

HOUSE BILL NO.

1153-FN

INTRODUCED BY: Rep. Kurk of Hillsborough Dist. 3; Rep. Chandler of
Merrimack Dist. 21

REFERRED TO: Judiciary

AN ACT relative to protecting personal privacy.

ANALYSIS

This bill limits the use of social security numbers to protect personal privacy. The bill authorizes an individual to refuse to disclose his number unless it is specifically required by state or federal law.

This bill shall not apply to the use of social security numbers which were disclosed prior to January 1, 1989.

EXPLANATION: Matter added appears in *bold italics*.
Matter removed appears in [brackets].
Matter which is repealed and reenacted or all new
appears in regular type.

HB 1153-FN

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and eighty-eight

AN ACT

relative to protecting personal privacy.

Be it Enacted by the Senate and House of Represen-
tatives in General Court convened:

1 Policy.

I. The general court finds that concern about personal privacy is increasing as a result of the growing use of the social security account number as a universal identifier. The general court recognizes the inherent dangers of centralizing information where many or all systems of records containing information about an individual could be accessed by a single identifier. Further, the general court is aware of the dehumanizing dimensions of identifying individuals by numbers.

II. Therefore, the general court hereby declares that the policy of this state shall be to protect its citizens' privacy by limiting the circumstances under which they may be compelled to provide their social security account numbers.

2 New Chapter; Protecting Personal Privacy. Amend RSA by inserting after chapter 359-C the following new chapter:

CHAPTER 359-D

PROTECTING PERSONAL PRIVACY

359-D:1 Statement of Purpose. It is the purpose of this chapter to protect individuals from the inherent invasion of their personal privacy

1 which results from the centralization of information based on a universal
2 identifying number, by limiting the circumstances under which they may be
3 compelled to provide social security numbers.

4 359-D:2 Definitions. In this chapter:

5 I. "Individual" means a natural person.

6 II. "Person" means any natural person, partnership, public or
7 private corporation, association, trust or other entity other than a state
8 or local agency as defined in the federal Privacy Act of 1974.

9 III. "Social security number" means the social security account
10 number issued to an individual for purposes of section 205(c) (2)(A) of the
11 Social Security Act.

12 359-D:3 Social Security Numbers. No person shall require an individual
13 to disclose his social security number for any purpose in connection with
14 any activity, or refuse to provide any benefit, privilege, service, goods,
15 property or thing of value to an individual, wholly or partly because such
16 individual does not disclose such number, unless the disclosure is required
17 by federal or state law. Nothing in this section shall be construed to
18 prevent a person from requesting an individual to voluntarily disclose his
19 social security number in accordance with RSA 359-D:5.

20 359-D:4 Use For Other Sources Prohibited. A person who obtains an
21 individual's social security number for a purpose for which disclosure is
22 specifically required by federal or state law shall not use that number for
23 any other purpose unless the individual authorizes its use in writing.

24 359-D:5 Notice. Each person requesting an individual to provide his
25 social security number shall simultaneously provide notification of the

1 purpose for which the number is requested and that the disclosure of the
2 number is either:

3 I. Required by a specific law; or

4 II. Voluntary.

5 359-D:6 Other Sources Prohibited. If an individual lawfully refuses to
6 disclose his social security number, the person requesting such number is
7 prohibited from obtaining it from other sources or from using it if it is
8 received.

9 359-D:7 Penalty. An aggrieved individual may bring a civil action
10 under this chapter and, if successful, shall be awarded, in addition to any
11 special or general damages, exemplary damages of \$1,000 for each violation,
12 and costs and reasonable legal fees.

13 359-D:8 Applicability. This chapter shall not apply to a person's use
14 of an individual's social security number disclosed to that person prior to
15 January 1, 1989.

16 3 Effective Date. This act shall take effect January 1, 1989.
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HB 1153-FN

LBAO
LSR 88-2452*
11/18/87

FISCAL NOTE for an act relative to protecting personal privacy.

FISCAL IMPACT:

The Department of Justice has determined that this bill will have no fiscal impact upon state, county or local revenues or expenditures.

METHODOLOGY:

The Department indicates that any costs associated with the proposed legislation can be absorbed within the existing budget.