

By: Representative Jones

To: Judiciary A

## HOUSE BILL NO. 1406

1 AN ACT TO AMEND SECTION 25-1-111, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE SECTION OF LAW PROVIDING FOR THE PROTECTION OF  
3 SOCIAL SECURITY NUMBERS AND OTHER SUCH PERSONAL IDENTIFYING  
4 INFORMATION; TO PRESCRIBE THE RESPONSIBILITY OF STATE AGENCIES AND  
5 POLITICAL SUBDIVISIONS AND EMPLOYEES AND AGENTS THEREOF IN  
6 DISCLOSING SUCH INFORMATION; TO PROVIDE EXCEPTIONS FOR DISCLOSURE;  
7 TO EXEMPT FROM LIABILITY ANY CLERK OF COURT OR HIS AGENT FOR  
8 DAMAGES RESULTING FROM ANY SUCH INFORMATION BEING ON THE PUBLIC  
9 RECORD; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 25-1-111, Mississippi Code of 1972, is  
12 amended as follows:

13 25-1-111. (1) When any state agency possesses social  
14 security numbers or other personal indentifying information as  
15 defined in Section 97-45-1, the agency shall take such steps as  
16 may be reasonably necessary to prevent the inadvertent disclosure  
17 such information to members of the general public or to persons  
18 other than those persons who, in the performance of their duties  
19 and responsibilities, have a lawful and legitimate need to know  
20 such information.

21 (2) Except as otherwise provided in subsections (3) and (4)  
22 of this section, no agency of the state or political subdivision,  
23 or any agent or employee of a government agency, shall do any of  
24 the following:

25 (a) Collect a social security number from an individual  
26 unless authorized by law to do so or unless the collection of the  
27 social security number is otherwise imperative for the performance  
28 of that agency's duties and responsibilities as prescribed by law.  
29 Social security numbers collected by an agency must be relevant to  
30 the purpose for which collected and shall not be collected until



31 and unless the need for social security numbers has been clearly  
32 documented.

33 (b) Fail, when collecting a social security number from  
34 an individual, to segregate that number on a separate page from  
35 the rest of the record; or as otherwise appropriate, in order that  
36 the social security number can be more easily redacted pursuant to  
37 a valid public records request.

38 (c) Fail, when collecting a social security number from  
39 an individual, to provide, at the time of or before the actual  
40 collection of the social security number by that agency, that  
41 individual, upon request, with a written statement of the purpose  
42 or purposes for which the social security number is being  
43 collected and used.

44 (d) Use the social security number for any purpose  
45 other than the purpose stated.

46 (e) Intentionally communicate or otherwise make  
47 available to the general public a person's social security number  
48 or other identifying information. "Identifying information," as  
49 used in this paragraph, shall have the same meaning as used in  
50 Section 97-45-1, except it shall not include electronic  
51 identification numbers, electronic mail names or addresses,  
52 Internet account numbers, Internet identification names, parent's  
53 legal surname before marriage or driver's license numbers  
54 appearing on law enforcement records.

55 (f) Intentionally print or imbed an individual's social  
56 security number on any card required for the individual to access  
57 government services.

58 (g) Require an individual to transmit the individual's  
59 social security number over the Internet, unless the social  
60 security number is encrypted.

61 (h) Require an individual to use the individual's  
62 social security number to access an Internet Web site, unless a  
63 password or unique personal identification number or other



64 authentication device is also required to access the Internet Web  
65 site.

66 (i) Print an individual's social security number on any  
67 materials that are mailed to the individual, unless state or  
68 federal law required that the social security number be on the  
69 document to be mailed. A social security number that is permitted  
70 to be mailed under this paragraph may not be printed, in whole or  
71 in part, on a postcard or other mail not requiring an envelope, or  
72 visible on the envelope or without the envelope having been  
73 opened.

74 (3) Subsection (2) of this section does not apply in the  
75 following circumstances:

76 (a) To social security numbers or other identifying  
77 information disclosed to another governmental entity or its  
78 agents, employees or contractors if disclosure is necessary for  
79 the receiving entity to perform its duties and responsibilities.  
80 The receiving governmental entity and its agents, employees or  
81 contractors shall maintain the confidential and exempt status of  
82 such numbers.

83 (b) To social security numbers or other identifying  
84 information disclosed pursuant to a court order, warrant or  
85 subpoena.

86 (c) To social security numbers or other identifying  
87 information disclosed for public health purposes pursuant to and  
88 in compliance with Title 47, Chapter 57, Mississippi Code of 1972.

89 (d) To social security numbers or other identifying  
90 information that have been redacted.

91 (e) To certified copies of vital records issued by the  
92 state registrar of vital statistics and other authorized officials  
93 pursuant to Title 41, Chapter 57, Mississippi Code of 1972. The  
94 state registrar of vital statistics may disclose any identifying  
95 information other than social security numbers on any uncertified  
96 vital record.



97           (f) To any document filed in the official records of  
98 the courts.

99           (4) No person preparing or filing a document to be recorded  
100 or filed in the official records by the court may include any  
101 person's social security number, employer taxpayer identification,  
102 driver's license, state identification, passport, checking  
103 account, savings account, credit card or debit card number, or  
104 personal identification (PIN) code or passwords in that document,  
105 unless otherwise expressly required by law or court order, adopted  
106 by the state registrar of vital statistics, on record of vital  
107 events or redacted. Any loan closing instruction that requires  
108 the inclusion of a person's social security number on a document  
109 to be recorded shall be voided.

110           (5) The validity of an instrument as between the parties to  
111 the instrument is not affected by the inclusion of personal  
112 information on a document recorded or filed with the official  
113 records of the registrar of deeds.

114           (6) Any person has the right to request that the clerk of  
115 any state court remove from an image or copy of an official record  
116 placed on the court's Internet Web site available to the general  
117 public or an Internet Web site available to the general public  
118 used by a court to display public records, by the clerk of court,  
119 the person's social security number, employer taxpayer  
120 identification, driver's license, state identification, passport,  
121 checking account, savings account, credit card or debit card  
122 number, or personal identification (PIN) code or passwords  
123 contained in that official record. The request must be made in  
124 writing, legibly signed by the requester, and delivered by mail,  
125 facsimile, or electronic transmission, or delivered in person to  
126 the clerk of court. The request must specify the personal  
127 information to be redacted, information that identifies the  
128 document that contains the personal information and unique  
129 information that identifies the location within the document that



contains the social security number, employer taxpayer  
identification, driver's license, state identification, passport,  
checking account, savings account, credit card or debit card  
number, or personal identification (PIN) code or passwords to be  
redacted. The request for redaction shall be considered a public  
record with access restricted to the clerk of court, their staff,  
or upon order of the court. The clerk of court shall have no duty  
to inquire beyond the written request to verify the identity of a  
person requesting redaction and shall have no duty to remove  
redaction for any reason upon subsequent request made by an  
individual or by order of the court, if impossible to do so. No  
fee will be charged for the redaction pursuant to such request.

(7) A clerk of court shall immediately and conspicuously  
post signs throughout his or her offices for public viewing and  
shall immediately and conspicuously post, on any Internet Web site  
available to the general public used by the clerk of court, a  
notice stating in substantially similar form, the information as  
defined in subsection (6).

(8) Any affected person may petition the court for an order  
directing compliance with this section. No liability shall accrue  
to the clerk of court or to his or her agent for any action  
related to provisions of this section or for any claims or damages  
that might result from a social security number or other  
identifying information on the public record or on the clerk of  
court's Internet Web site available to the general public or an  
Internet Web site available to the general public used by the  
clerk of court.

(9) State agencies shall be in compliance with this section  
on or before July 1, 2008.

**SECTION 2.** This act shall take effect and be in force from  
and after its passage.

