

www.oispp.ca.gov/consumer_privacy/pdf/ssnrecommendations.pdf. (CA Civil Code section 1798.29 and sections 1798.82-1798.84)

Now a majority of states have adopted similar laws. Congress is considering federal laws requiring notice of data breaches. For information on state laws, visit www.consumersunion.org/campaigns/Breach_laws_May05.pdf.

Am I required to give my Social Security number to government agencies?

The answer depends upon the agency. Some government agencies, including tax authorities, welfare offices, and state Departments of Motor Vehicles, can require your SSN number as mandated by federal law (42 USC 405 (c)(2)(C)(v) and (i)). Others may *request* the SSN, leading you to believe you must provide it.

The Privacy Act of 1974 requires all government agencies — federal, state and local — that request SSNs to provide a "disclosure" statement on the form. The statement explains whether you are required to provide your SSN or if it's optional, how the SSN will be used, and under what statutory or other authority the number is requested (5 USC 552a, note). The U.S. Office of Management and Budget, Office of Information and Regulatory Affairs (OIRA) provides guidance and oversight regarding the Privacy Act of 1974. The text of the Privacy Act can be found at the Web site www.usdoj.gov/foia/privstat.htm.

The Privacy Act states that you cannot be denied a government benefit or service if you refuse to disclose your SSN unless the disclosure is required by federal law, or the disclosure is to an agency that has been using SSNs before January 1975, when the Privacy Act went into effect. There are other exceptions as well. Read the U.S. Department of Justice's explanation at this Web site, www.usdoj.gov/04foia/1974ssnu.htm.

If you are asked to give your SSN to a government agency and no disclosure statement is included on the form, you should complain to the agency and cite the Privacy Act of 1974. You can also contact your Congressional representative and U.S. Senators with your complaint. Unfortunately, there appear to be no penalties when a government agency fails to provide a disclosure statement.

A federal program called the Federal Parent Locator Service — and its subset, the National Directory of New Hires — uses computerized databases to provide addresses and SSNs to state and local agencies to help locate parents evading child-support orders or to resolve parental kidnapping and child custody cases. No consent is required. While beneficial, such databases contain the potential for abuse if other purposes are found for such information.

Must I give my Social Security number to private businesses?

Usually, no, you do not have to provide your Social Security number. You are not legally required to provide your SSN to private businesses — including private health care providers and insurers — unless you are involved in a transaction in which the Internal Revenue Service requires notification. (MediCal and Medicare are government health plans and can require a Social Security number.)

There is no law, however, that prevents businesses from requesting your SSN, and there are few restrictions on what businesses can do with it. However, even though you are not required to disclose your SSN, the business can refuse to provide you with service if you refuse to give it.

If a business insists on knowing your SSN when you do not see a reason for it, we encourage you to speak to a manager who may be authorized to make an exception or who may know whether company policy requires it. If the company will not allow you to use an alternate number such as your driver's license number, you may want to take your business elsewhere.

Credit card applications usually request SSNs. Your number is used primarily to verify your identity in situations where you have the same or a similar name to others. Most credit grantors will insist on having your SSN. But in rare cases, you may be able to find a credit grantor who will provide you credit without

knowing your SSN, especially if you are persistent and can provide other forms of identification.

If you are dealing with a credit reporting agency, such as Experian, Equifax, or TransUnion, you will generally need to give your SSN because they claim that's how the agency will find your file from among the hundreds of millions of records they maintain. These agencies already have your SSN. When ordering your free annual credit report from the credit bureaus, you can request that the SSN be left off the document when sent to you via postal mail.

Unfortunately, you *do* need to give out your SSN over the telephone to stop receiving pre-approved credit card offers. This becomes an issue when calling (888) 5 OPT-OUT (888) 567-8688, the toll-free line shared by the three credit bureaus whose mailing lists are often used to generate credit card solicitations. You can use the agencies' online form instead www.optoutprescreen.com. While it doesn't require the SSN, the agencies say that including it will help to ensure your request will be successful.

In California, state law restricts how certain businesses can display their customers' Social Security numbers. It does not restrict the collection of SSNs, however, and it doesn't affect government agencies. California Civil Code §1798.85 prohibits, for example, insurance companies from printing the SSN on identification cards that are carried in the wallet. Similarly, customers of banks and investment companies cannot be required to transmit the SSN over the Internet when conducting business online, unless the number is encrypted. SSNs cannot be printed on documents sent through the mail, with some exceptions.

The California Office of Privacy Protection provides a guide for businesses on "recommended practices" for using SSNs. It includes a description of the law at www.oispp.ca.gov/consumer_privacy/pdf/ssnrecommendations.pdf.

Other state legislatures and Congress have considered similar laws since passage of California's landmark law. The New York state legislature passed a similar law in 2007, which was implemented in January 2008 – the New York Social Security Number Protection Law. Read a description at www.jonesday.com/pubs/pubs_detail.aspx?pubID=S3778.

New York lawmakers, in amendments to the state's labor law, further restricted private businesses' use of Social Security Numbers as well as employees' "personal identifying information." Personal identifying information includes not only the SSN but, among other things, an employee's home address and phone number, personal e-mail address, Internet access information, and the employee's parents' names. The most recent restrictions became effective January 3, 2009. In January 2010, New York state government offices along with city and county agencies will have to follow the same standards as now apply to private businesses.

Visit the Web site of the National Conference of State Legislatures to obtain information on SSN-related legislation in other states, at www.ncsl.org. Use the site's search engine for the term "social security number legislation" to obtain state-by-state results.

Should I disclose my Social Security number over the Internet?

When you use the Internet, you may find Web sites that require your SSN when, for example, you apply for a credit card online or seek an insurance quote. We advise that you take extra precautions to determine that your personal data is transmitted securely and that it's stored safely by the online business. Make sure you have the latest anti-virus and spyware software installed on your computer.

Only conduct business transactions with well-known, reputable companies. Look for the closed padlock symbol on the bottom of the page that indicates it is a secure connection. Click on the padlock to determine if the security certificate is up-to-date.

Read the company's privacy policy to learn how it safeguards your personal data. If necessary, call the company and talk with an individual who is knowledgeable about the firm's security practices. Do not conduct business with the company if it does not appear to protect its customers' data. For more online shopping tips, read our Fact Sheet 23, www.privacyrights.org/fs/fs23-shopping.htm.