

# Senate Bill 475

Sponsored by Senator SCHRADER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person from disclosing or transferring Social Security numbers. Creates exceptions. Punishes violation by maximum of one year's imprisonment, \$6,250 fine, or both. Creates cause of action for violation.

Prohibits public body from transferring Social Security numbers. Creates exceptions. Creates cause of action for violation.

## A BILL FOR AN ACT

1  
2 Relating to Social Security numbers.

3 **Be It Enacted by the People of the State of Oregon:**

4     **SECTION 1. (1) As used in this section, "person" means any individual, private or public**  
5 **corporation, partnership, cooperative, association, estate, limited liability company, organ-**  
6 **ization or other entity.**

7     **(2) Except as provided in subsection (3) of this section, a person may not intentionally**  
8 **communicate or directly or indirectly display, transfer, sell, lease, loan, trade, rent or oth-**  
9 **erwise disclose any individual's Social Security number to a third party or to the general**  
10 **public without the affirmatively expressed consent of the individual.**

11     **(3) This section does not prohibit or limit the display or transfer of a Social Security**  
12 **number:**

13         **(a) Required, authorized or excepted under any federal or state law;**

14         **(b) For a public health purpose, including the protection of the health or safety of an**  
15 **individual in an emergency situation;**

16         **(c) For a law enforcement purpose, including the investigation of fraud and the enforce-**  
17 **ment of a child support obligation;**

18         **(d) For a use occurring as a result of a legal interaction between businesses or a business**  
19 **and a public body as defined in ORS 174.109, regardless of which entity initiates the inter-**  
20 **action, including, but not limited to:**

21             **(A) The prevention of fraud, including fraud in protecting an employee's right to em-**  
22 **ployment benefits;**

23             **(B) The facilitation of credit checks or the facilitation of background checks of employ-**  
24 **ees, prospective employees or volunteers; or**

25             **(C) The transmission of the Social Security number when the transmission is incidental**  
26 **to, and in the course of, the sale, lease, franchising or merger of all or a portion of a busi-**  
27 **ness;**

28             **(e) For a data-matching program involving a federal, state or local government agency;**

29             **(f) For any type of federal, state or local government benefit or program that requires**  
30 **submission of an individual's Social Security number as part of the individual's application**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 for the benefit or program; or

2 (g) For internal verification or administrative purposes by a person's employee or agent  
3 for a legitimate purpose of that person, provided that the Social Security number is not used  
4 in violation of applicable law.

5 **SECTION 2.** Violation of section 1 of this 2007 Act is a Class A misdemeanor.

6 **SECTION 3.** (1) An individual aggrieved by a violation of section 1 of this 2007 Act may  
7 bring an action in an appropriate court to recover actual damages or \$5,000, whichever is  
8 greater, plus court costs and attorney fees reasonably incurred in the action.

9 (2) Except as provided in subsection (3) of this section, an action under subsection (1) of  
10 this section must be brought within two years of the date the individual knew, or should have  
11 known, of the violation.

12 (3) When a defendant has materially and willfully misrepresented or failed to disclose any  
13 information required under section 1 of this 2007 Act to be disclosed to an individual and the  
14 information is material to the establishment of the defendant's liability to the individual, the  
15 action may be brought at any time within two years after the discovery by the individual of  
16 the misrepresentation or failure to disclose the required information.

17 **SECTION 4.** (1) As used in this section:

18 (a) "Public body" has the meaning given that term in ORS 174.109.

19 (b) "Transfer" means a sale, lease, loan, trade or rental of an individual's Social Security  
20 number.

21 (2) Except as provided in subsection (3) of this section, a public body may not directly  
22 or indirectly transfer any individual's Social Security number to a third party or to the  
23 general public without the affirmatively expressed consent of the individual.

24 (3) This section does not prohibit or limit the transfer of a Social Security number:

25 (a) Required, authorized or excepted under any federal or state law;

26 (b) For a public health purpose, including the protection of the health or safety of an  
27 individual in an emergency situation;

28 (c) For a law enforcement purpose, including the investigation of fraud and the enforce-  
29 ment of a child support obligation;

30 (d) For a use occurring as a result of a legal interaction between a public body and a  
31 business, regardless of which entity initiates the interaction, including, but not limited to:

32 (A) The prevention of fraud, including fraud in protecting an employee's right to em-  
33 ployment benefits; or

34 (B) The facilitation of credit checks or the facilitation of background checks of employ-  
35 ees, prospective employees or volunteers;

36 (e) For a data-matching program involving a federal, state or local government agency;

37 (f) For any type of federal, state or local government benefit or program that requires  
38 submission of an individual's Social Security number as part of the individual's application  
39 for the benefit or program; or

40 (g) For internal verification or administrative purposes by an employee or agent of a  
41 public body for a legitimate purpose of the public body, provided that the Social Security  
42 number is not used in violation of applicable law.

43 **SECTION 5.** (1) An individual aggrieved by a violation of section 4 of this 2007 Act may  
44 bring an action in an appropriate court to recover actual damages or \$5,000, whichever is  
45 greater, plus court costs and attorney fees reasonably incurred in the action.

1       **(2) Except as provided in subsection (3) of this section, an action under subsection (1) of**  
2 **this section must be brought within two years of the date the individual knew, or should have**  
3 **known, of the violation.**

4       **(3) When a public body has materially and willfully misrepresented or failed to disclose**  
5 **any information required under section 4 of this 2007 Act to be disclosed to an individual and**  
6 **the information is material to the establishment of the liability of the public body to the in-**  
7 **dividual, the action may be brought at any time within two years after the discovery by the**  
8 **individual of the misrepresentation or failure to disclose the required information.**

9       **SECTION 6.** (1) **Sections 1 to 3 of this 2007 Act apply to communications, displays or**  
10 **transfers of Social Security numbers that occur on or after the effective date of this 2007**  
11 **Act.**

12       **(2) Sections 4 and 5 of this 2007 Act apply to transfers of Social Security numbers that**  
13 **occur on or after the effective date of this 2007 Act.**

14