

AMENDED IN ASSEMBLY JUNE 1, 2007
AMENDED IN ASSEMBLY APRIL 16, 2007
AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1168

Introduced by Assembly Member Jones

February 23, 2007

An act to add Section 1798.88 to the Civil Code, to amend Sections 9516 and 9521 of, and to add Section 9526.5 to, the Commercial Code, to add Section 66018.5 to the Education Code, and to add Section 15705 to the Government Code, relating to social security numbers. 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 all colleges and universities located in this state to implement policies and procedures regarding the retention of social security numbers in their electronic records that are accessible through the Internet, which shall provide for the redaction of social security numbers. The bill would require that these policies and procedures authorize the Attorney General, or any injured person, to bring a civil action to enforce this provision~~ *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, before disclosing to the public any record that is required to be open to the public by any provision of law, shall truncate any social security number on the record by redacting the first 5 digits of that number. The bill would provide exceptions to this requirement for a county recorder. 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 record or file with a local agency a document that 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 truncate social security numbers on specified filings.

~~(5) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(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, 1935, 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 up to \$1 for recording the first page and \$1 for each additional page, 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 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 request 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, 2013, 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.

*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:
- 3 1798.88. (a) Notwithstanding subdivision (c) of Section
- 4 1798.85 or any other provision of law, unless required by federal
- 5 law, a local agency, before disclosing to the public any record that

1 is required to be open to the public by any provision of law, shall
2 truncate any social security number on the record. For purposes
3 of this section, “truncate” means to redact the first five digits of a
4 social security number.

5 ~~(b) (1) Notwithstanding subdivision (a), with respect to a county~~
6 ~~recorder, the requirement to truncate social security numbers shall~~
7 ~~apply only to public records and shall not apply to official records;~~
8 ~~as those terms are defined in this section.~~

9 ~~(2) For purposes of this subdivision,~~

10 ~~(A) “Public record” means ____.~~

11 ~~(B) “Official record” means ____.~~

12 ~~(3) This section shall become operative with respect to a county~~
13 ~~recorder on January 1, ____.~~

14 *(b) Notwithstanding subdivision (a), the provisions of this*
15 *section shall not apply to a county recorder that has instituted a*
16 *program pursuant to Article 3.5 (commencing with Section 27300)*
17 *of Chapter 6 of Part 3 of Division 2 of Title 3 of the Government*
18 *Code.*

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

20 *1798.89. Unless otherwise required to do so by state or federal*
21 *law, no person, entity, or government agency shall record or file*
22 *with a local agency a document that is required by any provision*
23 *of law to be open to the public if that record displays a social*
24 *security number that includes more than the last four digits of that*
25 *number.*

26 ~~SEC. 2.~~

27 *SEC. 3. Section 9516 of the Commercial Code is amended to*
28 *read:*

29 9516. (a) Except as otherwise provided in subdivision (b),
30 communication of a record to a filing office and tender of the filing
31 fee or acceptance of the record by the filing office constitutes
32 filing.

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

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

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

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

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

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

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

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

9 (C) In the case of an initial financing statement that provides
10 the name of a debtor identified as an individual or an amendment
11 that provides a name of a debtor identified as an individual which
12 was not previously provided in the financing statement to which
13 the record relates, the record does not identify the debtor's last
14 name.

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

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

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

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

27 (B) Indicate whether the debtor is an individual or an
28 organization.

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

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

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

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

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

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

4 (8) The record contains more than the last four digits of a social
5 security number.

6 (c) For purposes of subdivision (b), both of the following rules
7 apply:

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

10 (2) A record that does not indicate that it is an amendment or
11 identify an initial financing statement to which it relates, as
12 required by Section 9512, 9514, or 9518, is an initial financing
13 statement.

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

20 ~~SEC. 3.~~

21 *SEC. 4.* Section 9521 of the Commercial Code is amended to
22 read:

23 9521. (a) A filing office that accepts written records may not
24 refuse to accept a written initial financing statement in the
25 following form and format, except for a reason set forth in
26 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 <u>one</u> 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
1d. TAX ID#: OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATION ID #, if any	
				☐ NONE	
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME – Insert only <u>one</u> 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
2d. TAX ID#: OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATION ID #, if any	
				☐ NONE	
3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE or ASSIGNOR S/P) – Insert only <u>one</u> 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/BAILOR ☐ 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 if REQUEST SEARCH REPORT(S) or Debtor(s) (optional) ☐ All Debtor's ☐ Debtor 1 ☐ Debtor 2					
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 one debtor 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 COUNTRY
11d. TAX ID#: OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATION ID #, if any
				☐ NONE

12. ☐ ADDITIONAL SECURED PARTY'S or ☐ ASSIGNOR S/PS NAME – Insert only one debtor 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 COUNTRY

13. This FINANCING STATEMENT covers ☐ timber to be cut or
☐ as-extracted collateral, or is filed as a ☐ fixture filing.

14. Description of real estate.

16. Additional collateral description:

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):

17. Check only if applicable and check only one box.Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or ☐ Decedent's Estate18. Check only if applicable and check only one box.☐ Debtor is a TRANSMITTING UTILITY☐ Filed in connection with a Manufactured Home Transaction — effective 30 years☐ Filed in connection with a Public Finance Transaction — effective 30 years

NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC1Ad) (REV. 07/29/98)

- 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 ☐ 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	

7. **CHANGED (NEW) OR ADDED INFORMATION:**

7a. ORGANIZATION'S NAME				
OR	7b. INDIVIDUAL'S LAST NAME			
	FIRST NAME	MIDDLE NAME	SUFFIX	

7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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7d. TAX ID#: OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION	7g. ORGANIZATION ID #, if any ☐ 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

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. 4.~~

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

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

9 (b) Notwithstanding subdivision (a), a local agency in
10 compliance with Section 1798.88 of the Civil Code shall be deemed
11 to be in compliance with this section. Nothing in this section shall
12 be deemed to require a local agency to comply with the provisions
13 of Section 1798.88 of the Civil Code before January 1, ____.

14 ~~SEC. 5.~~ ~~Section 66018.5 is added to the Education Code, to~~
15 ~~read:~~

16 ~~66018.5. (a) All colleges and universities in this state shall~~
17 ~~implement policies and procedures regarding the retention of social~~
18 ~~security numbers in electronic records that are accessible through~~
19 ~~the Internet. The policies and procedures shall provide for the~~
20 ~~redaction of social security numbers except where necessary and~~
21 ~~shall include, but not be limited to, all of the following:~~

22 ~~(1) Regarding records that pertain to taxes, loans, or financial~~
23 ~~aid, social security numbers shall be discarded upon the expiration~~
24 ~~of the retention schedule prescribed by state or federal law.~~

25 ~~(2) Regarding applications for admission to undergraduate and~~
26 ~~graduate courses of study, social security numbers shall be~~
27 ~~discarded no later than one year after the application is submitted~~
28 ~~to the college or university.~~

29 ~~(b) A college or university shall be deemed to have discarded~~
30 ~~a social security number if it erases the number from its electronic~~
31 ~~records, if it truncates the number so that only the last four digits~~
32 ~~remain or if it creates a “one-way hash” of the number. For~~
33 ~~purposes of this section, a “one-way hash” means ____.~~

34 ~~(c) Notwithstanding Section 67400, this section shall apply to~~
35 ~~the University of California and all of its campuses.~~

36 ~~(d) The Attorney General, or any person injured by a violation~~
37 ~~of this section, may bring a civil action to enforce this section.~~

38 ~~SEC. 7.~~ Section 66018.55 is added to the Education Code, to
39 read:

1 66018.55. (a) As used in this section “college and university”
2 shall include all institutions of public higher education and all
3 independent institutions of higher education.

4 (b) The Office of Privacy Protection in the Department of
5 Consumer Affairs shall establish a task force to conduct a review
6 of the use by all colleges and universities of social security numbers
7 in order to recommend practices to minimize the collection, use,
8 storage, and retention of social security numbers in relation to
9 academic and operational needs and applicable legal requirements.

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

14 (1) Two representatives from each of the three institutions of
15 public higher education.

16 (2) Two representatives of the California Association of
17 Independent Colleges and Universities.

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

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

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

24 (6) One representative each from the Assembly Committee on
25 Judiciary and the Senate Committee on Judiciary.

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

28 (1) Representatives of organizations with expertise in technical
29 policy and practices of Internet disclosure, private policy relevant
30 to Internet disclosure, and fostering public integrity and
31 accountability.

32 (2) The constituencies of the college and university communities,
33 including students, staff, and faculty.

34 (e) The task force shall review and make recommendations to
35 minimize the collection, use, storage, and retention of social
36 security numbers by California colleges and universities and shall
37 include, but not be limited to, all of the following:

38 (1) A survey of best practices at colleges and universities and
39 the costs of implementing those best practices.

1 (2) *The necessary use and protection of social security numbers*
2 *for all of the following:*

3 (A) *Research purposes.*

4 (B) *Academic purposes, including, but not limited to, academic*
5 *research, admission, financial aid, and other related operational*
6 *uses.*

7 (C) *Operational uses by academic medical centers, including,*
8 *but not limited to, patient identification, tracking, and care.*

9 (D) *Business purposes, including, but not limited to, the*
10 *provision of employee benefits, tax purposes, loan programs, and*
11 *other requirements imposed by current state and federal statutes*
12 *and regulations.*

13 (E) *Any other operational need of the college or university.*

14 (3) *Current personal privacy protections provided to students,*
15 *staff, and faculty of colleges and universities.*

16 (4) *Existing state and federal legal requirements, including*
17 *regulatory requirements, mandating the use of social security*
18 *numbers at colleges and universities.*

19 (5) *The possible use of personal identifiers or other substitutes*
20 *for social security numbers that protect personal information and*
21 *meet the operational needs of colleges and universities.*

22 (6) *The cost of funding any recommendations presented by the*
23 *task force, including those that are of minimal cost and can be*
24 *implemented immediately and those that require additional funding*
25 *or time to implement.*

26 (f) *The task force shall commence meetings no later than 60*
27 *days after the effective date of this section.*

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

32 (2) *The final report shall also include a list of all existing use*
33 *of social security numbers at colleges and universities.*

34 (3) *The findings and recommendations of the task force shall*
35 *be informational only and shall not be binding on any college or*
36 *university.*

37 SEC. 8. *Section 6254.27 is added to the Government Code, to*
38 *read:*

39 6254.27. *Nothing in this chapter shall be construed to require*
40 *the disclosure by a county recorder of any “official record” if a*

1 *“public record” version of that record is available pursuant to*
2 *Article 3.5 (commencing with Section 27300) of Chapter 6 of Part*
3 *3 of Division 2 of Title 3.*

4 ~~SEC. 6.~~

5 *SEC. 9.* Section 15705 is added to the Government Code, to
6 read:

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

15 *SEC. 10.* *Article 3.5 (commencing with Section 27300) is added*
16 *to Chapter 6 of Part 3 of Division 2 of Title 3 of the Government*
17 *Code, to read:*

18
19 *Article 3.5. Social Security Number Truncation Program*
20

21 27300. *As used in this article, the following terms have the*
22 *following meanings:*

23 (a) *“Official record” means the permanent archival record of*
24 *all instruments, papers, and notices as accepted for recording by*
25 *a county recorder.*

26 (b) *“Public record” means a record that is in an electronic*
27 *format and is an exact copy of an official record except that any*
28 *social security number contained in that record is truncated.*

29 (c) *“Truncate” means to redact the first five digits of a social*
30 *security number.*

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

33 27301. *The county recorder of each county shall establish a*
34 *social security number truncation program in order to create a*
35 *public record version of each official record. The program shall*
36 *include both of the following components, which the recorder shall*
37 *implement concurrently:*

38 (a) *For each official record recorded between January 1, 1935,*
39 *and December 31, 2008, the recorder shall create in an electronic*
40 *format an exact copy of the record except that any social security*

1 *number contained in the record shall be truncated. The recorder*
2 *shall first truncate the social security numbers in all records that*
3 *already exist in an electronic format and then create an electronic*
4 *version of all other records and truncate social security numbers*
5 *contained in those records. Each group of records shall be handled*
6 *in descending chronological order.*

7 *(b) For each official record recorded on or after January 1,*
8 *2009, the recorder shall create a copy of that record in an*
9 *electronic format and truncate any social security number*
10 *contained in that record.*

11 *27302. (a) A county recorder shall be deemed to be in*
12 *compliance with the requirements of Section 27301 if he or she*
13 *uses due diligence to locate and truncate social security numbers*
14 *in official records while applying industry best practices. A county*
15 *recorder shall not be liable for failure to truncate a social security*
16 *number.*

17 *(b) Any person may request that a county recorder truncate his*
18 *or her social security number contained in a public record.*
19 *Notwithstanding that a county recorder may be deemed to be in*
20 *compliance with Section 27301 pursuant to subdivision (a), a*
21 *county recorder that receives a request that identifies the exact*
22 *location of an untruncated social security number within a*
23 *specifically identified public record, shall truncate that number*
24 *within 10 business days of receiving the request.*

25 *27303. When a public record version of an official record*
26 *exists, both of the following shall apply:*

27 *(a) Upon request of any person to inspect, for a copy of, or to*
28 *otherwise publicly disclose an official record that is not exempt*
29 *from disclosure, a county recorder shall make available only the*
30 *public record version of that record.*

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

34 *27304. (a) Each county may use funds generated by fees*
35 *authorized by subdivision (d) of Section 27361 to implement a*
36 *social security number truncation program required by this article.*

37 *(b) No later than June 1, 2008, the county recorder of each*
38 *county shall petition the board of supervisors in that county for*
39 *the authority to levy the fee authorized by subdivision (d) of Section*
40 *27361.*

1 (c) *It is the intent of the Legislature that in the interest of*
2 *enabling county recorders to act expeditiously to protect the*
3 *privacy of Californians, counties be permitted to seek revenue*
4 *anticipation loans or other outside funding sources for the*
5 *implementation of a social security number truncation program*
6 *to be secured by the anticipated revenue from the fee authorized*
7 *by subdivision (d) of Section 27361.*

8 27305. (a) *To assist the Legislature in monitoring the progress*
9 *of each county recorder's social security number truncation*
10 *program, the County Recorders Association of California, no later*
11 *than January 1, 2009, and annually thereafter, shall submit to the*
12 *chairpersons of the Assembly Committee on Judiciary and of the*
13 *Senate Committee on Judiciary, and to the Office of Privacy*
14 *Protection, or any successor agency, a report on the progress each*
15 *county recorder has made in complying with this article.*

16 (b) *Upon the Office of Privacy Protection making a*
17 *determination that all counties have completed the component of*
18 *the program described in subdivision (a) of Section 27301, the*
19 *report described in subdivision (a) of this section shall no longer*
20 *be required.*

21 27306. *On or before January 1, 2013, the Office of Privacy*
22 *Protection shall report to the chairpersons of the Assembly*
23 *Committee on Judiciary and of the Senate Committee on Judiciary*
24 *on whether counties need to continue to levy the fee authorized by*
25 *Section 27361.*

26 27307. *A county recorder is authorized to take all actions*
27 *required by this article notwithstanding subdivision (d) of Section*
28 *27203 or any other provision of law.*

29 SEC. 11. *Section 27361 of the Government Code is amended*
30 *to read:*

31 27361. (a) *The fee for recording and indexing every*
32 *instrument, paper, or notice required or permitted by law to be*
33 *recorded is four dollars (\$4) for recording the first page and three*
34 *dollars (\$3) for each additional page, except the recorder may*
35 *charge additional fees as follows:*

36 (1) *If the printing on printed forms is spaced more than nine*
37 *lines per vertical inch or more than 22 characters and spaces per*
38 *inch measured horizontally for not less than 3 inches in one*
39 *sentence, the recorder shall charge one dollar (\$1) extra for each*
40 *page or sheet on which printing appears excepting, however, the*

1 extra charge shall not apply to printed words which are directive
2 or explanatory in nature for completion of the form or on vital
3 statistics forms. Fees collected under this paragraph are not subject
4 to subdivision (b) or (c).

5 (2) If a page or sheet does not conform with the dimensions
6 described in subdivision (a) of Section 27361.5, the recorder shall
7 charge three dollars (\$3) extra per page or sheet of the document.
8 The extra charge authorized under this paragraph shall be available
9 solely to support, maintain, improve, and provide for the full
10 operation for modernized creation, retention, and retrieval of
11 information in each county's system of recorded documents. Fees
12 collected under this paragraph are not subject to subdivision (b)
13 or (c).

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

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

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

30 ~~SEC. 7. If the Commission on State Mandates determines that~~
31 ~~this act contains costs mandated by the state, reimbursement to~~
32 ~~local agencies and school districts for those costs shall be made~~
33 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
34 ~~4 of Title 2 of the Government Code.~~

35 *SEC. 12. No reimbursement is required by this act pursuant*
36 *to Section 6 of Article XIII B of the California Constitution because*
37 *a local agency or school district has the authority to levy service*
38 *charges, fees, or assessments sufficient to pay for the program or*
39 *level of service mandated by this act, within the meaning of Section*
40 *17556 of the Government Code.*

1 *However, if the Commission on State Mandates determines that*
2 *this act contains other costs mandated by the state, reimbursement*
3 *to local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*