



*Joint Meeting of the
Personal Identifying Information Subcommittee
of the
Virginia Freedom of Information
Advisory Council
and the
SSN Subcommittee of the
Joint Commission on Technology and Science*

**Monday, June 9, 2008
1:30 p.m. House Room C
General Assembly Building**

SUGGESTED AGENDA

1. Call to Order and introduction of members.
2. Introduction of JCOTS' Subcommittee members.
3. Recap of 2008 Legislation related to personal identifying information.
Background: You will recall the SB 132/HB634, SB 133/HB 633 were recommendations of the FOIA Council and JCOTS. Both bills were passed by the General Assembly and signed into law by the Governor.
4. Update on development of forms to solicit collection of SSNs by state and local government. *Background: As enacted SB 132/HB 634, require state and certain local public bodies to provide the FOIA Council and JCOTS with information on their respective collection of SSNs, indicating (i) the context in which SSNs are collected, (ii) the state or federal law that requires or authorizes such collection; and (iii) any voluntary collection of SSN and the context it is collected.*

5. Review of bills referred by the 2008 Session for further study by the FOIA Council and JCOTS; opportunity for comment by respective patron.
 - HB 1087 (Sickles)--providing a social security number exemption outside of FOIA for local government records,
 - HB 1088 (Sickles)--providing a social security number exemption outside FOIA for Department of Game & Inland Fisheries records,
 - HB 1096 (Sickles)--establishing the Protection of Social Security Numbers Act) and
 - HB 1102 (Sickles)--providing a general FOIA exemption for social security numbers.

6. Discussion.

7. Public Comment.

8. Development of Study Plan; topics for future meetings.

- Preference, if any, for above bills(s) as vehicle for further discussion.
- Presentation by the Virginia Enterprise Application Program (VEAP) on efforts to facilitate citizen interface with state government.
- Review of data collected from state and local government SSN survey (due to FOIA Council and JCOTS by October 1, 2008).
- Continuation of Policy analysis from 2007:
 - 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;
- 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).

9. Discussion.

10. Other Business--FOIA COUNCIL PII Subcommittee; remaining issues.

- SB 529 (Houck)--concerning access to concealed carry handgun permits; and
- HB 858 (Ebbin)/SB647 (Ticer)--providing an exemption for personal information of donors to museums.

11. Set future meeting dates.

12. Adjournment.

FOIA Subcommittee Members

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

JCOTS Subcommittee Members

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