

PRESS RELEASE
FOR IMMEDIATE RELEASE

THURSDAY
November 8, 2007

During the 2007 Session of the General Assembly, HB 2821 (Sickles) and SB 819 (Cuccinelli) were referred to both the Virginia Freedom of Information Advisory Council (FOIA Council) and Joint Commission on Technology and Science (JCOTS) for further examination. As a result, the Personal Identifying Information Subcommittee (the PII Subcommittee) of the FOIA Council and the Social Security Number Subcommittee of JCOTS have been studying public access to Social Security Numbers (SSNs) contained in public records. HB 2821 would have exempted from the mandatory disclosure requirements of FOIA those portions of records containing an individual's social security number. SB 819 would have exempted those portions of records containing personal information concerning an identifiable individual, including date of birth, social security number, driver's license number, bank account numbers, credit or debit card numbers, etc.

The above-described joint subcommittees have met monthly since July to exam the issues raised by HB 2821 and SB 819. A survey of Virginia law relative to the use of SSNs was conducted by the joint subcommittees and revealed that over the last several years certain steps have been taken by the General Assembly to limit the dissemination of SSNs in both the private and public sectors. Much of Virginia law on this topic mirrors what has been done in other states. But like other states, Virginia's law has taken a piece meal approach rather than addressing these issues in a comprehensive, systematic manner. A consensus among the joint subcommittees indicates that there is a need to address the sheer amount of personal information collected by government on individual citizens. The joint subcommittees expressed their agreement that government simply is collecting too much personal information, and that it would be better to limit collection in the first place rather than try to restrict subsequent dissemination.

Based on the foregoing, please be advised that the joint subcommittees are considering legislation to limit the collection by state and local governmental entities of social security numbers and other agency-issued identification numbers. This limitation would prohibit any agency from requiring an individual to furnish or disclose his SSN or agency-issued identification number unless the furnishing or disclosure of such number is expressly authorized by law *and* essential to the performance of that agency's duties¹. The proposed draft also requires agencies to review their collection and use of social security numbers, to be completed by October 1, 2008. The effective date of the proposed legislation is July 1, 2009.

The proposed draft appears on the FOIA Council and JCOTS websites. Final consideration of these measures by the FOIA Council and JCOTS is scheduled for December 3, 2007 and December 10, 2007, respectively. Additionally, the joint subcommittees will be meeting on Friday, November 9, 2007 to continue their deliberations on the proposed draft. If you have any questions or require additional information, please contact Maria Everett of the FOIA Council or Lisa Wallmeyer of JCOTS.

¹ Currently, the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) prohibits any agency from requiring an individual to disclose or furnish his social security account number not previously disclosed or furnished, for any purpose in connection with any activity, or to refuse any service, privilege or right to an individual wholly or partly because the individual does not disclose or furnish such number, unless the disclosure or furnishing of such number is specifically required by federal or state law.