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HOUSE BILL NO. 1510

Offered January 20, 2006

A BILL to amend and reenact § 59.1-443.2 of the Code of Virginia, relating to the Personal Information Privacy Act; restricted use of social security numbers.

 Patron—Plum

 Referred to Committee on Science and Technology

Be it enacted by the General Assembly of Virginia:**1. That § 59.1-443.2 of the Code of Virginia is amended and reenacted as follows:**

§ 59.1-443.2. Restricted use of social security numbers.

A. Except as otherwise specifically provided by law, a person shall not:

1. Intentionally communicate an individual's social security number to the general public;

2. Print an individual's social security number on any card required for the individual to access or receive products or services provided by the person;

3. Require an individual to use his social security number to access an Internet website, unless a password, unique personal identification number or other authentication device is also required to access the site; or

4. Require an individual to transmit his social security number over the Internet, unless the connection is secure or the social security number is encrypted, the number is essential to the transaction, and there is no other identifier that could reasonably be used;

5. Send or cause to be sent or delivered any letter, envelope, or package that displays a social security number on the face of the mailing envelope or package, or from which a social security number is visible, whether on the outside or inside of the mailing envelope or package;

6. Print an individual's social security number on any materials that are mailed to the individual, unless state or federal law requires the social security number to be on the materials to be mailed;

7. Sell, lease, loan, trade, rent, or otherwise disclose an individual's social security number to a third party for any purpose without the written consent to the disclosure from the individual; or

8. Refuse to do business with an individual because the individual will not consent to the receipt by such person of the social security number of such individual, unless such person is expressly required under federal law, in connection with doing business with an individual, to submit to the federal government such individual's social security number.

B. This section does not prohibit the collection, use, or release of a social security number as permitted by the laws of the Commonwealth or the United States, or the use of a social security number for internal verification or administrative purposes unless such use is prohibited by a state or federal statute, rule, or regulation.

C. In the case of any (i) health care provider as defined in § 8.01-581.1, (ii) manager of a pharmacy benefit plan, (iii) insurer as defined in § 38.2-100, (iv) corporation providing a health services plan, (v) health maintenance organization providing a health care plan for health care services, or (vi) contractor of any such person, the prohibition contained in subdivision 2 of subsection A shall become effective on January 1, 2006.

D. This section shall not apply to (i) public bodies as defined in § 2.2-3701 or (ii) records required by law to be open to the public, and shall not be construed to limit access to records pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

E. No person shall embed an encrypted or unencrypted social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, or other technology, in place of removing the social security number as required by this section.

INTRODUCED

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