

ASSEMBLY BILL

No. 2559

Introduced by Assembly Member John A. Perez

February 19, 2010

An act to amend Section 1798.17 of, and to add Section 1798.87 to, the Civil Code, relating to information practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 2559, as introduced, John A. Perez. Social security numbers.

Existing law, the Information Practices Act of 1977, regulates the power of certain state agencies to possess and disclose personal information. Existing law, with certain exceptions, prohibits the disclosure of a person's social number.

This bill would prohibit a state agency, as defined, from requiring an applicant for any benefit, service, or privilege, or for participation in any program to provide his or her social security number unless the agency is otherwise expressly required by law to require that the applicant provide the social security number as a precondition to participation in the program or for receipt of the benefit, service, or privilege. This bill would similarly prohibit the agency from retaining the person's social security number, and require the agency to conform their application forms.

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

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

- 1 SECTION 1. Section 1798.17 of the Civil Code is amended
- 2 to read:

1 1798.17. Each agency shall provide on or with any form used
 2 to collect personal information from individuals the notice specified
 3 in this section. When contact with the individual is of a regularly
 4 recurring nature, an initial notice followed by a periodic notice of
 5 not more than one-year intervals shall satisfy this requirement.
 6 This requirement is also satisfied by notification to individuals of
 7 the availability of the notice in annual tax-related pamphlets or
 8 booklets provided for them. The notice shall include all of the
 9 following:

10 (a) The name of the agency and the division within the agency
 11 that is requesting the information.

12 (b) The title, business address, and telephone number of the
 13 agency official who is responsible for the system of records and
 14 who shall, upon request, inform an individual regarding the location
 15 of his or her records and the categories of any persons who use
 16 the information in those records.

17 (c) The authority, whether granted by statute, regulation, or
 18 executive order which authorizes the maintenance of the
 19 information.

20 (d) With respect to each item of information, whether submission
 21 of such information is mandatory or voluntary.

22 (e) The consequences, if any, of not providing all or any part
 23 of the requested information.

24 (f) The principal purpose or purposes within the agency for
 25 which the information is to be used.

26 (g) Any known or foreseeable disclosures which may be made
 27 of the information pursuant to subdivision (e) or (f) of Section
 28 1798.24.

29 (h) The individual's right of access to records containing
 30 personal information which are maintained by the agency.

31 This section does not apply to any enforcement document issued
 32 by an employee of a law enforcement agency in the performance
 33 of his or her duties wherein the violator is provided an exact copy
 34 of the document, or to accident reports whereby the parties of
 35 interest may obtain a copy of the report pursuant to Section 20012
 36 of the Vehicle Code.

37 The notice required by this section does not apply to agency
 38 requirements for an individual to provide his or her name,
 39 identifying number, photograph, address, or similar identifying
 40 information, if this information is used only for the purpose of

1 identification and communication with the individual by the
2 agency, except that requirements for an individual's social security
3 number shall conform with the provisions of the Federal Privacy
4 Act of 1974 (Public Law 93-579) and *Section 1798.87*.

5 SEC. 2. Section 1798.87 is added to the Civil Code, to read:

6 1798.87. (a) No agency, as defined in subdivision (b) of
7 Section 1798.3, shall require an applicant for any benefit, service,
8 or privilege, or for participation in any program, to provide his or
9 her social security number and nor shall the agency retain the
10 person's social security number, unless the agency is otherwise
11 expressly required by law to require that the applicant provide the
12 social security number as a precondition to participation in the
13 program or for receipt of the benefit, service, or privilege.

14 (b) No agency, as defined in subdivision (b) of Section 1798.3,
15 shall include an entry for an applicant's social security number on
16 any application or other form for the receipt of any benefit, service,
17 or privilege, or for participation in any program, unless the agency
18 is otherwise expressly required by law to require that the applicant
19 provide the social security number as a precondition to participation
20 in the program or for receipt of the benefit, service, or privilege.