

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB132

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Houck

3. Committee: Passed Both Houses

4. Title: **Government Data Collection and Dissemination Practices Act (GDCDPA);
personal information; definition.**

5. Summary: Provides that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is (i) expressly authorized by state or federal law and (ii) essential for the performance of that agency's duties. The bill also strengthens the remedies provisions of the GDCDPA by adding civil penalties matching those in the Freedom of Information Act (FOIA), and grants general district courts the authority to hear GDCDPA cases. Additionally, the bill has enactment clauses giving it a delayed effective date of July 1, 2009, and requires state agencies to study their own collection and use of SSNs and report to the FOIA Council and Joint Commission on Technology and Science (JCOTS) on such collection and use by October 1, 2008. The bill also contains a fourth enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000. The bill is a recommendation of the FOIA Council and JCOTS.

6. Fiscal Impact Estimates: Indeterminate (see line 8 below).

7. Budget Amendment Necessary: No.

8. Fiscal Implications: The fiscal implications are dependent on the number of business processes used by every government agency that relies on the collection of social security numbers (but are not mandated by a federal or state law to collect them) and the complexity of reengineering those processes. The potential fiscal implications across the Commonwealth could be significant, to both state agencies and localities, should a number of entities be required to reengineer their business practices as a result of the required studies to determine their collection and use of SSNs. Proceeds from penalties are designated to be deposited to the State Literary Fund.

9. Specific Agency or Political Subdivisions Affected: Every state agency and locality subject to this Act.

10. Technical Amendment Necessary: None.

11. Other Comments: This bill is similar to HB634.

Date: 3/10/2008 wfb

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cc: Secretary of Technology