



*Personal Identifying Information Subcommittee
of the
VIRGINIA FREEDOM OF INFORMATION
ADVISORY COUNCIL*

Wednesday August 22, 2007
10:00 a.m. Speaker's Conference Room
General Assembly Building

SUGGESTED AGENDA

1. Call to Order and introduction of members.
2. Introduction of JCOTS' Subcommittee members.
3. Staff presentations concerning access to personal identifying information:
 - Personal Identifying Information; subcategories:
 - *SSN and other unique personal identifiers* (DMV, gov't and student IDs)
 - *Financial Information* (credit/debit card information, financial account information) obtained by virtue of gov't online and other services
 - *Contact Information* (citizen name, address, telephone number, email address); Impact of unlisted phone numbers and other attempts to maintain privacy. Also, victims of domestic abuse and protective orders--concealed carry permits issue.
 - Other states' law and access to SSNs in public records; *Maria Everett*.
 - Review of relevant federal law; federal trends; *Lisa Wallmeyer*.

4. Specific Virginia laws concerning availability/access of SSNs:
 - Personal Information Privacy Act (§ 59.1-442 et seq.); *Lisa Wallmeyer*.
 - Freedom of Information Act (FOIA) (§ 2.2-3700 et seq.), Government Data Collection and Dissemination Practices Act (GDCDPA) (§ 2.2-3800 et seq.); *Maria Everett*.
 - Court records; secure remote access; *Maria Everett*.
5. Case studies; an overview of what personal identifying information is collected in Virginia by state and local government; *Lisa Wallmeyer, Maria Everett, and Alan Gernhardt*.
6. Study plan options:
 - **I.** For manageability focus on each subcategory (noted above as Item #3 of agenda); then subcommittee meetings can be structured to deal with each category. Use of subgroups of subcommittee. OR NOT.
 - **II.** Protection of SSN:
 - A. Why is protection needed?
 - Fraud--real or perceived?
 - To what extent are government records implicated?
 - Online access vs. practical obscurity; is one more dangerous than the other?
 - B. Other alternatives:
 - Protection of victims of abuse and other vulnerable persons;
 - Others attempting to protect their privacy (i.e. unpublished numbers)
 - Heightening penalties for existing crimes (SB 1282, 2007)
 - C. If protection of SSN deemed necessary/advisable--
 - Protect in whole or in part;
 - General exemption or context specific (i.e. FOIA model);
 - Advisability of "opt out" provisions;
 - Advisability of prohibiting access if request made for a commercial purpose;
 - Limit collection by governmental entities of SSN:

- *Should* this be addressed? (GDCPDPA attempts it; FOIA Council preaches it--required by law and essential to mission (see AO-08-06)); and
 - *How to* address? (Legislative fix or E.O.?).
 - Appropriateness of a separate law from FOIA dealing with collection and access to SSN:
 - Establish general rule about access to SSNs/unique identifiers--(include collection limitations on government?)
 - Exceptions to general rule--access rights to persons with "legitimate interests" (i.e. private investigators, media representatives, mortgage brokers, and real estate title companies, etc).
- **III. What is "personal information?" Q: Should definition be revised since original definition crafted in 1976?**

Personal information" means all information that describes, locates or indexes anything about an individual including his real or personal property holdings derived from tax returns, and his education, financial transactions, medical history, ancestry, religion, political ideology, criminal or employment record, or that affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such individual; and the record of his presence, registration, or membership in an organization or activity, or admission to an institution. "Personal information" shall not include routine information maintained for the purpose of internal office administration whose use could not be such as to affect adversely any data subject nor does the term include real estate assessment information (See § 2.2-3801 of GDCDPA).

- **IV. Government (public records) vs. private sector (Personal Information Privacy Act § 59.1-442)--Should there be a distinction in protection of this information?**

7. Public comment.
8. Discussion.
9. Other Business.

10. Adjournment.

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FOIA Subcommittee Members

Senator Houck, Chair	Delegate Griffith
John Edwards	Mary Yancey Spencer
Courtney Malveaux	Sandra Treadway
<i>Staff: Maria Everett, Alan Gernhardt</i>	

JCOTS Subcommittee Members

Delegate May	Delegate Alexander
Senator Watkins	
<i>Staff: Lisa Wallmeyer</i>	

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