

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 38.1, consisting of*  
3 *sections numbered 2.2-3815 and 2.2-3816, relating to the Protection of Social Security Numbers Act;*  
4 *penalties.*

5 [H 2427]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 38.1,**  
9 **consisting of sections numbered 2.2-3815 and 2.2-3816, as follows:**

## 10 CHAPTER 38.1.

## 11 PROTECTION OF SOCIAL SECURITY NUMBERS ACT.

12 § 2.2-3815. *Access to social security numbers prohibited; exceptions.*

13 *A. Except as otherwise provided in this chapter, the first five digits of a social security number*  
14 *contained in a public record shall be confidential and exempt from disclosure under the Freedom of*  
15 *Information Act (§ 2.2-3700 et seq.).*

16 *For the purposes of this chapter:*

17 *"Agency" means the same as that term is defined in § 2.2-3801, unless the context requires*  
18 *otherwise.*

19 *"Data subject" means the same as that term is defined in § 2.2-3801.*

20 *"Public record" means the same as that term is defined in § 2.2-3701, but shall not include any*  
21 *records required by law to be maintained by the clerks of the courts of record, as defined in § 1-212, or*  
22 *courts not of record, as defined in § 16.1-69.5.*

23 *"Regional agency" means a unit of government organized as provided by law whose members are*  
24 *appointed by the participating local governing bodies, and such unit includes two or more counties,*  
25 *cities, or towns.*

26 *B. The provisions of this section shall not be construed to prevent the release of a social security*  
27 *number:*

28 *1. In accordance with a proper judicial order;*

29 *2. To any federal, state or local law-enforcement or correctional personnel, including a*  
30 *law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole*  
31 *board, seeking information in the course of his official duties;*

32 *3. By one agency to another agency in Virginia or to an agency in another state, district, or territory*  
33 *of the United States where such information is requested by such agencies in connection with (i) the*  
34 *application of the data subject therein for a service, privilege, or right under the laws thereof, (ii) the*  
35 *transmittal of information to family advocacy representatives of the United States Armed Forces in*  
36 *accordance with subsection N of § 63.2-1503, or (iii) the performance of such agency's official duties;*

37 *4. To any data subject exercising his rights under § 2.2-3806, or if the data subject is less than 18*  
38 *years of age, to his legal guardian or parent, including a noncustodial parent, unless such parent's*  
39 *parental rights have been terminated or a court of competent jurisdiction has restricted or denied such*  
40 *access;*

41 *5. To any other agency in Virginia or to a federal agency in order to comply with any applicable*  
42 *law or regulation; or*

43 *6. To a person or entity when necessary to administer any program of the agency, to perform a*  
44 *service or function of the agency, or to conduct or complete the transaction for which the social security*  
45 *number was submitted to the agency.*

46 § 2.2-3816. *Proceedings for enforcement of chapter.*

47 *A. Any aggrieved person may institute a proceeding for injunction or mandamus against any agency*  
48 *that has engaged, is engaged, or is about to engage in any acts in violation of the provisions of this*  
49 *chapter. Venue for the petition shall be addressed as follows:*

50 *1. In a case involving a local agency, to the general district court or circuit court of the county or*  
51 *city from which the agency has been elected or appointed to serve;*

52 *2. In a case involving a regional agency, to the general district or circuit court of the county or city*  
53 *where the principal business office of such agency is located; and*

54 *3. In a case involving a state agency, including a public institution of higher education, to the*  
55 *general district court or the circuit court of the residence of the aggrieved party or of the City of*  
56 *Richmond.*

57     *B. If the court finds a violation of the provisions of this chapter, the petitioner shall be entitled to*  
58     *recover reasonable costs and attorney fees from the agency if the petitioner substantially prevails on the*  
59     *merits of the case, unless special circumstances would make an award unjust. In making this*  
60     *determination, a court may consider, among other things, the reliance of the agency on an opinion of*  
61     *the Attorney General or a decision of a court that substantially supports the agency's position.*