

Dissemination of Social Security Numbers by State Entities

Arizona:

- Arizona's Public Records Law (§ 39-121 et seq.) is premised on the notion that all public records are open unless exempted. Section 39-121 states: "Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours."

California:

- Although the California Public Records Act contains no provision specifically exempting social security numbers from disclosure, Section 1 of the California Constitution contains the following provision relating to a right of privacy: "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

Georgia:

- Exempted from the Georgia open records statute are records related to personal privacy. The act exempts from disclosure an individual's social security number, debit card information, bank account information, financial data or information, and insurance or medical information. O.G.C.A. 50-18-72(a)(11.3)(A):
 - "An individual's social security number, mother's maiden name, credit card information, debit card information, bank account information, financial data or information, and insurance or medical information in all records, and if technically feasible at reasonable cost, day and month of birth, which shall be redacted prior to disclosure of any record requested pursuant to this article; provided, however, that such information shall not be redacted from such records if the person or entity requesting such records requests such information in a writing signed under oath by such person or a person legally authorized to represent such entity which states that such person or entity is gathering information as a representative of a news media organization for use in connection with news gathering and reporting..."

Illinois:

- The Illinois Freedom of Information Act (5 ILCS 140 et seq.) provides the following exemption: "Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information...."
 - In *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, The Appellate Court for the Fifth District (Illinois) considered the scope of Section 7(1)(b) of the Illinois Freedom of Information Act exempting disclosure of information that would constitute "a clearly unwarranted invasion of personal privacy." Although the Act enumerates disclosures that fall within this exception, the Court stated: "Section 7(1)(b) of the Freedom of Information Act does not purport to be an exclusive list of information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy. To the contrary, the section expressly provides that it is not limited to the items enumerated. Where a public body asserts an exemption for information that is not specifically included on the list and therefore not exempt per se, the court must evaluate the particular information on a case-by-case basis."

Missouri:

- Section 610.035 provides that no state entity may "publicly disclose any Social Security number of a living person unless such disclosure is authorized by the holder of that Social Security number or unless such disclosure is for use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court.." The disclosure of social security numbers of deceased persons is lawful. Any person or entity receiving a social security number from any entity shall be subject to the same confidentiality provisions as the disclosing entity.
- Supreme Court Operating Rules:
 - Rule 2.045. Access to Social Security Numbers: Provides that Dissemination of social security numbers appearing in court databases shall be restricted to court personnel and to those state and federal agencies to which the court has a statutory or constitutional duty to disclose. Otherwise, court personnel shall not release social security numbers.

New Jersey:

- The NJ Open Public Records Act (N.J.S. 47:1A-1 et seq.) provides that a government record shall not disclose certain information which is deemed to be confidential. Included in information that shall not be disclosed is

that portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of a person except for:

- use by any government agency, including any court or law enforcement agency, in carrying out its functions,
- or any private person or entity acting on behalf thereof,
- or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by law.

Pennsylvania:

- There are four exemptions in the Pennsylvania Open Records Act. One exemption exempts from disclosure records which if disclosed would operate to prejudice or impair a person's reputation or personal security.
 - In *Cypress Media, Inc. v. Hazleton Area Sch. Dist.*, 720 A.2d 198, the Pennsylvania Commonwealth Court held that "Where an individual's privacy interests in the requested information outweigh the benefits of disclosing that information, this Court has determined that the confidential information must be redacted where disclosure is mandated." The Court refused to order access to teacher applications containing home addresses, home telephone numbers, and social security numbers.
 - In *Times Publ'g Co., Inc. v. Michel*, the Court noted that access under the Act may not be at the expense of [an] individual's right to privacy. The Court denied access to payroll records that contained, among other information, employees' social security numbers. Public disclosure of addresses, telephone numbers, and social security numbers constituted an unwarranted invasion of personal privacy and outweighed any public benefit.

Texas:

- The Texas Public Information Act (§ 552.001 et seq.) allows government officials and employees to elect whether to allow public access to the information in the custody of the governmental body that relates to the person's home address, home telephone number, or social security number.