

Right to Know Advisory Committee
REVISED PROPOSED DRAFT
Protection of Social Security Numbers

Sec. 1. 1 MRSA §402, sub-§3, ¶N is amended to read:

N. Social security numbers in the possession of ~~the Department of Inland Fisheries and Wildlife~~ an agency or official. Subchapter 2-A applies to the protection of Social Security numbers in the possession of an agency or official; and

Sec. 2. 1 MRSA §410 is amended to read:

§410. Violations

For every willful violation of this subchapter ~~or subchapter 2-A~~, the state government agency or local government entity whose officer or employee committed the violation ~~shall be~~ is liable for a civil violation for which a forfeiture of not more than \$500 may be adjudged.

Sec. 3. 1 MRSA c. 13, sub-c. 2-A is enacted to read:

SUBCHAPTER 2-A
PROTECTION OF SOCIAL SECURITY NUMBERS

§461. Collection and disclosure of Social Security numbers

1. Collection of Social Security number; prohibition; collection practice. An agency or official of this State or any of its political subdivisions may not collect an individual's Social Security number unless specifically required by state or federal law or court order. When an agency or official is required to collect an individual's Social Security number, the agency or official shall collect and maintain the Social Security number in manner that facilitates preserving the confidentiality of the Social Security number when it is contained in or associated with an otherwise public record.

2. Nondisclosure of Social Security number. Except as provided in subsection 3, an agency or official:

A. May not disclose an individual's Social Security number if that Social Security number was collected on or after January 1, 2011; and

B. May redact or otherwise refuse to disclose an individual's Social Security number that was collected prior to January 1, 2011.

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3. Permitted disclosure of Social Security numbers. An agency or official may disclose the Social Security number of an individual only in the following circumstances.

A. An agency or official may disclose the Social Security number of an individual when the disclosure is expressly required by state or federal law or a court order.

B. A state or local law enforcement agency* may, for purposes of furthering an investigation, disclose the Social Security number of an individual to any individual, state, local or federal agency or other legal entity.

C. An agency or official may disclose the Social Security number of an individual when the individual expressly consents in writing to the disclosure.

4. Compliance. An agency or official complies with this section if the agency or official either removes or completely and permanently obscures a Social Security number on a public record before disclosing the public record.

5. Notice. If an agency or official discloses a Social Security number in violation of this section, the agency or official shall provide notice to the person whose Social Security number was disclosed as in Title 10, chapter 210-B.

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