

AMENDED IN ASSEMBLY APRIL 30, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 555

Introduced by Assembly Member Salas

February 20, 2013

An act to amend Section 1798.85 of the Civil Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 555, as amended, Salas. Social security numbers.

Existing law prohibits a person or entity, with specified exceptions, from publicly posting or displaying an individual's social security number or doing certain other acts that might compromise the security of an individual's social security number, unless otherwise required by federal or state law.

This bill would declare that those provisions do not prevent an adult state correctional facility, an adult city jail, or an adult county jail, from releasing an inmate's social security number, *with the inmate's consent and* upon request by the county veterans service officer or the United States Department of Veterans Affairs, for the purposes of determining the inmate's status as a military veteran and his or her eligibility for federal, state, or local veterans' benefits or services.

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 1798.85 of the Civil Code is amended
2 to read:

3 1798.85. (a) Except as provided in this section, a person or
4 entity may not do any of the following:

5 (1) Publicly post or publicly display in any manner an
6 individual's social security number. "Publicly post" or "publicly
7 display" means to intentionally communicate or otherwise make
8 available to the general public.

9 (2) Print an individual's social security number on any card
10 required for the individual to access products or services provided
11 by the person or entity.

12 (3) Require an individual to transmit his or her social security
13 number over the Internet, unless the connection is secure or the
14 social security number is encrypted.

15 (4) Require an individual to use his or her social security number
16 to access an Internet Web site, unless a password or unique
17 personal identification number or other authentication device is
18 also required to access the Internet Web site.

19 (5) Print an individual's social security number on any materials
20 that are mailed to the individual, unless state or federal law requires
21 the social security number to be on the document to be mailed.
22 Notwithstanding this paragraph, social security numbers may be
23 included in applications and forms sent by mail, including
24 documents sent as part of an application or enrollment process, or
25 to establish, amend or terminate an account, contract or policy, or
26 to confirm the accuracy of the social security number. A social
27 security number that is permitted to be mailed under this section
28 may not be printed, in whole or in part, on a postcard or other
29 mailer not requiring an envelope, or visible on the envelope or
30 without the envelope having been opened.

31 (b) This section does not prevent the collection, use, or release
32 of a social security number as required by state or federal law or
33 the use of a social security number for internal verification or
34 administrative purposes.

35 (c) This section does not prevent an adult state correctional
36 facility, an adult city jail, or an adult county jail from releasing an
37 inmate's social security number, *with the inmate's consent and*
38 upon request by the county veterans service officer or the United

1 States Department of Veterans Affairs, for the purposes of
2 determining the inmate's status as a military veteran and his or her
3 eligibility for federal, state, or local veterans' benefits or services.

4 (d) This section does not apply to documents that are recorded
5 or required to be open to the public pursuant to Chapter 3.5
6 (commencing with Section 6250), Chapter 14 (commencing with
7 Section 7150) or Chapter 14.5 (commencing with Section 7220)
8 of Division 7 of Title 1 of, Article 9 (commencing with Section
9 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of, or Chapter
10 9 (commencing with Section 54950) of Part 1 of Division 2 of
11 Title 5 of, the Government Code. This section does not apply to
12 records that are required by statute, case law, or California Rule
13 of Court, to be made available to the public by entities provided
14 for in Article VI of the California Constitution.

15 (e) (1) In the case of a health care service plan, a provider of
16 health care, an insurer or a pharmacy benefits manager, a contractor
17 as defined in Section 56.05, or the provision by any person or
18 entity of administrative or other services relative to health care or
19 insurance products or services, including third-party administration
20 or administrative services only, this section shall become operative
21 in the following manner:

22 (A) On or before January 1, 2003, the entities listed in paragraph
23 (1) shall comply with paragraphs (1), (3), (4), and (5) of subdivision
24 (a) as these requirements pertain to individual policyholders or
25 individual contractholders.

26 (B) On or before January 1, 2004, the entities listed in paragraph
27 (1) shall comply with paragraphs (1) to (5), inclusive, of
28 subdivision (a) as these requirements pertain to new individual
29 policyholders or new individual contractholders and new groups,
30 including new groups administered or issued on or after January
31 1, 2004.

32 (C) On or before July 1, 2004, the entities listed in paragraph
33 (1) shall comply with paragraphs (1) to (5), inclusive, of
34 subdivision (a) for all individual policyholders and individual
35 contractholders, for all groups, and for all enrollees of the Healthy
36 Families and Medi-Cal programs, except that for individual
37 policyholders, individual contractholders and groups in existence
38 prior to January 1, 2004, the entities listed in paragraph (1) shall
39 comply upon the renewal date of the policy, contract, or group on
40 or after July 1, 2004, but no later than July 1, 2005.

1 (2) A health care service plan, a provider of health care, an
 2 insurer or a pharmacy benefits manager, a contractor, or another
 3 person or entity as described in paragraph (1) shall make reasonable
 4 efforts to cooperate, through systems testing and other means, to
 5 ensure that the requirements of this article are implemented on or
 6 before the dates specified in this section.

7 (3) Notwithstanding paragraph (2), the Director of the
 8 Department of Managed Health Care, pursuant to the authority
 9 granted under Section 1346 of the Health and Safety Code, or the
 10 Insurance Commissioner, pursuant to the authority granted under
 11 Section 12921 of the Insurance Code, and upon a determination
 12 of good cause, may grant extensions not to exceed six months for
 13 compliance by health care service plans and insurers with the
 14 requirements of this section when requested by the health care
 15 service plan or insurer. Any extension granted shall apply to the
 16 health care service plan or insurer’s affected providers, pharmacy
 17 benefits manager, and contractors.

18 (f) If a federal law takes effect requiring the United States
 19 Department of Health and Human Services to establish a national
 20 unique patient health identifier program, a provider of health care,
 21 a health care service plan, a licensed health care professional, or
 22 a contractor, as those terms are defined in Section 56.05, that
 23 complies with the federal law shall be deemed in compliance with
 24 this section.

25 (g) A person or entity may not encode or embed a social security
 26 number in or on a card or document, including, but not limited to,
 27 using a barcode, chip, magnetic strip, or other technology, in place
 28 of removing the social security number, as required by this section.

29 (h) This section shall become operative, with respect to the
 30 University of California, in the following manner:

31 (1) On or before January 1, 2004, the University of California
 32 shall comply with paragraphs (1), (2), and (3) of subdivision (a).

33 (2) On or before January 1, 2005, the University of California
 34 shall comply with paragraphs (4) and (5) of subdivision (a).

35 (i) This section shall become operative with respect to the
 36 Franchise Tax Board on January 1, 2007.

37 (j) This section shall become operative with respect to the
 38 California community college districts on January 1, 2007.

39 (k) This section shall become operative with respect to the
 40 California State University system on July 1, 2005.

1 *(l)* This section shall become operative, with respect to the
2 California Student Aid Commission and its auxiliary organization,
3 in the following manner:

4 (1) On or before January 1, 2004, the commission and its
5 auxiliary organization shall comply with paragraphs (1), (2), and
6 (3) of subdivision (a).

7 (2) On or before January 1, 2005, the commission and its
8 auxiliary organization shall comply with paragraphs (4) and (5)
9 of subdivision (a).

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