

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact §§ 2.2-3800, 2.2-3801, as it is currently effective and as it shall become  
2 effective, and 2.2-3808, as it is currently effective and as it shall become effective, of the Code  
3 of Virginia and to amend and reenact the second enactments of Chapters 840 and 843 of the Acts  
4 of Assembly of 2008, relating to the Government Data Collection and Dissemination Practices  
5 Act; collection of social security numbers.

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 2.2-3800, 2.2-3801, as it is currently effective and as it shall become effective, and 2.2-**  
8 **3808, as it is currently effective and as it shall become effective, of the Code of Virginia are**  
9 **amended and reenacted as follows:**

10 § 2.2-3800. Short title; findings; principles of information practice.

11 A. This chapter may be cited as the "Government Data Collection and Dissemination Practices  
12 Act."

13 B. The General Assembly finds that:

14 1. An individual's privacy is directly affected by the extensive collection, maintenance, use and  
15 dissemination of personal information;

16 2. The increasing use of computers and sophisticated information technology has greatly  
17 magnified the harm that can occur from these practices;

18 3. An individual's opportunities to secure employment, insurance, credit, and his right to due  
19 process, and other legal protections are endangered by the misuse of certain of these personal  
20 information systems; and

21 4. In order to preserve the rights guaranteed a citizen in a free society, legislation is necessary to  
22 establish procedures to govern information systems containing records on individuals.

23 C. Recordkeeping agencies of the Commonwealth and political subdivisions shall adhere to the  
24 following principles of information practice to ensure safeguards for personal privacy:

- 25 1. There shall be no personal information system whose existence is secret.
- 26 2. Information shall not be collected unless the need for it has been clearly established in
- 27 advance.
- 28 3. Information shall be appropriate and relevant to the purpose for which it has been collected.
- 29 4. Information shall not be obtained by fraudulent or unfair means.
- 30 5. Information shall not be used unless it is accurate and current.
- 31 6. There shall be a prescribed procedure for an individual to learn the purpose for which
- 32 information has been recorded and particulars about its use and dissemination.
- 33 7. There shall be a clearly prescribed and uncomplicated procedure for an individual to correct,
- 34 erase or amend inaccurate, obsolete or irrelevant information.
- 35 8. Any agency holding personal information shall assure its reliability and take precautions to
- 36 prevent its misuse. ~~On and after July 1, 2004, no agency shall display the social security number of a~~
- 37 ~~data subject on a student or employee identification card, except that for universities and colleges that~~
- 38 ~~have such a prevention plan for misuse of personal information in place on or before July 1, 2004, in~~
- 39 ~~compliance with this section, the date shall be January 1, 2005. On and after July 1, 2006, no agency~~
- 40 ~~shall display an individual's entire social security number on any student or employee identification~~
- 41 ~~card.~~
- 42 9. There shall be a clearly prescribed procedure to prevent personal information collected for one
- 43 purpose from being used for another purpose.
- 44 10. The Commonwealth or any agency or political subdivision thereof shall not collect personal
- 45 information except as explicitly or implicitly authorized by law.

46 ~~D. After July 1, 2004, no agency, as defined in § 42.1-77, shall send or deliver or cause to be sent~~

47 ~~or delivered, any letter, envelope or package that displays a social security number on the face of the~~

48 ~~mailing envelope or package or from which a social security number is visible, whether on the outside or~~

49 ~~inside of the mailing envelope or package.~~

50 § 2.2-3801. (Effective until July 1, 2009) Definitions.

51 As used in this chapter, unless the context requires a different meaning:

52 1. "Information system" means the total components and operations of a record-keeping process,  
53 including information collected or managed by means of computer networks and the Internet, whether  
54 automated or manual, containing personal information and the name, personal number, or other  
55 identifying particulars of a data subject.

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

65 3. "Data subject" means an individual about whom personal information is indexed or may be  
66 located under his name, personal number, or other identifiable particulars, in an information system.

67 4. "Disseminate" means to release, transfer, or otherwise communicate information orally, in  
68 writing, or by electronic means.

69 5. "Purge" means to obliterate information completely from the transient, permanent, or archival  
70 records of an ~~organization~~ agency.

71 6. "Agency" means any agency, authority, board, department, division, commission, institution,  
72 bureau, or like governmental entity of the Commonwealth or of any unit of local government including  
73 counties, cities, towns, regional governments, and the departments thereof, and includes constitutional  
74 officers, except as otherwise expressly provided by law. "Agency" shall also include any entity, whether  
75 public or private, with which any of the foregoing has entered into a contractual relationship for the  
76 operation of a system of personal information to accomplish an agency function. Any such entity  
77 included in this definition by reason of a contractual relationship shall only be deemed an agency as  
78 relates to services performed pursuant to that contractual relationship, provided that if any such entity is

79 a consumer reporting agency, it shall be deemed to have satisfied all of the requirements of this chapter  
80 if it fully complies with the requirements of the Federal Fair Credit Reporting Act as applicable to  
81 services performed pursuant to such contractual relationship.

82 § 2.2-3801. (Effective July 1, 2009) Definitions.

83 As used in this chapter, unless the context requires a different meaning:

84 "Agency" means any agency, authority, board, department, division, commission, institution,  
85 bureau, or like governmental entity of the Commonwealth or of any unit of local government including  
86 counties, cities, towns, regional governments, and the departments thereof, and includes constitutional  
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88 public or private, with which any of the foregoing has entered into a contractual relationship for the  
89 operation of a system of personal information to accomplish an agency function. Any such entity  
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91 relates to services performed pursuant to that contractual relationship, provided that if any such entity is  
92 a consumer reporting agency, it shall be deemed to have satisfied all of the requirements of this chapter  
93 if it fully complies with the requirements of the Federal Fair Credit Reporting Act as applicable to  
94 services performed pursuant to such contractual relationship.

95 "Data subject" means an individual about whom personal information is indexed or may be  
96 located under his name, personal number, or other identifiable particulars, in an information system.

97 "Disseminate" means to release, transfer, or otherwise communicate information orally, in  
98 writing, or by electronic means.

99 "Information system" means the total components and operations of a record-keeping process,  
100 including information collected or managed by means of computer networks and the Internet, whether  
101 automated or manual, containing personal information and the name, personal number, or other  
102 identifying particulars of a data subject.

103 "Personal information" means all information that (i) describes, locates or indexes anything  
104 about an individual including, but not limited to, his social security number, driver's license number,  
105 agency-issued identification number, student identification number, real or personal property holdings

106 derived from tax returns, and his education, financial transactions, medical history, ancestry, religion,  
107 political ideology, criminal or employment record, or (ii) affords a basis for inferring personal  
108 characteristics, such as finger and voice prints, photographs, or things done by or to such individual; and  
109 the record of his presence, registration, or membership in an organization or activity, or admission to an  
110 institution. "Personal information" shall not include routine information maintained for the purpose of  
111 internal office administration whose use could not be such as to affect adversely any data subject nor  
112 does the term include real estate assessment information.

113 "Purge" means to obliterate information completely from the transient, permanent, or archival  
114 records of an ~~organization~~ agency.

115 § 2.2-3808. (Effective until July 1, 2009) Disclosure or display of social security number.

116 A. It shall be unlawful for any agency to require an individual to disclose or furnish his social  
117 security account number not previously disclosed or furnished, for any purpose in connection with any  
118 activity, or to refuse any service, privilege or right to an individual wholly or partly because the  
119 individual does not disclose or furnish such number, unless the disclosure or furnishing of such number  
120 is specifically required by federal or state law.

121 B. Agency-issued identification cards, student identification cards, or license certificates issued  
122 or replaced on or after July 1, 2003, shall not display an individual's entire social security number except  
123 as provided in § 46.2-703.

124 C. Any agency-issued identification card, student identification card, or license certificate that  
125 was issued prior to July 1, 2003, and that displays an individual's entire social security number shall be  
126 replaced no later than July 1, 2006, except that voter registration cards issued with a social security  
127 number and not previously replaced shall be replaced no later than the December 31st following the  
128 completion by the state and all localities of the decennial redistricting following the 2010 census. This  
129 subsection shall not apply to (i) driver's licenses and special identification cards issued by the  
130 Department of Motor Vehicles pursuant to Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 and (ii) road tax  
131 registrations issued pursuant to § 46.2-703.

132 D. After July 1, 2004, no agency, as defined in § 42.1-77, shall send or deliver or cause to be sent  
 133 or delivered, any letter, envelope, or package that displays a social security number on the face of the  
 134 mailing envelope or package or from which a social security number is visible, whether on the outside or  
 135 inside of the mailing envelope or package.

136 ~~D.E.~~ The provisions of subsections A and C of this section shall not be applicable to licenses  
 137 issued by the State Corporation Commission's Bureau of Insurance until such time as a national  
 138 insurance producer identification number has been created and implemented in all states. Commencing  
 139 with the date of such implementation, the licenses issued by the State Corporation Commission's Bureau  
 140 of Insurance shall be issued in compliance with subsection A of this section. Further, all licenses issued  
 141 prior to the date of such implementation shall be replaced no later than 12 months following the date of  
 142 such implementation.

143 § 2.2-3808. (Effective July 1, 2009) Collection, disclosure, or display of social security number.

144 A. ~~No agency shall require an individual to furnish or disclose his social security number or~~  
 145 ~~driver's license number unless the furnishing or disclosure of~~ It shall be unlawful for any agency to:

146 1. Require an individual to disclose or furnish his social security<sup>[LR1]</sup> number not previously  
 147 disclosed or furnished, for any purpose in connection with any activity, or to refuse any service,  
 148 privilege, or right to an individual wholly or partly because the individual does not disclose or furnish  
 149 such number, unless the disclosure or furnishing of such number is specifically required by federal or  
 150 state law; or

151 2. Collect from an individual his social security number or any portion thereof unless the  
 152 collection of such number is (i) authorized or required by state or federal law and (ii) essential for the  
 153 performance of that agency's duties.

154 ~~Nor shall any agency require an individual to disclose or furnish his social security account~~  
 155 ~~number not previously disclosed or furnished, for any purpose in connection with any activity, or to~~  
 156 ~~refuse any service, privilege or right to an individual wholly or partly because the individual does not~~  
 157 ~~disclose or furnish such number, unless the disclosure or furnishing of such number is specifically~~  
 158 ~~required by federal or state law.~~

159 B. Agency-issued identification cards, student identification cards, or license certificates issued  
160 or replaced on or after July 1, 2003, shall not display an individual's entire social security number except  
161 as provided in § 46.2-703.

162 C. Any agency-issued identification card, student identification card, or license certificate that  
163 was issued prior to July 1, 2003, and that displays an individual's entire social security number shall be  
164 replaced no later than July 1, 2006, except that voter registration cards issued with a social security  
165 number and not previously replaced shall be replaced no later than the December 31st following the  
166 completion by the state and all localities of the decennial redistricting following the 2010 census. This  
167 subsection shall not apply to (i) driver's licenses and special identification cards issued by the  
168 Department of Motor Vehicles pursuant to Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 and (ii) road tax  
169 registrations issued pursuant to § 46.2-703.

170 D. After July 1, 2004, no agency, as defined in § 42.1-77, shall send or deliver or cause to be sent  
171 or delivered, any letter, envelope, or package that displays a social security number on the face of the  
172 mailing envelope or package or from which a social security number is visible, whether on the outside or  
173 inside of the mailing envelope or package.

174 ~~D.E.~~ The provisions of subsections A and C shall not be applicable to licenses issued by the State  
175 Corporation Commission's Bureau of Insurance until such time as a national insurance producer  
176 identification number has been created and implemented in all states. Commencing with the date of such  
177 implementation, the licenses issued by the State Corporation Commission's Bureau of Insurance shall be  
178 issued in compliance with subsection A of this section. Further, all licenses issued prior to the date of  
179 such implementation shall be replaced no later than 12 months following the date of such  
180 implementation.

181 **2. That the second enactment of Chapter 840 of the Acts of Assembly of 2008 is amended and**  
182 **reenacted as follows:**

183 **2. That the provisions of this act shall become effective on ~~July 1, 2009, except that the~~**  
184 **~~third and fourth enactments of this act shall become effective on July 1, 2008~~ July 1, 2010.**

185 **3. That the second enactment of Chapter 843 of the Acts of Assembly of 2008 is amended and**  
186 **reenacted as follows:**

187 **2. That the provisions of this act shall become effective on ~~July 1, 2009, except that the~~**  
188 **~~third and fourth enactments of this act shall become effective on July 1, 2008~~ July 1, 2010.**

189 **4. That the provisions of the first enactment of this act shall become effective on July 1, 2010.**

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