generally relating to the  
21 privacy of Social Security numbers.

22 BY repealing and reenacting, with amendments,  
23 Article - Commercial Law  
24 Section 13-301(14)  
25 Annotated Code of Maryland  
26 (2000 Replacement Volume and 2004 Supplement)

27 BY adding to  
28 Article - Commercial Law  
29 Section 14-3301 through 14-3303, inclusive, to be under the new subtitle  
30 "Subtitle 33. The Social Security Number Privacy Act"  
31 Annotated Code of Maryland  
32 (2000 Replacement Volume and 2004 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Commercial Law**

4 13-301.

5 Unfair or deceptive trade practices include any:

6 (14) Violation of a provision of:

7 (i) This title;

8 (ii) An order of the Attorney General or agreement of a party  
9 relating to unit pricing under Title 14, Subtitle 1 of this article;

10 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt  
11 Collection Act;

12 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door  
13 Sales Act;

14 (v) Title 14, Subtitle 9 of this article, Kosher Products;

15 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

16 (vii) Section 14-1302 of this article;

17 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales  
18 Act;

19 (ix) Section 22-415 of the Transportation Article;

20 (x) Title 14, Subtitle 20 of this article;

21 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty  
22 Enforcement Act;

23 (xii) Title 14, Subtitle 21 of this article;

24 (xiii) Section 18-107 of the Transportation Article;

25 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone  
26 Solicitations Act;

27 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts  
28 Act;

29 (xvi) Title 10, Subtitle 6 of the Real Property Article;

30 (xvii) Title 10, Subtitle 8 of the Real Property Article;

1 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

2 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door  
3 Solicitations Act;

4 (xx) Title 14, Subtitle 31 of this article, the Maryland Household  
5 Goods Movers Act; [or]

6 (xxi) Title 14, Subtitle 32 of this article, the Maryland Telephone  
7 Consumer Protection Act; or

8 (XXII) TITLE 14, SUBTITLE 33 OF THIS ARTICLE, THE SOCIAL  
9 SECURITY NUMBER PRIVACY ACT; OR

10 SUBTITLE 33. THE SOCIAL SECURITY NUMBER PRIVACY ACT.

11 14-3301.

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (B) "PERSON" DOES NOT INCLUDE A UNIT OF STATE OR LOCAL GOVERNMENT.

15 (C) "PUBLICLY POST OR DISPLAY" MEANS TO INTENTIONALLY COMMUNICATE  
16 OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC.

17 14-3302.

18 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT:

19 (1) PUBLICLY POST OR DISPLAY AN INDIVIDUAL'S SOCIAL SECURITY  
20 NUMBER;

21 (2) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON A CARD  
22 REQUIRED FOR THE INDIVIDUAL TO ACCESS PRODUCTS OR SERVICES PROVIDED BY  
23 THE PERSON;

24 (3) REQUIRE AN INDIVIDUAL TO TRANSMIT THE INDIVIDUAL'S SOCIAL  
25 SECURITY NUMBER OVER THE INTERNET UNLESS THE CONNECTION IS SECURE OR  
26 THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IS ENCRYPTED;

27 (4) REQUIRE AN INDIVIDUAL TO USE THE INDIVIDUAL'S SOCIAL  
28 SECURITY NUMBER TO ACCESS AN INTERNET WEBSITE UNLESS A PASSWORD OR  
29 UNIQUE PERSONAL IDENTIFICATION NUMBER OR OTHER AUTHENTICATION DEVICE  
30 ALSO IS REQUIRED TO ACCESS THE WEBSITE; OR

31 (5) UNLESS REQUIRED BY STATE OR FEDERAL LAW, PRINT AN  
32 INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY MATERIAL THAT IS:

33 (I) MAILED TO THE INDIVIDUAL;

1 (II) ELECTRONICALLY TRANSMITTED TO THE INDIVIDUAL, UNLESS  
2 THE CONNECTION IS SECURE OR THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IS  
3 ENCRYPTED; OR

4 (III) TRANSMITTED BY FACSIMILE TO THE INDIVIDUAL.

5 (B) THIS SECTION DOES NOT APPLY TO:

6 (1) THE COLLECTION, RELEASE, OR USE OF AN INDIVIDUAL'S SOCIAL  
7 SECURITY NUMBER AS REQUIRED BY STATE OR FEDERAL LAW;

8 (2) THE INCLUSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN  
9 AN APPLICATION, FORM, OR DOCUMENT SENT BY MAIL, ELECTRONICALLY  
10 TRANSMITTED, OR TRANSMITTED BY FACSIMILE:

11 (I) AS PART OF AN APPLICATION OR ENROLLMENT PROCESS;

12 (II) TO ESTABLISH, AMEND, OR TERMINATE AN ACCOUNT,  
13 CONTRACT, OR POLICY; OR

14 (III) TO CONFIRM THE ACCURACY OF THE INDIVIDUAL'S SOCIAL  
15 SECURITY NUMBER; OR

16 (3) THE USE OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER FOR  
17 INTERNAL VERIFICATION OR ADMINISTRATIVE PURPOSES.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
19 read as follows:

20

**Article - Commercial Law**

21 14-3303.

22 (A) A PERSON THAT USED AN INDIVIDUAL'S SOCIAL SECURITY NUMBER  
23 BEFORE JANUARY 1, 2005, IN A MANNER PROHIBITED UNDER § 14-3302(A) OF THIS  
24 SUBTITLE MAY CONTINUE TO USE THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN  
25 THAT MANNER IF:

26 (1) THE USE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IS  
27 CONTINUOUS; AND

28 (2) BEGINNING ON JULY 1, 2005, THE PERSON PROVIDES THE  
29 INDIVIDUAL WITH AN ANNUAL DISCLOSURE FORM STATING THE INDIVIDUAL'S  
30 RIGHT TO STOP THE USE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN THE  
31 MANNER PROHIBITED UNDER § 14-3302(A) OF THIS SUBTITLE.

32 (B) A WRITTEN REQUEST BY AN INDIVIDUAL TO STOP THE USE OF THE  
33 INDIVIDUAL'S SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER §  
34 14-3302(A) OF THIS SUBTITLE SHALL BE IMPLEMENTED WITHIN 30 DAYS AFTER  
35 RECEIPT OF THE REQUEST.

1 (C) A PERSON MAY NOT DENY PRODUCTS OR SERVICES TO AN INDIVIDUAL  
2 BECAUSE THE INDIVIDUAL MAKES A WRITTEN REQUEST UNDER THIS SECTION.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
4 health insurance policies and contracts issued, delivered, or renewed in the State on  
5 or after the effective date of this Act. Any health insurance policy or contract in effect  
6 before the effective date of this Act shall comply with the provisions of this Act on or  
7 before 1 year after the effective date of this Act.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency  
9 measure, is necessary for the immediate preservation of the public health or safety,  
10 has been passed by a yea and nay vote supported by three-fifths of all the members  
11 elected to each of the two Houses of the General Assembly, and shall take effect from  
12 the date it is enacted. Section 2 of this Act shall remain effective through May 31,  
13 2008, and, at the end of May 31, 2008, with no further action required by the General  
14 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.