

SECOND REGULAR SESSION

HOUSE BILL NO. 1897

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALTON.

Read 1st time February 28, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5292L.01I

AN ACT

To repeal sections 407.1355 and 610.035, RSMo, and to enact in lieu thereof two new sections relating to the use and disclosure of Social Security numbers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 407.1355 and 610.035, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 407.1355 and 610.035, to read as follows:

407.1355. 1. Except as provided in this section a person or entity[, not including a state
2 or local agency,] shall not do any of the following:

3 (1) Publicly post or publicly display in any manner an individual's Social Security
4 number. "Publicly post" or "publicly display" is defined in this section to intentionally
5 communicate or otherwise make available to the general public or to an individual's co-workers;

6 (2) Require an individual to transmit his or her Social Security number over the Internet,
7 unless the connection is secure or the Social Security number is encrypted;

8 (3) Require an individual to use his or her Social Security number to access an Internet
9 web site, unless a password, unique personal identification number, or other authentication
10 device is also required to access the Internet web site;

11 (4) Require an individual to use his or her Social Security number as an employee
12 number for any type of employment-related activity.

13 2. The provisions of subsection 1 of this section apply only to the use of Social Security
14 numbers on or after January 1, 2007.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 3. This section does not prevent the collection, use, or release of a Social Security
16 number as required by [state or] federal law or the use of a Social Security number for internal
17 verification or administrative purposes.

18 4. [This section does not apply to documents that are recorded or required to be open to
19 the public pursuant to chapter 610, RSMo. This section does not apply to records that are
20 required by statute, case law, or Missouri court rules to be made available to the public.

21 5.] If a federal law takes effect requiring the United States Department of Health and
22 Human Services to establish a national unique patient health identifier program, any person or
23 entity that complies with the federal law shall be deemed in compliance with this section.

 610.035. No state entity shall publicly disclose any Social Security number of a living
2 person unless such disclosure is [permitted] **required** by federal law[,] **or** federal regulation or
3 [state law] **permitted by section 407.1355, RSMo**, or unless such disclosure is authorized by
4 the holder of that Social Security number [or unless such disclosure is for use in connection with
5 any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or
6 agency or before any self-regulatory body, including the service of process, investigation in
7 anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant
8 to an order of a federal, state or local court]. Notwithstanding any other provision of law to the
9 contrary, the disclosure of Social Security numbers of deceased persons shall be lawful, provided
10 that the state agency disclosing the information knows of no reason why such disclosure would
11 prove detrimental to the deceased individual's estate or harmful to the deceased individual's
12 living relatives. For the purposes of this section, "publicly disclose" shall not include the use of
13 any Social Security number by any state entity in the performance of any statutory or
14 constitutional duty or power or the disclosure of any Social Security number to another state
15 entity, political subdivision, agency of the federal government, agency of another state or any
16 private person or entity acting on behalf of, or in cooperation with, a state entity. Any person or
17 entity receiving a Social Security number from any entity shall be subject to the same
18 confidentiality provisions as the disclosing entity. For purposes of this section, "state entity"
19 means any state department, division, agency, bureau, board, commission, employee or any agent
20 thereof. When responding to any requests for public information pursuant to this chapter, any
21 costs incurred by any state entity complying with the provisions of this section may be charged
22 to the requester of such information.

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