

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 24.2-444 and 59.1-443.2 of the Code of Virginia, to amend the Code
2 of Virginia by adding in Title 2.2 a chapter numbered 38.1, consisting of sections numbered 2.2-
3 3815 through 2.2-3816, relating to the Protection of Social Security Numbers Act; penalties.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 38.1,**
6 **consisting of sections numbered 2.2-3815 through 2.2-3816, as follows:**

7 CHAPTER 38.1.

8 PROTECTION OF SOCIAL SECURITY NUMBERS ACT.

9 § 2.2-3815. Access to social security numbers prohibited; exceptions.

10 A. Except as otherwise provided in this chapter, the social security number or any portion thereof
11 of any individual contained in a public record shall be confidential and exempt from disclosure under the
12 Freedom of Information Act (§ 2.2-3700 et seq.).

13 For the purposes of this chapter:

14 "Agency" means the same as that term is defined in § 2.2-3801.

15 "Data subject" means the same as that term is defined in § 2.2-3801.

16 "Public record" means the same as that term is defined in § 2.2-3701.

17 "Regional agency" means a unit of government organized as provided by law whose members
18 are appointed by the participating local governing bodies, and such unit includes two or more counties,
19 cities, or towns.

20 B. The provisions of this section shall not be construed to prevent the release of a social security
21 number:

22 1. In accordance with a proper judicial order;

23 2. To any federal, state or local law-enforcement or correctional personnel, including a law-
24 enforcement officer, probation officer, parole officer or administrator, or a member of a parole board,
25 seeking information in the course of his official duties;

26 3. By one agency to another agency in Virginia or to an agency in another state, district, or
27 territory of the United States where such information is requested by such agencies in connection with
28 (i) the application of the data subject therein for a service, privilege, or right under the laws thereof, (ii)
29 to information transmitted to family advocacy representatives of the United States Armed Forces in
30 accordance with subsection N of § 63.2-1503, or (iii) the performance of such agency's official duties; or

31 4. To any data subject exercising his rights under § 2.2-3806, or if the data subject is less than 18
32 years of age, to his legal guardian or parent, including a noncustodial parent, unless such parent's
33 parental rights have been terminated or a court of competent jurisdiction has restricted or denied such
34 access.

35 § 2.2-3816. Proceedings for enforcement of chapter.

36 A. Any aggrieved person may institute a proceeding for injunction or mandamus against any
37 agency that has engaged, is engaged, or is about to engage in any acts in violation of the provisions of
38 this chapter. Venue for the petition shall be addressed as follows:

39 1. In a case involving a local agency, to the general district court or circuit court of the county or
40 city from which the agency has been elected or appointed to serve;

41 2. In a case involving a regional agency, to the general district or circuit court of the county or
42 city where the principal business office of such agency is located; and

43 3. In a case involving a state agency, including a public institution of higher education, to the
44 general district court or the circuit court of the residence of the aggrieved party or of the City of
45 Richmond.

46 B. If the court finds a violation of the provisions of this chapter, the petitioner shall be entitled to
47 recover reasonable costs and attorney fees from the agency if the petitioner substantially prevails on the
48 merits of the case, unless special circumstances would make an award unjust. In making this

49 | determination, a court may consider, among other things, the reliance of the agency on an opinion of the
50 | Attorney General or a decision of a court that substantially supports the agency's position.

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