

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JULY 2, 2007

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AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1168

Introduced by Assembly Member Jones
(Coauthors: Assembly Members DeVore, Huffman, Karnette,
Portantino, and Salas)
(Coauthor: Senator Romero)

February 23, 2007

An act to add Sections 1798.88 and 1798.89 to the Civil Code, to amend Sections 9516 and 9521 of, and to add Section 9526.5 to, the Commercial Code, to add Section 66018.55 to the Education Code, and to amend Section 27361 of, to add Sections 6254.27 and 15705 to, and to add Article 3.5 (commencing with Section 27300) to Chapter 6 of Part 3 of Division 2 of Title 3 of, the Government Code, relating to social security numbers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1168, as amended, Jones. Social security numbers.

(1) Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, and the California Community Colleges,

under the administration of the Board of Governors of the California Community Colleges, and private, independent institutions of higher education as the 4 segments of postsecondary education in this state.

This bill would require the Office of Privacy Protection in the Department of Consumer Affairs to establish a task force, with specified members, to conduct a review of the use by all public and private colleges and universities in this state of social security numbers in order to recommend practices to minimize the collection, use, storage, and retention of social security numbers. It would require the task force to commence meetings no later than 60 days after the effective date of these provisions and, on or before July 1, 2009, to submit a report of its findings and recommendations to the Office of Privacy Protection and to the Assembly Committee on Judiciary and the Senate Committee on Judiciary.

(2) Existing law prohibits any person or entity from publicly posting or displaying in any manner an individual's social security number, printing an individual's social security number on any card required to access products or services, requiring an individual to transmit his or her social security number over the Internet, requiring an individual to use his or her social security number to access an Internet Web site, or printing an individual's social security number on any materials that are mailed to the individual, with specified exceptions. Existing law provides that these prohibitions do not apply to documents that are recorded or required to be open to the public pursuant to the California Public Records Act.

The California Public Records Act requires state and local agencies to make their records available for public inspection unless a record is exempt from disclosure. The act exempts from disclosure, among others, any record that is a personnel, medical, or similar file the disclosure of which would constitute an unwarranted invasion of personal privacy.

This bill would provide that, notwithstanding these provisions, a local agency, *as defined*, before disclosing to the public any record that is required to be open to the public by any provision of law, shall redact all of the digits of any social security number on the record. *The bill would apply this requirement to documents recorded or filed with a local agency on or after July 1, 2008, and would require a local agency, as of that date, to redact all the digits of any social security number contained in a document presented for filing or recording on or after July 1, 2008, unless the social security number is required by state or federal law.* The bill would provide exceptions to this requirement for

a county recorder and for disclosure of death records. By creating a new standard for disclosure of records by local agencies, this bill would impose a state-mandated local program.

This bill also would provide that, unless required to do so by state or federal law, no person, entity, or government agency shall present for recording or filing with a local agency a document that *is required to be open to the public if it displays more than the last 4 digits any digit of a social security number, or with a county recorder if it displays more than the last 4 digits of a social security number*, as specified.

(3) Existing law establishes in state government the Franchise Tax Board to, among other duties, administer the Personal Income Tax Law and the Corporation Tax Law.

This bill would provide that, notwithstanding any other provision of law, unless prohibited by federal law, the board shall truncate social security numbers on lien abstracts and any other records created by the board that are disclosable under the California Public Records Act before disclosing the record to the public.

(4) Existing law specifies requirements for the filing of various documents with the Secretary of State and other filing offices.

This bill would apply requirements to redact social security numbers on specified filings.

(5) Existing law requires the recorder of each county, upon payment of proper fees and taxes, to accept for recordation any instrument, paper, or notice that is authorized or required by law to be recorded, as specified, and specifies that these recorded documents shall be called “official records.”

This bill would require the recorder of each county to establish a social security number truncation program in order to create a “public record” version of each “official record” so that the “public record” is in an electronic format and is an exact copy of the “official record” except that any social security number contained in the “official record” shall be truncated by redacting the first 5 digits of that number. These provisions would apply to any document recorded since January 1, 1962, as specified. It would provide that when a “public record” version of an “official record” exists, and upon request of any person to inspect, for a copy of, or to otherwise publicly disclose that record, the recorder shall make available only the “public record” version of that record, and publicly disclose the “official record” only in response to a subpoena or court order. By creating new duties for county recorders, this bill would impose a state-mandated local program.

Existing law establishes a fee for recording documents with the county recorder at \$4 for the first page and \$3 for each additional page and authorizes a county recorder to assess additional specified fees.

This bill would authorize a county recorder, upon authorization of the board of supervisors, to charge an additional fee of \$1 for recording the first page of each document, to be used only by the county recorder collecting the fee to implement a social security number truncation program pursuant to these provisions. It would provide that a board shall not authorize this fee unless the board requires the county auditor to audit the county’s use of funds generated by this fee, as specified. It would require each county recorder, no later than June 1, 2008, to petition the board of supervisors for the authority to levy the this fee.

The bill also would require that the County Recorders Association of California, no later than January 1, 2009, and annually thereafter, submit to the Assembly Committee on Judiciary, Senate Committee on Judiciary, and the Office of Privacy Protection a report on the progress each county recorder has made in complying with these provisions. It would require the Office of Privacy Protection, on or before January 1, 2018, to report to these committees on whether counties need to continue to levy the fee authorized by these provisions.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) *This bill would make legislative findings that any limitation on the public’s right of access to the writings of public officials and agencies made by its provisions is necessary to protect against the risk of identity theft.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.88 is added to the Civil Code, to
2 read:

1 1798.88. (a) Notwithstanding subdivision (c) of Section
2 1798.85 or any other provision of law, unless required by federal
3 law, a local agency, before disclosing to the public any record that
4 is required to be open to the public by any provision of law, shall
5 redact all the digits of any social security number on the record.
6 *This subdivision shall apply only to documents recorded or filed*
7 *with a local agency on or after July 1, 2008.*

8 (b) *Beginning July 1, 2008, a local agency shall redact all the*
9 *digits of any social security number contained in a document*
10 *presented for filing or recording on or after July 1, 2008, unless*
11 *the social security number is required by state or federal law.*

12 ~~(b) Notwithstanding subdivision (a)~~

13 (c) *Notwithstanding subdivisions (a) and (b), the provisions of*
14 *this section shall not apply to either of the following:*

15 (1) A county recorder.

16 (2) The disclosure of death records pursuant to Section 103525
17 of the Health and Safety Code.

18 (d) *As used in this section, "local agency" means the same as*
19 *the definition in subdivision (a) of Section 6252 of the Government*
20 *Code.*

21 SEC. 2. Section 1798.89 is added to the Civil Code, to read:

22 ~~1798.89. Unless otherwise required to do so by state or federal~~
23 ~~law, no person, entity, or government agency shall present for~~
24 ~~recording and filing with a local agency a document that is required~~
25 ~~by any provision of law to be open to the public if that record~~
26 ~~displays a social security number that includes more than the last~~
27 ~~four digits of that number.~~

28 1798.89. (a) *Unless otherwise required to do so by state or*
29 *federal law, no person, entity, or government agency shall present*
30 *for recording or filing with a local agency, as defined in*
31 *subdivision (a) of Section 6252 of the Government Code, a*
32 *document that is required by any provision of law to be open to*
33 *the public if that record displays any digit of a social security*
34 *number. This subdivision shall not apply to a county recorder.*

35 (b) *Unless otherwise required to do so by state or federal law,*
36 *no person, entity, or government agency shall present for recording*
37 *or filing with a county recorder a document that is required by*
38 *any provision of law to be open to the public if that record displays*
39 *more than the last four digits of a social security number.*

1 SEC. 3. Section 9516 of the Commercial Code is amended to
2 read:

3 9516. (a) Except as otherwise provided in subdivision (b),
4 communication of a record to a filing office and tender of the filing
5 fee or acceptance of the record by the filing office constitutes
6 filing.

7 (b) Filing does not occur with respect to a record that a filing
8 office refuses to accept because of any of the following:

9 (1) The record is not communicated by a method or medium of
10 communication authorized by the filing office.

11 (2) An amount equal to or greater than the applicable filing fee
12 is not tendered.

13 (3) The filing office is unable to index the record because of
14 any of the following:

15 (A) In the case of an initial financing statement, the record does
16 not provide a name for the debtor.

17 (B) In the case of an amendment or correction statement, either
18 of the following applies with respect to the record:

19 (i) It does not identify the initial financing statement as required
20 by Section 9512 or 9518, as applicable.

21 (ii) It identifies an initial financing statement whose
22 effectiveness has lapsed under Section 9515.

23 (C) In the case of an initial financing statement that provides
24 the name of a debtor identified as an individual or an amendment
25 that provides a name of a debtor identified as an individual which
26 was not previously provided in the financing statement to which
27 the record relates, the record does not identify the debtor's last
28 name.

29 (D) In the case of a record filed or recorded in the filing office
30 described in paragraph (1) of subdivision (a) of Section 9501, the
31 record does not provide a sufficient description of the real property
32 to which it relates.

33 (4) In the case of an initial financing statement or an amendment
34 that adds a secured party of record, the record does not provide a
35 name and mailing address for the secured party of record.

36 (5) In the case of an initial financing statement or an amendment
37 that provides a name of a debtor which was not previously provided
38 in the financing statement to which the amendment relates, the
39 record does not do any of the following:

40 (A) Provide a mailing address for the debtor.

1 (B) Indicate whether the debtor is an individual or an
2 organization.

3 (C) If the financing statement indicates that the debtor is an
4 organization, provide any of the following:

5 (i) A type of organization for the debtor.

6 (ii) A jurisdiction of organization for the debtor.

7 (iii) An organizational identification number for the debtor or
8 indicate that the debtor has none.

9 (6) In the case of an assignment reflected in an initial financing
10 statement under subdivision (a) of Section 9514 or an amendment
11 filed under subdivision (b) of Section 9514, the record does not
12 provide a name and mailing address for the assignee.

13 (7) In the case of a continuation statement, the record is not
14 filed within the six-month period prescribed by subdivision (d) of
15 Section 9515.

16 (8) The record contains a social security number.

17 (c) For purposes of subdivision (b), both of the following rules
18 apply:

19 (1) A record does not provide information if the filing office is
20 unable to read or decipher the information.

21 (2) A record that does not indicate that it is an amendment or
22 identify an initial financing statement to which it relates, as
23 required by Section 9512, 9514, or 9518, is an initial financing
24 statement.

25 (d) A record that is communicated to the filing office with tender
26 of the filing fee, but which the filing office refuses to accept for a
27 reason other than one set forth in subdivision (b), is effective as a
28 filed record except as against a purchaser of the collateral which
29 gives value in reasonable reliance upon the absence of the record
30 from the files.

31 SEC. 4. Section 9521 of the Commercial Code is amended to
32 read:

33 9521. (a) A filing office that accepts written records may not
34 refuse to accept a written initial financing statement in the
35 following form and format, except for a reason set forth in
36 subdivision (b) of Section 9516:



UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)
B. SEND ACKNOWLEDGEMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME – Insert only one debtor name (1a or 1b) – do not abbreviate or combine names

1a. ORGANIZATION'S NAME						
OR	1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX	
1c. MAILING ADDRESS			CITY	STATE	POSTAL CODE	COUNTRY
	ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID #, if any		<input type="checkbox"/> NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME – Insert only one debtor name (2a or 2b) – do not abbreviate or combine names

2a. ORGANIZATION'S NAME						
OR	2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX	
2c. MAILING ADDRESS			CITY	STATE	POSTAL CODE	COUNTRY
	ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any		<input type="checkbox"/> NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE or ASSIGNOR S/P) – Insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME						
OR	3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX	
3c. MAILING ADDRESS			CITY	STATE	POSTAL CODE	COUNTRY

4. This FINANCING STATEMENT covers the following collateral:

5. ALTERNATIVE DESIGNATION (if applicable): LESSEE/LESSOR CONSIGNEE/CONSIGNOR BAILEE/BAIOLR SELLER/BUYER AG. LIEN NON-UCC FILING

6. This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable) 7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (optional) All Debtors Debtor 1 Debtor 2 (ADDITIONAL FEE)

8. OPTIONAL FILER REFERENCE DATA

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT		
9a. ORGANIZATION'S NAME		
OR	9b. INDIVIDUAL'S LAST NAME	FIRST NAME
MIDDLE NAME, SUFFIX		
10. MISCELLANEOUS:		

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME – Insert only <u>one</u> name (11a or 11b) – do not abbreviate or combine names				
11a. ORGANIZATION'S NAME				
OR	11b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
11c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
11d. ADD'L INFO RE ORGANIZATION DEBTOR		11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATIONAL ID #, if any
				<input type="checkbox"/> NONE
12. <input type="checkbox"/> ADDITIONAL SECURED PARTY'S or <input type="checkbox"/> ASSIGNOR S/P'S NAME – Insert only <u>one</u> name (12a or 12b)				
12a. ORGANIZATION'S NAME				
OR	12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
12c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
13. This FINANCING STATEMENT covers <input type="checkbox"/> timber to be cut or <input type="checkbox"/> as-extracted collateral, or is filed as a <input type="checkbox"/> fixture filing.		16. Additional collateral description:		
14. Description of real estate:				
15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):				
17. Check <u>only</u> if applicable and check <u>only</u> one box. Debtor is a <input type="checkbox"/> Trust or <input type="checkbox"/> Trustee acting with respect to property held in trust or <input type="checkbox"/> Decedent's Estate				
18. Check <u>only</u> if applicable and check <u>only</u> one box. <input type="checkbox"/> Debtor is a TRANSMITTING UTILITY <input type="checkbox"/> Filed in connection with a Manufactured Home Transaction — effective 30 years <input type="checkbox"/> Filed in connection with a Public Finance Transaction — effective 30 years				

- 1 (b) A filing office that accepts written records may not refuse
- 2 to accept a written record in the following form and format, except
- 3 for a reason set forth in subdivision (b) of Section 9516:



UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]
B. SEND ACKNOWLEDGEMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #	1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the <input type="checkbox"/> REAL ESTATE RECORDS.
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- 2. TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.
- 3. CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.
- 4. ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.
- 5. AMENDMENT (PARTY INFORMATION): This Amendment affects Debtor or Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.
 - CHANGE name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c.
 - DELETE name: Give record name to be deleted in item 6a or 6b.
 - ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

6. CURRENT RECORD INFORMATION

6a. ORGANIZATION'S NAME

OR

6b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR

7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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ADD'L INFO RE ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION	7g. ORGANIZATIONAL ID #, if any	<input type="checkbox"/> NONE
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8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral deleted or added, or give entire restated collateral description, or describe collateral assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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10. OPTIONAL FILER REFERENCE DATA

UCC FINANCING STATEMENT AMENDMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

11. INITIAL FINANCING STATEMENT FILE # (same as item 1a on Amendment form)

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME, SUFFIX

13. Use this space for additional information

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1 SEC. 5. Section 9526.5 is added to the Commercial Code, to
2 read:

3 9526.5. (a) Notwithstanding any other provision of law, a
4 filing office shall truncate any social security number on a public
5 record before disclosing the record to the public. For purposes of
6 this section, “truncate” means to redact at least the first five digits
7 of a social security number.

8 (b) Notwithstanding subdivision (a), the provisions of this
9 section shall not apply to a county recorder.

10 ~~SEC. 7.~~

11 SEC. 6. Section 66018.55 is added to the Education Code, to
12 read:

13 66018.55. (a) As used in this section “college and university”
14 shall include all institutions of public higher education and all
15 independent institutions of higher education.

16 (b) The Office of Privacy Protection in the Department of
17 Consumer Affairs shall establish a task force to conduct a review
18 of the use by all colleges and universities of social security numbers
19 in order to recommend practices to minimize the collection, use,
20 storage, and retention of social security numbers in relation to
21 academic and operational needs and applicable legal requirements.

22 (c) The task force shall be known as the “College and University
23 Social Security Number Task Force.” The Office of Privacy
24 Protection shall determine the composition of the task force, which
25 shall include, but not be limited to, all of the following:

26 (1) Two representatives from each of the three institutions of
27 public higher education.

28 (2) Two representatives of the California Association of
29 Independent Colleges and Universities.

30 (3) Two representatives each from two organizations devoted
31 to the protection of personal privacy.

32 (4) One representative from a national organization devoted to
33 the management of informational technology in higher education.

34 (5) One representative from the business community with
35 expertise in technological solutions to privacy concerns.

36 (6) One representative each from the Assembly Committee on
37 Judiciary and the Senate Committee on Judiciary.

38 (d) The task force shall seek input, as deemed necessary and
39 appropriate, from all of the following:

- 1 (1) Representatives of organizations with expertise in technical
2 policy and practices of Internet disclosure, private policy relevant
3 to Internet disclosure, and fostering public integrity and
4 accountability.
- 5 (2) The constituencies of the college and university
6 communities, including students, staff, and faculty.
- 7 (e) The task force shall review and make recommendations to
8 minimize the collection, use, storage, and retention of social
9 security numbers by California colleges and universities and shall
10 include, but not be limited to, all of the following:
- 11 (1) A survey of best practices at colleges and universities and
12 the costs of implementing those best practices.
- 13 (2) The necessary use and protection of social security numbers
14 for all of the following:
- 15 (A) Research purposes.
- 16 (B) Academic purposes, including, but not limited to, academic
17 research, admission, financial aid, and other related operational
18 uses.
- 19 (C) Operational uses by academic medical centers, including,
20 but not limited to, patient identification, tracking, and care.
- 21 (D) Business purposes, including, but not limited to, the
22 provision of employee benefits, tax purposes, loan programs, and
23 other requirements imposed by current state and federal statutes
24 and regulations.
- 25 (E) Any other operational need of the college or university.
- 26 (3) Current personal privacy protections provided to students,
27 *applicants*, staff, and faculty of colleges and universities.
- 28 (4) Existing state and federal legal requirements, including
29 regulatory requirements, mandating the use of social security
30 numbers at colleges and universities.
- 31 (5) The possible use of personal identifiers or other substitutes
32 for social security numbers that protect personal information and
33 meet the operational needs of colleges and universities.
- 34 (6) The cost of funding any recommendations presented by the
35 task force, including those that are of minimal cost and can be
36 implemented immediately and those that require additional funding
37 or time to implement.
- 38 (f) The task force shall commence meetings no later than 60
39 days after the effective date of this section.

1 (g) (1) On or before July 1, 2009, the task force shall submit a
2 final report of its findings and recommendations to the Office of
3 Privacy Protection, and to the Assembly Committee on Judiciary
4 and the Senate Committee on Judiciary.

5 (2) The final report shall also include a list of ~~all existing use~~
6 ~~of social security numbers at colleges and universities.~~ *the existing*
7 *uses of social security numbers common among colleges and*
8 *universities for routine operations and compliance with state and*
9 *federal laws.*

10 (3) The findings and recommendations of the task force shall
11 be informational only and shall not be binding on any college or
12 university.

13 ~~SEC. 8.~~

14 *SEC. 7.* Section 6254.27 is added to the Government Code, to
15 read:

16 6254.27. Nothing in this chapter shall be construed to require
17 the disclosure by a county recorder of any “official record” if a
18 “public record” version of that record is available pursuant to
19 Article 3.5 (commencing with Section 27300) of Chapter 6 of Part
20 3 of Division 2 of Title 3.

21 ~~SEC. 9.~~

22 *SEC. 8.* Section 15705 is added to the Government Code, to
23 read:

24 15705. Notwithstanding any other provision of law, unless
25 prohibited by federal law, the Franchise Tax Board shall truncate
26 social security numbers on lien abstracts and any other records
27 created by the board that are disclosable under Chapter 3.5
28 (commencing with Section 6250) of Division 7 of Title 1 before
29 disclosing the record to the public. For purposes of this section,
30 “truncate” means to redact the first five digits of a social security
31 number.

32 ~~SEC. 10.~~

33 *SEC. 9.* Article 3.5 (commencing with Section 27300) is added
34 to Chapter 6 of Part 3 of Division 2 of Title 3 of the Government
35 Code, to read:

36
37 Article 3.5. Social Security Number Truncation Program

38
39 27300. As used in this article, the following terms have the
40 following meanings:

1 (a) “Official record” means the permanent archival record of
2 all instruments, papers, and notices as accepted for recording by
3 a county recorder.

4 (b) “Public record” means a record that is in an electronic format
5 and is an exact copy of an official record except that any social
6 security number contained in that record is truncated. The public
7 record shall have the same legal force and effect as the official
8 record.

9 (c) “Truncate” means to redact the first five digits of a social
10 security number.

11 (d) “Truncated social security number” means a social security
12 number that displays only the last four digits of the number.

13 27301. The county recorder of each county shall establish a
14 social security number truncation program in order to create a
15 public record version of each official record. The program shall
16 include both of the following components, which the recorder shall
17 implement concurrently:

18 (a) For each official record recorded between January 1, 1962,
19 and December 31, 2008, the recorder shall create in an electronic
20 format an exact copy of the record except that any social security
21 number contained in the ~~record shall be truncated. The copied~~
22 *record shall be truncated. In order to create a public record copy,*
23 *the recorder shall first truncate the social security numbers in all*
24 *records that already exist in an electronic format and then create*
25 *an electronic version of all other records and truncate social*
26 *security numbers contained in those records. Each group of records*
27 *shall be handled in descending chronological order.*

28 (b) For each official record recorded on or after January 1, 2009,
29 the recorder shall create a copy of that record in an electronic
30 format and truncate any social security number contained in that
31 record.

32 27302. (a) A county recorder shall be deemed to be in
33 compliance with the requirements of Section 27301 ~~if he or she~~
34 ~~uses due diligence to locate and truncate social security numbers~~
35 ~~in official records while applying industry best practices. A county~~
36 ~~recorder shall not be liable for failure to truncate a social security~~
37 ~~number. and shall not be liable for failure to truncate a social~~
38 *security number if he or she uses due diligence to locate social*
39 *security numbers in official records and truncates social security*
40 *numbers in the public record version of those official records. The*

1 *use of an automated program with a high rate of accuracy shall*
2 *be deemed to be due diligence.*

3 ~~(b) Any person may request that a county recorder truncate his~~
4 ~~or her social security number contained in a public record.~~

5 *(b) In the event that a county recorder fails to truncate a social*
6 *security number contained in a public record, any person may*
7 *request that the county recorder truncate the social security*
8 *number contained in that record. Notwithstanding that a county*
9 *recorder may be deemed to be in compliance with Section 27301*
10 *pursuant to subdivision (a), a county recorder that receives a request*
11 *that identifies the exact location of an untruncated social security*
12 *number within a specifically identified public record, shall truncate*
13 *that number within 10 business days of receiving the request. The*
14 *public record with the truncated social security number shall*
15 *replace the record with the untruncated number.*

16 27303. When a public record version of an official record
17 exists, both of the following shall apply:

18 ~~(a) Upon request of any person to inspect, for a copy of, or to~~
19 ~~otherwise publicly disclose an official record that is not exempt~~

20 *(a) Upon a request for inspection, copying, or any other public*
21 *disclosure of an official record that is not exempt from disclosure,*
22 *a county recorder shall make available only the public record*
23 *version of that record.*

24 *(b) A county recorder shall publicly disclose an official record*
25 *only in response to a subpoena or order of a court of competent*
26 *jurisdiction.*

27 27304. (a) Each county may use funds generated by fees
28 authorized by subdivision (d) of Section 27361 to implement a
29 social security number truncation program required by this article.

30 (b) No later than June 1, 2008, the county recorder of each
31 county shall petition the board of supervisors in that county for
32 the authority to levy the fee authorized by subdivision (d) of
33 Section 27361.

34 (c) It is the intent of the Legislature that in the interest of
35 enabling county recorders to act expeditiously to protect the privacy
36 of Californians, counties be permitted to seek revenue anticipation
37 loans or other outside funding sources for the implementation of
38 a social security number truncation program to be secured by the
39 anticipated revenue from the fee authorized by subdivision (d) of
40 Section 27361.

1 27305. (a) To assist the Legislature in monitoring the progress
 2 of each county recorder’s social security number truncation
 3 program, the County Recorders Association of California, no later
 4 than January 1, 2009, and annually thereafter, shall submit to the
 5 chairpersons of the Assembly Committee on Judiciary and of the
 6 Senate Committee on Judiciary, and to the Office of Privacy
 7 Protection, or any successor agency, a report on the progress each
 8 county recorder has made in complying with this article.

9 (b) Upon the Office of Privacy Protection making a
 10 determination that all counties have completed the component of
 11 the program described in subdivision (a) of Section 27301, the
 12 report described in subdivision (a) of this section shall no longer
 13 be required.

14 27306. On or before January 1, 2018, the Office of Privacy
 15 Protection shall report to the chairpersons of the Assembly
 16 Committee on Judiciary and of the Senate Committee on Judiciary
 17 on whether counties need to continue to levy the fee authorized
 18 by Section 27361.

19 27307. A county recorder is authorized to take all actions
 20 required by this article notwithstanding subdivision (d) of Section
 21 27203 or any other provision of law.

22 ~~SEC. 11.~~

23 *SEC. 10.* Section 27361 of the Government Code is amended
 24 to read:

25 27361. (a) The fee for recording and indexing every
 26 instrument, paper, or notice required or permitted by law to be
 27 recorded is four dollars (\$4) for recording the first page and three
 28 dollars (\$3) for each additional page, except the recorder may
 29 charge additional fees as follows:

30 (1) If the printing on printed forms is spaced more than nine
 31 lines per vertical inch or more than 22 characters and spaces per
 32 inch measured horizontally for not less than three inches in one
 33 sentence, the recorder shall charge one dollar (\$1) extra for each
 34 page or sheet on which printing appears excepting, however, the
 35 extra charge shall not apply to printed words which are directive
 36 or explanatory in nature for completion of the form or on vital
 37 statistics forms. Fees collected under this paragraph are not subject
 38 to subdivision (b) or (c).

39 (2) If a page or sheet does not conform with the dimensions
 40 described in subdivision (a) of Section 27361.5, the recorder shall

1 charge three dollars (\$3) extra per page or sheet of the document.
2 The extra charge authorized under this paragraph shall be available
3 solely to support, maintain, improve, and provide for the full
4 operation for modernized creation, retention, and retrieval of
5 information in each county's system of recorded documents. Fees
6 collected under this paragraph are not subject to subdivision (b)
7 or (c).

8 (b) One dollar (\$1) of each three dollar (\$3) fee for each
9 additional page shall be deposited in the county general fund.

10 (c) Notwithstanding Section 68085, one dollar (\$1) for recording
11 the first page and one dollar (\$1) for each additional page shall be
12 available solely to support, maintain, improve, and provide for the
13 full operation for modernized creation, retention, and retrieval of
14 information in each county's system of recorded documents.

15 (d) (1) In addition to all other fees authorized by this section,
16 a county recorder may charge a fee of one dollar (\$1) for recording
17 the first page of every instrument, paper, or notice required or
18 permitted by law to be recorded, as authorized by each county's
19 board of supervisors. The funds generated by this fee shall be used
20 only by the county recorder collecting the fee for the purpose of
21 implementing a social security number truncation program pursuant
22 to Article 3.5 (commencing with Section 27300).

23 (2) A county board of supervisors shall not authorize the fee
24 described in this subdivision unless the board requires the county
25 auditor to conduct two audits to determine whether the funds
26 generated by this fee are used only by the county recorder
27 collecting the fee for the purpose of implementing Article 3.5
28 (commencing with Section 27300) and for conducting these audits.
29 The board shall require that the first audit be completed not before
30 June 1, 2012, or after December 31, 2013, and that the second
31 audit be completed not before June 1, 2017, or after December 31,
32 2017. The audits shall adhere to generally accepted accounting
33 standards, and the audit results shall be made available to the
34 public.

35 *SEC. 11. The Legislature finds and declares that this act*
36 *imposes a limitation on the public's right of access to the meetings*
37 *of public bodies or the writings of public officials and agencies*
38 *within the meaning of Section 3 of Article I of the California*
39 *Constitution. Pursuant to that constitutional provision, the*
40 *Legislature makes the following findings to demonstrate the interest*

1 *protected by this limitation and the need for protecting that*
2 *interest:*

3 *In order to protect against the risk of identity theft when*
4 *government documents maintained by local agencies and county*
5 *recorders contain social security numbers, it is necessary to enact*
6 *legislation that ensures the confidentiality of social security*
7 *numbers.*

8 SEC. 12. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 a local agency or school district has the authority to levy service
11 charges, fees, or assessments sufficient to pay for the program or
12 level of service mandated by this act, within the meaning of Section
13 17556 of the Government Code.

14 However, if the Commission on State Mandates determines that
15 this act contains other costs mandated by the state, reimbursement
16 to local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

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CORRECTIONS:

Text—Pages 8, 9, and 11.
