

AMENDED IN SENATE MARCH 9, 2009

SENATE BILL

No. 40

Introduced by Senator Correa

January 6, 2009

An act to amend Section 1798.89 of the Civil Code, to amend Section 4506 of the Family Code, and to amend Sections 102200, 102230, 102360, and 102425 of the Health and Safety Code, relating to social security numbers.

LEGISLATIVE COUNSEL'S DIGEST

SB 40, as amended, Correa. Personal information: social security numbers.

Existing law requires any person, entity, or government agency that is presenting a document for recording or filing with a county recorder to only list the last 4 digits of a social security number.

~~This bill would instead require the county recorder to reject any document that contains more than the last 4 digits of a the social security number~~ *provide that a document containing more than the last 4 digits of a social security number is not entitled for recording. This bill would also provide a recorder shall be deemed to be in compliance if he or she uses due diligence to locate social security numbers in documents presented for recording.*

Existing law requires an abstract of judgment ordering a party to pay spousal, child, or family support to contain the social security number of the party who is ordered to pay.

This bill would instead require an abstract of judgment to contain only the last 4 digits of the social security number of the party who is ordered to pay.

Existing law requires the State Registrar of Vital Statistics, to administer the registration of births and deaths. Existing law requires the State Registrar to arrange and permanently preserve the certificates in a systematic manner and to prepare and maintain a comprehensive and continuous index of all certificates registered. Existing law requires the comprehensive birth and death record indices prepared and maintained by the State Registrar and by local registrars and county recorders to be kept confidential. Existing law requires that certain birth and death records include specified information, including certain social security numbers.

This bill would instead require only the last 4 digits of a person's social security number to be displayed on birth and death certificates.

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

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

- 1 SECTION 1. Section 1798.89 of the Civil Code is amended
2 to read:
3 1798.89. Unless otherwise required to do so by state or federal
4 ~~law, the county recorder shall reject for recording any document~~
5 ~~that has more than the last four digits of the social security number.~~
6 *law, no person, entity, or governmental agency shall present for*
7 *recording or filing with a county recorder a document that is*
8 *required by any provision of law to be open to the public if that*
9 *record displays more than the last four digits of a social security*
10 *number. Unless otherwise authorized by state or federal law, a*
11 *document containing more than the last four digits of a social*
12 *security number is not entitled for recording. A recorder shall be*
13 *deemed to be in compliance with the requirements of this section*
14 *if he or she uses due diligence to locate social security numbers*
15 *in documents presented for recording.*
16 SEC. 2. Section 4506 of the Family Code is amended to read:
17 4506. (a) An abstract of a judgment ordering a party to pay
18 spousal, child, or family support to the other party shall be certified
19 by the clerk of the court where the judgment was entered and shall
20 contain all of the following:
21 (1) The title of the court where the judgment is entered and the
22 cause and number of the proceeding.

1 (2) The date of entry of the judgment and of any renewal of the
2 judgment.

3 (3) Where the judgment and any renewals are entered in the
4 records of the court.

5 (4) The name and last known address of the party ordered to
6 pay support.

7 (5) The name and address of the party to whom support
8 payments are ordered to be paid.

9 (6) ~~The~~ *Only the* last four digits of the social security number,
10 birth date, and driver's license number of the party who is ordered
11 to pay support. If any of those numbers are not known to the party
12 to whom support payments are to be paid, that fact shall be
13 indicated on the abstract of the court judgment.

14 (7) Whether a stay of enforcement has been ordered by the court
15 and, if so, the date the stay ends.

16 (8) The date of issuance of the abstract.

17 (9) Any other information deemed reasonable and appropriate
18 by the Judicial Council.

19 (b) The Judicial Council may develop a form for an abstract of
20 a judgment ordering a party to pay child, family, or spousal support
21 to another party which contains the information required by
22 subdivision (a).

23 (c) Notwithstanding any other provision of law, when a support
24 obligation is being enforced pursuant to Title IV-D of the Social
25 Security Act, the agency enforcing the obligation may record a
26 notice of support judgment. The notice of support judgment shall
27 contain the same information as the form adopted by the Judicial
28 Council pursuant to subdivision (b) and Section 4506.1. The notice
29 of support judgment shall have the same force and effect as an
30 abstract of judgment certified by the clerk of the court where the
31 judgment was entered. The local child support agency or other
32 Title IV-D agency shall not be subject to any civil liability as a
33 consequence of causing a notice of support judgment to be
34 recorded.

35 (d) As used in this section, "judgment" includes an order for
36 child, family, or spousal support.

37 SEC. 3. Section 102200 of the Health and Safety Code is
38 amended to read:

39 102200. The State Registrar shall prescribe and furnish all
40 record forms for use in carrying out the purposes of this part, or

1 shall prescribe the format, quality, and content of forms
2 electronically produced in each county, and no record forms or
3 formats other than those prescribed shall be used. To prevent fraud,
4 birth and death certificate forms shall be ~~formatted~~ *prescribed* to
5 allow inclusion of only the last four digits of any social security
6 number.

7 SEC. 4. Section 102230 of the Health and Safety Code is
8 amended to read:

9 102230. (a) (1) The State Registrar shall arrange and
10 permanently preserve the certificates in a systematic manner and
11 shall prepare and maintain comprehensive and continuous indices
12 of all certificates registered.

13 (2) The birth and death record indices prepared pursuant to
14 paragraph (1) and all comprehensive birth and death record indices
15 prepared or maintained by local registrars and county recorders
16 shall be kept confidential and shall be exempt from disclosure
17 under the California Public Records Act (Chapter 3.5 (commencing
18 with Section 6250) of Division 7 of Title 1 of the Government
19 Code).

20 (3) Notwithstanding paragraph (2), the State Registrar, at his
21 or her discretion, may release comprehensive birth and death record
22 indices to any government agency. Local registrars and county
23 recorders, when requested, shall release their comprehensive birth
24 and death record indices to the State Registrar. A government
25 agency that obtains indices pursuant to this paragraph may not sell
26 or release the index or any portion of its contents to any other
27 person except as necessary for official government business and
28 shall not post the indices or any portion thereof on the Internet.

29 (b) (1) The State Registrar shall prepare and maintain separate
30 noncomprehensive indices of all California birth and death records
31 for public release.

32 (2) For purposes of this section, noncomprehensive birth record
33 indices for public release shall be comprised of first, middle, and
34 last name, sex, date of birth, and place of birth.

35 (3) For purposes of this section, noncomprehensive death record
36 indices for public release shall be comprised of first, middle, and
37 last name, sex, date of birth, place of birth, place of death, date of
38 death, and father's last name.

39 (4) Requesters of the birth or death record indices prepared
40 pursuant to this subdivision shall provide proof of identity,

1 complete a form, and sign the form under penalty of perjury. The
2 form shall include all of the following:

3 (A) The proposed use of the birth or death record indices.

4 (B) A disclaimer crediting any analyses, interpretations, or
5 conclusions reached regarding the birth or death record indices to
6 the author and not to the State Department of Health Services.

7 (C) Assurance that technical descriptions of the birth or death
8 record indices are consistent with those provided by the State
9 Department of Health Services.

10 (D) Assurance that the requester shall not sell, assign, or
11 otherwise transfer the birth or death record indices.

12 (E) Assurance that the requester shall not use the birth or death
13 record indices for fraudulent purposes.

14 (5) Birth and death record indices obtained pursuant to this
15 subdivision, and any portion thereof, shall not be used for
16 fraudulent purposes.

17 (c) (1) The State Registrar shall prepare and maintain separate
18 noncomprehensive indices of all California birth and death records
19 for purposes of law enforcement or preventing fraud.

20 (2) For purposes of this section, noncomprehensive birth record
21 indices for the purpose of preventing fraud shall be comprised of
22 first, middle, and last name, sex, date of birth, place of birth, and
23 mother's maiden name.

24 (3) For purposes of this section, noncomprehensive death record
25 indices for the purpose of preventing fraud shall be comprised of
26 first, middle, and last name, place of death, mother's maiden name,
27 sex, *only the* last four digits of the social security number, date of
28 birth, place of birth, date of death, and father's last name.

29 (4) The birth and death record indices prepared pursuant to this
30 subdivision shall be made available to financial institutions, as
31 defined in 15 U.S.C. Sec. 6827(4)(A) and (B), its representatives
32 or contractors, consumer credit reporting agencies, as defined in
33 subdivision (d) of Section 1785.3 of the Civil Code, its
34 representatives or contractors, those entities providing information
35 services for purposes of law enforcement or preventing fraud,
36 officers of the court for the sole purpose of verifying a death, and
37 to persons or entities acting on behalf of law enforcement agencies
38 or the court, or pursuant to a court order.

39 (5) The birth and death record indices prepared pursuant to this
40 subdivision may be released to any government agency.

- 1 (6) Requesters of the birth or death record indices prepared
2 pursuant to this subdivision shall provide proof of identity,
3 complete a form, and sign the form under penalty of perjury. The
4 form shall include all of the following:
- 5 (A) An agreement not to release or allow public access to the
6 birth or death record indices, and an agreement not to post the
7 indices on the Internet, except as permitted by this subdivision.
 - 8 (B) The proposed use of the birth or death record indices.
 - 9 (C) The names of all persons within the organization, if
10 applicable, who will have access to the birth or death record
11 indices.
 - 12 (D) A disclaimer crediting any analyses, interpretations, or
13 conclusions reached regarding the birth or death record indices to
14 the author and not to the State Department of Health Services.
 - 15 (E) Assurance that technical descriptions of the birth or death
16 record indices are consistent with those provided by the State
17 Department of Health Services.
 - 18 (F) Assurance that the requester shall not sell, assign, or
19 otherwise transfer the birth or death record indices, except as
20 permitted by this subdivision.
 - 21 (G) Assurance that the requester shall not use the birth or death
22 record indices for fraudulent purposes.
- 23 (7) (A) Birth and death record indices, and any portion thereof,
24 obtained pursuant to this section, shall not be used for fraudulent
25 purposes and shall not be posted on the Internet.
- 26 (B) Notwithstanding subparagraph (A), individual information
27 contained in birth and death record indices may be posted on the
28 Internet if all of the following requirements are met:
 - 29 (i) The individual information is posted on a Web site that is
30 protected by a password.
 - 31 (ii) The individual information is posted on a Web site that is
32 available to subscribers only for a fee.
 - 33 (iii) The individual information is not posted for public display.
 - 34 (iv) The individual information is available to subscribers
35 pursuant to a contractual agreement.
 - 36 (v) The individual information is posted for purposes of law
37 enforcement or preventing fraud.
 - 38 (d) Mail-in requests from nongovernmental agencies for birth
39 and death record indices requested pursuant to subdivisions (b)

1 and (c) shall include a notarized statement attesting to the identity
2 of the requester.

3 (e) Noncomprehensive birth and death record indices pursuant
4 to subdivisions (b) and (c) shall be updated annually.

5 (f) All birth and death record indices provided pursuant to this
6 section shall be made available subject to cost recovery provisions
7 of the California Public Records Act (Chapter 3.5 (commencing
8 with Section 6250) of Division 7 of Title 1 of the Government
9 Code).

10 (g) Any noncomprehensive birth and death record indices
11 created by local registrars or county recorders shall be subject to
12 the conditions for release required by this section.

13 (h) A person or entity that obtains a birth or death record index,
14 or any portion thereof, from a requester who has obtained the index
15 in accordance with paragraph (6) of subdivision (c) may not sell,
16 assign, or otherwise transfer that index, or any portion thereof, to
17 any third party.

18 (i) Paragraphs (2) and (3) of subdivision (a) and subdivisions
19 (b) to (h), inclusive, shall be implemented only to the extent that
20 funds for these purposes are appropriated by the Legislature in the
21 annual Budget Act or other statute.

22 SEC. 5. Section 102360 of the Health and Safety Code is
23 amended to read:

24 102360. The local registrar of births and deaths shall furnish
25 to the registrar of voters or county clerk not later than the 15th day
26 of each month a notification of all deceased persons 18 years of
27 age and over whose deaths were registered with him or her or of
28 whose deaths he or she was notified by the state registrar of vital
29 statistics during the preceding month. This notification shall include
30 at least the name, *only the* last four digits of the social security
31 number, sex, age, birthplace, birthdate, place of residence, and
32 date and place of death for each decedent. Copies of this
33 notification list shall be sent at the same time to the county welfare
34 department and the local district social security office.

35 SEC. 6. Section 102425 of the Health and Safety Code is
36 amended to read:

37 102425. (a) The certificate of live birth for any live birth
38 occurring on or after January 1, 1980, shall contain those items
39 necessary to establish the fact of the birth and shall contain only
40 the following information:

- 1 (1) Full name and sex of the child.
- 2 (2) Date of birth, including month, day, hour, and year.
- 3 (3) Place of birth.
- 4 (4) Full name of the father, birthplace, and date of birth of the
- 5 father including month, day, and year. If the parents are not married
- 6 to each other, the father’s name shall not be listed on the birth
- 7 certificate unless the father and the mother sign a voluntary
- 8 declaration of paternity at the hospital before the birth certificate
- 9 is prepared. The birth certificate may be amended to add the
- 10 father’s name at a later date only if paternity for the child has been
- 11 established by a judgment of a court of competent jurisdiction or
- 12 by the filing of a voluntary declaration of paternity.
- 13 (5) Full birth name of the mother, birthplace, and date of birth
- 14 of the mother including month, day, and year.
- 15 (6) Multiple births and birth order of multiple births.
- 16 (7) Signature, and relationship to the child, of a parent or other
- 17 informant, and date signed.
- 18 (8) Name, title, and mailing address of the attending physician
- 19 and surgeon or principal attendant, signature, and certification of
- 20 live birth by the attending physician and surgeon or principal
- 21 attendant or certifier, date signed, and name and title of the certifier
- 22 if other than the attending physician and surgeon or principal
- 23 attendant.
- 24 (9) Date accepted for registration and signature of local registrar.
- 25 (10) A state birth certificate number and local registration district
- 26 and number.
- 27 (11) A blank space for entry of the date of death with a caption
- 28 reading “Date of Death.”
- 29 (b) In addition to the items listed in subdivision (a), the
- 30 certificate of live birth shall contain the following medical and
- 31 social information, provided that the information is kept
- 32 confidential pursuant to Sections 102430 and 102447 and is clearly
- 33 labeled “Confidential Information for Public Health Use Only”:
- 34 (1) Birth weight.
- 35 (2) Pregnancy history.
- 36 (3) Race and ethnicity of the mother and father.
- 37 (4) Residence address of the mother.
- 38 (5) A blank space for entry of census tract for the mother’s
- 39 address.

1 (6) Date of first prenatal care visit, the number of prenatal care
2 visits, and commencing January 1, 2007, the date of last prenatal
3 care visit.

4 (7) Date of last normal menses and, commencing January 1,
5 2007, an obstetric estimate of completed weeks of gestation at
6 delivery.

7 (8) Description of complications and procedures of pregnancy
8 and concurrent illnesses, congenital malformation, and any
9 complication or procedure of labor and delivery, including surgery,
10 provided that this information is essential medical information and
11 appears in total on the face of the certificate.

12 (9) Commencing January 1, 2007, hearing screen results.

13 (10) Mother's and father's occupations and kind of business or
14 industry.

15 (11) Education level of the mother and father.

16 (12) Principal source of payment for prenatal care, which shall
17 include the following: Medi-Cal, private insurance, self-pay, other
18 sources, and any other categories as may be determined by the
19 State Department of Health Services.

20 (13) Expected principal source of payment for delivery, which
21 shall include the following: Medi-Cal, private insurance, self-pay,
22 other sources, and any other categories as may be determined by
23 the State Department of Health Services.

24 (14) An indication of whether or not the child's parent desires
25 the automatic issuance of a social security number to the child.

26 (15) (A) On and after January 1, 1995, ~~the last four digits of~~
27 ~~the~~ social security numbers of the mother and father, unless
28 subdivision (b) of Section 102150 applies.

29 (B) *On or after January 1, 2010, only the last four digits of the*
30 *social security numbers of the mother and father, unless subdivision*
31 *(b) of Section 102150 applies.*

32 (c) Paragraph (8) of subdivision (b) shall be completed by the
33 attending physician and surgeon or the attending physician and
34 surgeon's designated representative. The names and addresses of
35 children born with congenital malformations who require followup
36 treatment, as determined by the child's physician and surgeon,
37 shall be furnished by the physician and surgeon to the local health
38 officer, if permission is granted by either parent of the child.

39 (d) The parent shall only be asked to sign the form after both
40 the public portion and the confidential medical and social

1 information items have been entered upon the certificate of live
2 birth.

3 (e) The State Registrar shall instruct all local registrars to collect
4 the information specified in this section with respect to certificates
5 of live birth. The information shall be transcribed on the certificate
6 of live birth in use at the time and shall be limited to the
7 information specified in this section.

8 Information relating to concurrent illnesses, complications and
9 procedures of pregnancy and delivery, and congenital
10 malformations shall be completed by the physician and surgeon,
11 or the physician and surgeon’s designee, who shall insert in the
12 space provided on the confidential portion of the certificate the
13 appropriate number or numbers listed on the VS-10A supplemental
14 worksheet. The VS-10A supplemental form shall be used as a
15 worksheet only and shall not in any manner be linked with the
16 identity of the child or the mother, nor submitted with the certificate
17 to the State Registrar. All information transferred from the
18 worksheet to the certificate shall be fully explained to the parent
19 or other informant prior to the signing of the certificate. No
20 questions relating to drug or alcohol abuse may be asked.

21 (f) (1) The Vital Statistics Advisory Committee, in accordance
22 with Section 102465, shall conduct a review of the contents of the
23 certificate of live birth to coincide with decennial revisions by the
24 National Center for Health Statistics to the United States Standard
25 Certificate of Live Birth. The Vital Statistics Advisory Committee
26 shall make recommendations to the State Registrar regarding the
27 adoption of modifications to the state certificate of live birth that
28 are similar to those made to the federal certificate.

29 (2) Notwithstanding Section 102470, the State Registrar shall
30 review the Vital Statistics Advisory Committee recommendations
31 and, at the State Registrar’s discretion, shall submit to the
32 Legislature, for approval, additions or deletions to the certificate
33 of live birth.

O