

By: Rodriguez

H.B. No. 1053

A BILL TO BE ENTITLED

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, except that the term includes each entity in or created by the judicial branch of state government.

(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.

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;

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

1 or the social security number is encrypted;

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

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

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

13 (c) Subsection (b)(5) does not apply to applications or
14 forms sent by mail.

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

18 (b) A person who, before September 1, 2003, has used an
19 individual's social security number in a manner prohibited by
20 Section 145.002 may continue using that individual's social
21 security number in the same manner if:

22 (1) the use of the social security number is
23 continuous; and

24 (2) the person provides the individual with an annual
25 disclosure, beginning January 1, 2004, informing the individual of
26 the right to stop the use of the social security number in the
27 manner prohibited by Section 145.002.

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

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

9 Sec. 145.005. DENIAL OF SERVICES PROHIBITED. A person may
10 not deny products or services to an individual because the
11 individual makes a written request to discontinue use under Section
12 145.004.

13 SECTION 2. This Act takes effect September 1, 2003.