

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 259  
Economic Matters

(Delegate Smigiel, *et al.*)

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Consumer Protection - Required Disclosure of Social Security Number -  
Prohibited

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This bill directs that, unless otherwise required by State or federal law, a person may not require an individual to disclose the individual's Social Security number.

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Fiscal Summary

**State Effect:** The bill would not directly affect State finances or operations. If the Attorney General's Office receives fewer than 50 complaints per year stemming from the bill, the additional workload could be handled with existing resources.

**Local Effect:** The bill would not directly affect local finances or operations.

**Small Business Effect:** Potential minimal.

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Analysis

**Current Law:** Title 14, Subtitle 34 of the Commercial Law Article, also known as the Social Security Privacy Act, prohibits a person from • publicly posting or displaying an individual's SSN; • printing an individual's SSN on a card required for the individual to access products or services; • requiring an individual to transmit the individual's SSN over the Internet unless the connection is secure or the SSN is encrypted; • initiating the transmission of an individual's SSN over the Internet unless the connection is secure or the SSN is encrypted; and • requiring an individual to use the individual's SSN to access an Internet web site, unless a password, unique personal identification number, or other authentication device is also required to access the web site. Unless required by State or

federal law, a person may not • print an individual's SSN on any material that is mailed to the individual; • include an individual's SSN in any material that is electronically transmitted to the individual, unless the connection is secure or the individual's SSN is encrypted; or • include an individual's SSN in any material that is transmitted by facsimile to the individual, with specific exceptions. The Act does not restrict the ability to request an individual's SSN.

**Background:** The prospect of being victimized through the loss or theft of personal information held by government agencies or private data collection companies has captured national attention. A security breach in 2005 at the ChoicePoint Corporation highlighted this issue, after the breach led to the release of personal information relating to over 160,000 individuals. Since the ChoicePoint breach, the Privacy Rights Clearinghouse has documented over 450 instances of security breaches involving the unauthorized exposure of at least 97 million records containing personal information, including SSNs.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General (Consumer Protection Division),  
Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2008  
mll/ljm

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