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## HOUSE BILL NO. 1922

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Science and Technology  
on January 26, 2011)

(Patron Prior to Substitute—Delegate Abbott)

A *BILL to amend and reenact §§ 16.1-69.54 and 17.1-293 of the Code of Virginia, relating to criminal records maintained by the clerk of the court; social security numbers.*

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

**1. That §§ 16.1-69.54 and 17.1-293 of the Code of Virginia are amended and reenacted as follows:**

§ 16.1-69.54. General provisions.

A. Each district court shall retain and store its court records as provided in this article. The Committee on District Courts, after consultation with the Executive Secretary of the Supreme Court of Virginia, shall determine the methods of processing, retention, reproduction and disposal of records and information in district courts, including records required to be retained in district courts by statute.

B. *Any abstract for a conviction of a criminal offense or a traffic infraction that is available online through the court's case management system provided pursuant to § 17.1-225 shall contain the last four digits of the person's social security number, if included on the original record.*

C. Whenever a court record has been reproduced for the purpose of record retention under this article, such original may be disposed of upon completion of the Commonwealth's audit of the court records unless approval is given by the Auditor of Public Accounts for earlier disposition. In the event of such reproduction, the reproduction of the court record shall be retained in accordance with the retention periods specified in this section. The reproduction shall have the same force and effect as the original court record and shall be given the same faith and credit to which the original itself would have been entitled in any judicial or administrative proceeding.

§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.

A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B of this section, it shall be unlawful for any court clerk to disclose the *complete nine-digit* social security number or other identification numbers appearing on driver's licenses or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a *person's complete nine-digit* social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § 17.1-294;

2. Postings related to legitimate law-enforcement purposes;

3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;

4. Postings of instruments and records filed or recorded prior to 1907; and

5. Providing secure remote access to any person and his counsel to documents filed in matters to which such person is a party.

F. Nothing in this section shall prohibit the Supreme Court or any other court from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth. *Any such abstract regarding a conviction of a criminal offense or a traffic infraction shall contain the last four digits of the person's social security number, if included on the original record. Any court clerk who is not using the Supreme Court case management system shall be exempt from the provisions of this subsection.*

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or

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60 engaged in willful misconduct.

61 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity  
62 already existing in statutory or common law, or to affect any cause of action accruing prior to July 1,  
63 2005.