

**POLICY – to keep information that can be used to access financial accounts, medical files and other similar personal identification information out of public circulation, unless the use is required by law. Protects all but the last four digits of a unique identifying number from being distributed to the general public.**

**NOTE** – words in *italics* are additions to the HB 543 as passed by the General Assembly in 2004. The bill was passed with a reenactment clause.

§ 2.2-3808.3. Unique identifying numbers; appearance limited on public records.

A. For purposes of this section:

"Unique identifying number" means any alphabetic or numeric sequence, or combination thereof, that is unique and assigned to a specific natural person at that person's request. "Unique identifying number" includes, but is not limited to, social security number, bank account number, credit card number, military service number, driver's license number *and derivatives thereof*. However, "unique identifying number" shall not include (i) any arbitrarily assigned alphabetic or numeric sequence, or combination thereof, that is assigned to a natural person for purposes of identification, in lieu of a social security number, and used for a single, specific government purpose, (ii) *payment information to the extent that it is covered by § 2.2-3808.1, or (iii) financial account numbers for non-revolving accounts provided that the filer is the holder or creator of the account.*

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

B. Notwithstanding § 2.2-3802, no public record, ~~as that term is defined in § 2.2-3701,~~ that is created or filed after July 1, 2005, shall contain more than the last four digits of a unique identifying number, unless:

1. Such use is required by state or federal law; or
2. The record upon which the unique identifying number appears is exempt from disclosure *to the general public* under the Virginia Freedom of Information Act (FOIA) (§ 2.2-3700 et seq.) or other law. Records that are subject to a discretionary exclusion under FOIA or other law shall not be available for general public inspection unless they have been configured to prevent the disclosure of unique identifying numbers contained within those records as required by this subsection.

C. Beginning July 1, 2005, no document that will become a public record, ~~as that term is defined in § 2.2-3701,~~ shall be filed with a public body unless the person who prepared the document or presented the document for filing certifies at the beginning or end of the document to be filed, or in a manner otherwise prescribed by the public body, that such document complies with subsection B.

In lieu of a certification on every document, the public body may

1. Post a notice in a conspicuous place at the point of filing stating, "By filing any document with this office, you certify that it complies with the restrictions on unique identifying numbers as specified in § 2.2-3808.3 of the Code of Virginia," *or words of similar import*. In this case, by filing the document, the preparer and filer would be certifying that the document complies with subsection B; *or*
  2. *Publish a list or description of documents that are prohibited from being disclosed to the general public under FOIA or other law. Any document on that list would not need to be certified.*
- D. Nothing contained in this section shall operate to prohibit or delay the disclosure of any public record pursuant to the FOIA or other law. However, if any record produced in response to a request under the FOIA or other law requires redaction to comply with the provisions of subsection B 2, the cost of such redaction shall be borne by the public body or person who is required to comply with this section and shall not be passed on to the requester.
- E. This section does not prohibit the collection, use or release of a unique identifying number as required by the laws of the Commonwealth or the United States or for internal verification or administrative purposes as allowed by the laws of the Commonwealth or the United States.