

AN ACT

relating to the confidentiality of social security numbers in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 145 to read as follows:

CHAPTER 145. CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS

Sec. 145.001. APPLICABILITY. (a) This chapter does not apply to a governmental body, as defined by Section 552.003, Government Code.

(b) This chapter does not apply to documents that are:

(1) required or permitted by state or federal law to be recorded in public records; or

(2) required to be collected, used, or disclosed to the public by state or federal law.

(c) This chapter does not apply to:

(1) court records; or

(2) public records.

Sec. 145.002. PROHIBITED USES. (a) In this section, "publicly display" means to intentionally communicate or otherwise make available to the general public.

(b) A person may not:

(1) publicly display in any manner an individual's social security number;

1 (2) require an individual to transmit a social
2 security number over the Internet, unless the connection is secure
3 or the social security number is encrypted;

4 (3) require an individual to use a social security
5 number to access an Internet website, unless a password or unique
6 personal identification number or other authentication device is
7 also required to access the website;

8 (4) print an individual's social security number on
9 any card required for the individual to have access to products or
10 services provided by the person; or

11 (5) print an individual's social security number on
12 any materials that are mailed to the individual, unless state or
13 federal law requires the social security number to be printed on the
14 document to be mailed.

15 (c) Subsection (b)(5) does not apply to applications or
16 forms sent by mail, including a document sent:

17 (1) as part of an application or enrollment process;

18 (2) to establish, amend, or terminate an account,
19 contract, or policy; or

20 (3) to confirm the accuracy of a social security
21 number.

22 Sec. 145.003. PERMITTED USES. (a) A person may collect,
23 use, or release a social security number for internal verification
24 or administrative purposes.

25 (b) A person who, before January 1, 2005, has used an
26 individual's social security number in a manner prohibited by
27 Section 145.002 may continue using that individual's social

1 security number in the same manner if:

2 (1) the use of the social security number is
3 continuous; and

4 (2) the person provides the individual with an annual
5 disclosure, beginning January 1, 2006, informing the individual of
6 the right to stop the use of the social security number in the
7 manner prohibited by Section 145.002.

8 (c) This chapter does not apply to:

9 (1) a person who collects, uses, or releases a social
10 security number if the person is required to collect, use, or
11 release the social security number by federal or state law,
12 including Chapter 552, Government Code; or

13 (2) an institution of higher education if the use of a
14 social security number by the institution is regulated by
15 Subchapter Z, Chapter 51, Education Code, or another provision of
16 the Education Code.

17 Sec. 145.004. DISCONTINUANCE OF USE ON REQUEST. (a) If a
18 person receives a written request from an individual directing the
19 person to stop using the individual's social security number in a
20 manner prohibited by Section 145.002, the person shall comply with
21 the request not later than the 30th day after the date the request
22 is received.

23 (b) The person may not impose a fee or charge for complying
24 with the request.

25 Sec. 145.005. DENIAL OF SERVICES PROHIBITED. A person may
26 not deny products or services to an individual because the
27 individual makes a written request to discontinue use under Section

1 145.004.

2 SECTION 2. (a) This Act takes effect January 1, 2005.

3 (b) An institution of higher education that is not subject
4 to the exemption prescribed by Section 145.003(c)(2), Civil
5 Practice and Remedies Code, as added by this Act, shall begin acting
6 in compliance with Chapter 145, Civil Practice and Remedies Code,
7 as added by this Act, on or before September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1053 was passed by the House on May 5, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1053 on May 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1053 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor