

MAR 8 1999

STATE GOVERNMENT

HOUSE FILE

520

BY JACOBS, GIPP, and TYRRELL

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the use and dissemination of social security
2 numbers, providing an effective date and applicability
3 provision, and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 520

1 Section 1. NEW SECTION. 22.3B SOCIAL SECURITY NUMBERS --
2 CONFIDENTIAL RECORDS -- EXCEPTIONS.

3 1. Except as provided by this section, the social security
4 number of a person shall be kept confidential by a
5 governmental body. To ensure the confidentiality of a
6 person's social security number, the governmental body shall
7 not include the number on mailing labels, licenses, and any
8 other document which could be readily observed by the public.
9 If a document which is otherwise considered a public record
10 contains the social security number of a person, the
11 governmental body shall delete the social security number from
12 the record prior to release of the record.

13 2. The requirement to keep the social security number of a
14 person confidential shall not prohibit a governmental body
15 from obtaining a social security number from a person if the
16 governmental body is authorized or otherwise required to do so
17 in the scope of the governmental body's official duties. If,
18 after obtaining a social security number of a person, an
19 identifying number is required or is otherwise permitted to be
20 released, the governmental body, unless otherwise required to
21 do so by law, shall use a number other than a social security
22 number to identify the person. If a number other than a
23 social security number is used, the governmental body shall
24 maintain a list in which the identifying number and a person's
25 social security number can be matched.

26 3. A governmental body shall be permitted to release a
27 social security number of a person under any of the following
28 circumstances:

29 a. Release is specifically provided or required by law.

30 b. Pursuant to a court order.

31 c. To a governmental body, the federal government, or
32 other governmental body acting in the scope of government
33 body's duties.

34 d. The inclusion of a social security number in a document
35 was permitted prior to the effective date of this Act and

1 deletion of the number from the document would defeat the
2 purpose of releasing the document.

3 Sec. 2. Section 22.7, unnumbered paragraph 1, Code 1999,
4 is amended to read as follows:

5 The In addition to any other confidentiality requirements
6 of this chapter, the following public records shall be kept
7 confidential, unless otherwise ordered by a court, by the
8 lawful custodian of the records, or by another person duly
9 authorized to release such information:

10 Sec. 3. Section 48A.11, subsection 1, paragraph e, Code
11 1999, is amended by striking the paragraph.

12 Sec. 4. Section 90A.3, subsection 2, Code 1999, is amended
13 to read as follows:

14 2. The commissioner shall issue an identification card to
15 a boxer registered pursuant to this chapter. The
16 identification card shall contain a recent photograph, a boxer
17 registration number which shall be assigned by the
18 commissioner, which number shall not be the boxer's social
19 security number or similar foreign identification number, and
20 a personal identification number assigned to the boxer by a
21 boxing registry.

22 Sec. 5. Section 99D.8A, subsection 1, unnumbered paragraph
23 1, Code 1999, is amended to read as follows:

24 1. A person shall not be issued a license to conduct races
25 under this chapter or an occupational license unless the
26 person has completed and signed an application on the form
27 prescribed and published by the commission. The application
28 shall state the full name, social security number, residence,
29 date of birth and other personal identifying information of
30 the applicant that the commission deems necessary. However,
31 if a license is issued, the license issued by the commission
32 shall not include the social security number of the applicant.

33 The application shall state whether the applicant has any of
34 the following:

35 Sec. 6. Section 321.11, unnumbered paragraph 2, Code 1999,

1 is amended to read as follows:

2 Personal information shall be disclosed to a requestor if
3 the individual whose personal information is requested has not
4 elected to prohibit disclosure of the information to the
5 general public. The department shall give notice in a clear
6 and conspicuous manner on forms for issuance or renewal of
7 driver's licenses, titles, registrations, or nonoperator's
8 identification cards that personal information collected by
9 the department may be disclosed to any person. The department
10 shall provide in a clear and conspicuous manner on these forms
11 an opportunity for an individual to prohibit disclosure of
12 personal information to the general public. As used in this
13 paragraph, "personal information" means information that
14 identifies a person, including a person's photograph, ~~social~~
15 ~~security-number,~~ driver's license number, name, address,
16 telephone number, and medical or disability information, but
17 does not include the person's social security number,
18 information on vehicular accidents, driving violations, and
19 driver's status or a person's zip code.

20 Sec. 7. Section 321.189, subsection 2, paragraph a, Code
21 1999, is amended to read as follows:

22 a. Appearing on the driver's license shall be a
23 distinguishing number assigned to the licensee, which shall
24 not be the licensee's social security number; the licensee's
25 full name, date of birth, sex, and residence address; a
26 colored photograph; a physical description of the licensee;
27 the name of the state; the dates of issuance and expiration;
28 and the usual signature of the licensee. The license shall
29 identify the class of vehicle the licensee may operate and the
30 applicable endorsements and restrictions which the department
31 shall require by rule.

32 Sec. 8. Section 321.189, subsection 2, paragraph b, Code
33 1999, is amended to read as follows:

34 b. A commercial driver's license shall include the
35 licensee's address as required under federal regulations and a

1 distinguishing number assigned to the licensee, which shall
2 not be the licensee's social security number, and the words
3 "commercial driver's license" or "CDL" shall appear
4 prominently on the face of the license. If the applicant is a
5 nonresident, the license must conspicuously display the word
6 "nonresident".

7 | Sec. 9. Section 321.189, subsection 2, paragraph c, Code
8 1999, is amended by striking the paragraph.

9 | Sec. 10. Section 321L.2, subsection 3, paragraph a,
10 subparagraph (2), Code 1999, is amended to read as follows:

11 | (2) An identification number, which shall not be the
12 social security number of the applicant.

13 | Sec. 11. Section 602.6111, subsection 1, Code 1999, is
14 amended to read as follows:

15 | 1. Each petition or complaint, answer, appearance, first
16 motion, or any document filed with the clerk of the district
17 court which brings new parties into an action shall bear a
18 personal identification number. The personal identification
19 number shall be the employer identification number or the
20 social security number of each separate party. If an
21 individual party's driver's license lists a distinguishing
22 number other than the party's social security number, the
23 document filed with the clerk of the district court shall also
24 contain the distinguishing number from the party's driver's
25 license. However, except as otherwise required by law or
26 pursuant to court order, the clerk of the district court shall
27 keep the personal identification number confidential if the
28 number is the party's social security number.

29 | Sec. 12. Section 602.6111, subsection 2, Code 1999, is
30 amended to read as follows:

31 | 2. The clerk of the district court shall generate and
32 affix alternative personal identification numbers, which shall
33 not be the identification numbers required pursuant to
34 subsection 1, to any judgment, sentence, dismissal, or other
35 paper finally disposing of an action.

1 Sec. 13. Section 724.19, Code 1999, is amended to read as
2 follows:

3 724.19 ISSUANCE OF ANNUAL PERMIT TO ACQUIRE.

4 The annual permit to acquire pistols or revolvers shall be
5 issued to the applicant immediately upon completion of the
6 application unless the applicant is disqualified under the
7 provisions of section 724.15 and shall be on a form prescribed
8 and published by the commissioner of public safety. The
9 permit shall contain the name of the permittee, a
10 distinguishing number assigned to the permittee which shall
11 not be the social security number of the permittee, the
12 residence of the permittee, and the effective date of the
13 permit.

14 Sec. 14. APPLICABILITY. This Act does not apply to a
15 license or certificate which contains a social security number
16 and was issued prior to the effective date of this Act.
17 However, if the license or certificate is required to be
18 renewed on or after the effective date of this Act, the
19 requirements of this section shall apply. If the license or
20 certificate issued prior to the effective date of this Act is
21 nonrenewable, the entity issuing the license or certificate
22 shall permit the holder of the license or certificate to
23 replace the license or certificate with a license or
24 certificate that conforms to the requirements of this Act.

25 Sec. 15. EFFECTIVE DATE. This Act takes effect January 1,
26 2000.

27 EXPLANATION

28 This bill provides for the governmental use and
29 dissemination of social security numbers.

30 The bill creates a new Code section within the open records
31 chapter of the Code governing the use and release of social
32 security numbers. The new Code section provides that a social
33 security number shall be deemed to be a confidential record
34 and that governmental bodies shall not use the number on
35 mailings or other documents that could be observed by the

1 public. The new Code section affirms the ability of a
2 governmental body to obtain a person's social security number
3 but provides that a different identifying number be used in a
4 document that is releasable to the public. If a different
5 number is used, the governmental body shall maintain records
6 to match a person's social security number with the
7 identifying number. Finally, the new Code section provides
8 exceptions to the requirement of confidentiality.
9 Specifically, the number can be released if it is authorized
10 by law, by court order, used by another governmental entity in
11 the scope of its duties, or is included in a document prior to
12 the effective date and deleting the number would defeat the
13 purpose of releasing the document.

14 The bill also makes several corresponding changes in the
15 Code.

16 Code section 48A.11, governing voter registration records,
17 is amended to delete the optional requirement to provide one's
18 social security number.

19 Code section 90A.3 is amended to provide that a boxer's
20 social security number shall not appear on the boxer's license
21 to box in this state.

22 Code section 99D.8A, governing horse or dog racing
23 licenses, is amended to provide that the social security
24 number of an applicant for a license shall not appear on the
25 license.

26 Code section 321.189, governing driver's licenses, is
27 amended to provide that a person's social security number
28 shall not be used as the identification number on that
29 person's driver's license. This prohibition is also made
30 applicable to commercial driver's licenses.

31 Code section 321L.2, governing handicap permits, provides
32 that an applicant's social security number shall not be
33 included on the permit.

34 Code section 602.611, providing for identification numbers
35 on documents filed with the clerk of the district court, is

1 amended. The changes provide that the clerk shall keep
2 confidential an identification number which is a person's
3 social security number, unless otherwise required by law or
4 court order. In addition, the section is amended to provide
5 that an alternative number, which is not a social security
6 number, be used on any order, judgment, or dismissal finally
7 disposing of an action.

8 Code section 724.19, governing gun permits, is amended to
9 provide that the identifying number on the permit be a number
10 other than the person's social security number.

11 Finally, the bill takes effect January 1, 2000, and
12 provides that the changes required by this bill that affect a
13 license or certificate shall not apply until the license or
14 certificate is subject to renewal. If a license or
15 certificate is nonrenewable, the bill provides that the entity
16 responsible for issuance allow the holder to obtain a license
17 or certificate that conforms to the requirements of this bill.

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