

4/6/99 Returned to State Gov.

MAR 17 1999

Place On Calendar

HOUSE FILE 704
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 520)

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:
5

HOUSE FILE 704

H-1164

1 Amend House File 704 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "licenses," the following: "including, but not
4 limited to, drivers' licenses and licenses issued by a
5 statutory licensing board or commission,".

By WEIGEL of Chickasaw

H-1164 FILED MARCH 23, 1999

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HF 704

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 the 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 99D.8A, subsection 1, unnumbered paragraph
13 1, Code 1999, is amended to read as follows:

14 1. A person shall not be issued a license to conduct races
15 under this chapter or an occupational license unless the
16 person has completed and signed an application on the form
17 prescribed and published by the commission. The application
18 shall state the full name, social security number, residence,
19 date of birth and other personal identifying information of
20 the applicant that the commission deems necessary. However,
21 if a license is issued, the license issued by the commission
22 shall not include the social security number of the applicant.

23 The application shall state whether the applicant has any of
24 the following:

25 Sec. 5. Section 321.11, unnumbered paragraph 2, Code 1999,
26 is amended to read as follows:

27 Personal information shall be disclosed to a requestor if
28 the individual whose personal information is requested has not
29 elected to prohibit disclosure of the information to the
30 general public. The department shall give notice in a clear
31 and conspicuous manner on forms for issuance or renewal of
32 driver's licenses, titles, registrations, or nonoperator's
33 identification cards that personal information collected by
34 the department may be disclosed to any person. The department
35 shall provide in a clear and conspicuous manner on these forms

1 an opportunity for an individual to prohibit disclosure of
2 personal information to the general public. As used in this
3 paragraph, "personal information" means information that
4 identifies a person, including a person's photograph, ~~social~~
5 ~~security-number~~, driver's license number, name, address,
6 telephone number, and medical or disability information, but
7 does not include the person's social security number,
8 information on vehicular accidents, driving violations, and
9 driver's status or a person's zip code.

10 Sec. 6. Section 321.189, subsection 2, paragraph a, Code
11 1999, is amended to read as follows:

12 a. Appearing on the driver's license shall be a
13 distinguishing number assigned to the licensee, which shall
14 not be the licensee's social security number; the licensee's
15 full name, date of birth, sex, and residence address; a
16 colored photograph; a physical description of the licensee;
17 the name of the state; the dates of issuance and expiration;
18 and the usual signature of the licensee. The license shall
19 identify the class of vehicle the licensee may operate and the
20 applicable endorsements and restrictions which the department
21 shall require by rule.

22 Sec. 7. Section 321.189, subsection 2, paragraph b, Code
23 1999, is amended to read as follows:

24 b. A commercial driver's license shall include the
25 licensee's address as required under federal regulations and a
26 distinguishing number assigned to the licensee, which shall
27 not be the licensee's social security number, and the words
28 "commercial driver's license" or "CDL" shall appear
29 prominently on the face of the license. If the applicant is a
30 nonresident, the license must conspicuously display the word
31 "nonresident".

32 Sec. 8. Section 321.189, subsection 2, paragraph c, Code
33 1999, is amended by striking the paragraph.

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

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

3 Sec. 10. Section 602.6111, subsection 1, Code 1999, is
4 amended to read as follows:

5 1. Each petition or complaint, answer, appearance, first
6 motion, or any document filed with the clerk of the district
7 court which brings new parties into an action shall bear a
8 personal identification number. The personal identification
9 number shall be the employer identification number or the
10 social security number of each separate party. If an
11 individual party's driver's license lists a distinguishing
12 number other than the party's social security number, the
13 document filed with the clerk of the district court shall also
14 contain the distinguishing number from the party's driver's
15 license. However, except as otherwise required by law or
16 pursuant to court order, the clerk of the district court shall
17 keep the personal identification number confidential if the
18 number is the party's social security number.

19 Sec. 11. Section 602.6111, subsection 2, Code 1999, is
20 amended to read as follows:

21 2. The clerk of the district court shall generate and
22 affix alternative personal identification numbers, which shall
23 not be the identification numbers required pursuant to
24 subsection 1, to any judgment, sentence, dismissal, or other
25 paper finally disposing of an action.

26 Sec. 12. Section 724.19, Code 1999, is amended to read as
27 follows:

28 724.19 ISSUANCE OF ANNUAL PERMIT TO ACQUIRE.

29 The annual permit to acquire pistols or revolvers shall be
30 issued to the applicant immediately upon completion of the
31 application unless the applicant is disqualified under the
32 provisions of section 724.15 and shall be on a form prescribed
33 and published by the commissioner of public safety. The
34 permit shall contain the name of the permittee, a
35 distinguishing number assigned to the permittee which shall

1 not be the social security number of the permittee, the
2 residence of the permittee, and the effective date of the
3 permit.

4 Sec. 13. APPLICABILITY. This Act does not apply to a
5 license or certificate which contains a social security number
6 and was issued prior to the effective date of this Act.
7 However, if the license or certificate is required to be
8 renewed on or after the effective date of this Act, the
9 requirements of this Act shall apply. If the license or
10 certificate issued prior to the effective date of this Act is
11 nonrenewable, the entity issuing the license or certificate
12 shall permit the holder of the license or certificate to
13 replace the license or certificate with a license or
14 certificate that conforms to the requirements of this Act.

15 Sec. 14. EFFECTIVE DATE. This Act takes effect January 1,
16 2000.

17 EXPLANATION

18 This bill provides for the governmental use and
19 dissemination of social security numbers.

20 The bill creates a new Code section within the open records
21 chapter of the Code governing the use and release of social
22 security numbers. The new Code section provides that a social
23 security number shall be deemed to be a confidential record
24 and that governmental bodies shall not use the number on
25 mailings or other documents that could be observed by the
26 public. The new Code section affirms the ability of a
27 governmental body to obtain a person's social security number
28 but provides that a different identifying number be used in a
29 document that is releasable to the public. If a different
30 number is used, the governmental body shall maintain records
31 to match a person's social security number with the
32 identifying number. Finally, the new Code section provides
33 exceptions to the requirement of confidentiality.
34 Specifically, the number can be released if it is authorized
35 by law, by court order, used by another governmental entity in

1 the scope of its duties, or is included in a document prior to
2 the effective date and deleting the number would defeat the
3 purpose of releasing the document.

4 The bill also makes several corresponding changes in the
5 Code.

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

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

13 Code section 321.189, governing driver's licenses, is
14 amended to provide that a person's social security number
15 shall not be used as the identification number on that
16 person's driver's license. This prohibition is also made
17 applicable to commercial driver's licenses.

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

21 Code section 602.611, providing for identification numbers
22 on documents filed with the clerk of the district court, is
23 amended. The changes provide that the clerk shall keep
24 confidential an identification number which is a person's
25 social security number, unless otherwise required by law or
26 court order. In addition, the section is amended to provide
27 that an alternative number, which is not a social security
28 number, be used on any order, judgment, or dismissal finally
29 disposing of an action.

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

33 Finally, the bill takes effect January 1, 2000, and
34 provides that the changes required by this bill that affect a
35 license or certificate shall not apply until the license or

1 certificate is subject to renewal. If a license or
2 certificate is nonrenewable, the bill provides that the entity
3 responsible for issuance allow the holder to obtain a license
4 or certificate that conforms to the requirements of this bill.

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HOUSE FILE 704

H-1261

1 Amend House File 704 as follows:

2 1. Page 1, line 5, by striking the word
3 "governmental", and inserting the following:
4 "government".

5 2. Page 1, line 6, by striking the word
6 "governmental", and inserting the following:
7 "government".

8 3. Page 1, line 7, by inserting after the word
9 "licenses," the following: "permits,".

10 4. Page 1, line 8, by striking the word
11 "document", and inserting the following: "public
12 record".

13 5. Page 1, by striking lines 9 through 12 and
14 inserting the following: "Prior to the release of a
15 public record, a lawful custodian shall delete all
16 social security numbers which are contained in the
17 public record and which were required to be reported
18 to or were otherwise solicited by the lawful
19 custodian, compiled in written or electronic form by
20 the lawful custodian, or knowingly received by the
21 lawful custodian from another government body with the
22 expectation that confidentiality would be maintained."

23 6. Page 1, line 14, by striking the word
24 "governmental", and inserting the following:
25 "government".

26 7. Page 1, line 16, by striking the word
27 "governmental", and inserting the following:
28 "government".

29 8. Page 1, line 17, by striking the word
30 "governmental", and inserting the following:
31 "government".

32 9. Page 1, line 20, by striking the word
33 "governmental", and inserting the following:
34 "government".

35 10. Page 1, line 23, by striking the word
36 "governmental", and inserting the following:
37 "government".

38 11. Page 1, line 26, by striking the word
39 "governmental", and inserting the following:
40 "government".

41 12. Page 1, line 31, by striking the word
42 "governmental", and inserting the following:
43 "government".

44 13. Page 1, line 32, by striking the word
45 "governmental", and inserting the following:
46 "government".

47 14. Page 1, line 34, by striking the word
48 "document", and inserting the following: "public
49 record".

50 15. Page 2, line 1, by striking the word

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Page 2

1 "document", and inserting the following: "public
2 record".

3 16. Page 2, line 2, by striking the word
4 "document", and inserting the following: "public
5 record".

6 17. Page 2, by inserting after line 2 the
7 following:

8 "e. Release is authorized by the person.

9 f. The lawful custodian did not require the
10 reporting of or otherwise solicit the social security
11 number, compile a list of social security numbers in
12 written or electronic form, or knowingly receive the
13 social security number from another government body
14 with the expectation that confidentiality would be
15 maintained."

16 18. Page 5, line 5, by inserting after the word
17 "license" the following: ", permit,".

18 19. Page 5, line 7, by inserting after the word
19 "license" the following: ", permit,".

20 20. Page 5, line 9, by inserting after the word
21 "license" the following: ", permit,".

22 21. Page 5, line 11, by inserting after the word
23 "license" the following: ", permit,".

24 22. Page 5, line 12, by inserting after the word
25 "license" the following: ", permit,".

26 23. Page 5, line 13, by inserting after the words
27 "the license" the following: ", permit,".

28 24. Page 5, line 13, by inserting after the words
29 "a license" the following: ", permit,".

30 25. By renumbering and relettering as necessary.
By JACOBS of Polk

H-1261 FILED MARCH 25, 1999

HOUSE FILE 704

H-1250

1 Amend House File 704 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "record." the following: "The deletion of a social
4 security number from a document shall not be cause for
5 delay in the release of a public record except for the
6 time required to perform the actual deletion."

By JACOBS of Polk

H-1250 FILED MARCH 25, 1999