

Joint Meeting of the Personal Identifying Information (PII) Subcommittee  
and the JCOTS SSN Subcommittee  
Meeting Summary  
August 5, 2008

The Personal Identifying Information Subcommittee (PII Subcommittee) held its second meeting of 2008 to discuss several bills referred to the FOIA Council for study by the 2008 General Assembly<sup>1</sup>. This meeting began as a joint meeting with the Joint Commission on Technology and Science (JCOTS) Social Security Number Subcommittee,<sup>2</sup> continuing work begun last year regarding the collection, use, and dissemination of social security numbers (SSNs). After the joint meeting of both subcommittees (collectively, the Joint Subcommittee) adjourned, the PII Subcommittee reconvened by itself to consider bills concerning access to concealed carry handgun permits and a proposed exemption allowing anonymous donations to museums.

**Joint Meeting with JCOTS Subcommittee Studying Social Security Numbers**

Staff provided an update to the Joint Subcommittees on the survey regarding the collection of SSNs by state agencies, cities, counties, and certain towns, as mandated by SB 132/HB 634 (Chapters 843 and 840 of the 2008 Acts of Assembly). The survey forms and instructions have been sent out to the affected parties. It was reported that the responses so far have indicated that the survey process has already revealed valuable information to the affected public bodies about their own practices in regard to the collection of SSNs, including instances where SSNs may not need to be collected.

The Joint Subcommittees also received a presentation from Richard Varn, CIO of the City of San Antonio, Texas, and Executive Director of the Coalition for Sensible Public Records Access. Mr. Varn focused on the value of strengthened authentication procedures and heightened penalties for misuse as better approaches to prevent identity theft rather than redaction of SSNs or limitations on the use of SSNs. He emphasized that SSNs are already widely available in existing records, making redaction impractical and expensive, and that the majority of current identity theft crimes do not use SSNs at all.

Staff also presented a memo to the Joint Subcommittees detailing other states' approaches to protecting social security numbers. It appears that in recent years, the trend is to prohibit the public release of SSNs which are contained in any public record. The Joint Subcommittee also considered four bills<sup>3</sup> concerning the protection of SSNs that were referred by the General Assembly during its 2008 Regular Session. The Joint Subcommittee deferred any action regarding these bills, indicating that it wants to hear first about two other matters: (i) other states' experiences in regard to laws allowing access and use of partial SSNs (four or five digits), and (ii) a report from the Department of Motor Vehicles regarding the federal Real ID requirements and their implementation in Virginia.

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<sup>1</sup> Senator Houck, Delegate Griffith, and subcommittee members were present; Subcommittee members Wiley, Malveaux, Spencer, Treadway, and Whitehurst were absent.

<sup>2</sup> Delegates May and Alexander, and Senator Watkins were present. Delegate Nixon was absent.

<sup>3</sup> HB 1087, HB 1088, HB 1096, and HB 1102, all introduced by Delegate Sickles.

### PII Subcommittee of the FOIA Council

The PII Subcommittee separately (without the JCOTS Subcommittee) considered SB 529 (Houck), concerning access to concealed carry handgun permits. Senator Houck stated that the legislative recommendation from the FOIA Council and JCOTS to the 2008 General Assembly reflected the proper balance between privacy and public access. He noted, however, that other approaches were offered during the 2008 Session that adversely affected that balance. As a result, SB 529 was sent back to the FOIA Council for further deliberation.

Public comment was requested on SB 529. Mr. Theron Keller of Fredericksburg, Virginia opined that the bill helped somewhat. He noted that holders of concealed handgun permits were intended to be concealed from the public and that there was an Attorney General's opinion to the same effect. He stated that he wants all concealed handgun permit holder information protected from public access.

Mr. Phillip Van Cleave, Virginia Citizens Defense League, told the PII Subcommittee to either close the door on access to concealed handgun permit holders or leave it open. He stated that people have these permits for very good reasons and it serves no public purpose to have it open because permit holders are law-abiding citizens.

B.J. Ostergren, Virginia Watchdog, noted that Hanover County has concealed handgun permits as part of its land records, although it just shows the name of the permit holder.

Ginger Stanley, Virginia Press Association, stated that SB 529 represented a good compromise and as with compromise generally, no one side was completely happy. The fact that it was a hard fought compromise made it a good bill.

For the next meeting of the PII Subcommittee, Senator Houck suggested that the Subcommittee review the information publically available concerning concealed handgun permits and discuss, from a public policy point of view, the nature of that information. He noted that it was his understanding that the concealed handgun permit list was the only list where street address was included. In addition, it was suggested that the Subcommittee hear from the Department of State Police and the Office of the Attorney General.

The next meeting of the PII Subcommittee and the JCOTS Subcommittee is scheduled for Monday, October 6, 2008 in the Speaker's Conference Room in the General Assembly Building in Richmond, Virginia.