

**August 20, 2012**

**NEW LAW REGARDING DISCLOSURE OF SOCIAL SECURITY NUMBERS IN NEW YORK**

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New York State has enacted new legislation, effective December 12, 2012, which prohibits requests for disclosure of Social Security numbers (SSN) for any purpose, except where the law specifically allows such disclosure.

Chapter 372 of the New York Laws of 2012 now provides a specific list of the only circumstances under which such requests are permitted, unless the person being requested to provide the SSN agrees to provide it.

Those permissible occasions are:

- (a) when a federal, State or local law expressly requires disclosure;
- (b) for use for internal verification or fraud investigation, or for any business function permitted or allowed under the Gramm Leach Bliley Act;
- (c) in connection with a request for credit or a credit transaction initiated by a consumer or in connection with a lawful request for a consumer report or investigation;
- (d) in connection with a deposit account or investment;
- (e) for the purposes of employment, including administration of claims, benefits or procedures related to employment, retirement, injury during employment, or for unemployment insurance claims;
- (f) collection of child or spousal support, a criminal record check, or a blood or organ donation;
- (g) interaction with a government law enforcement agency or in conjunction with enforcement of a court judgment by a sheriff or marshal;
- (h) to verify an individual's identity or age in order to allow the individual access to or enrollment in a marketing program restricted to persons of a certain age;
- (i) when the request is made by a banking institution, or the holder of a government issued license, franchise or authorization, or by anyone regulated by the New York State Public Service Commission, Federal Communications Commission or Federal Energy Regulatory Commission;
- (j) when the request is made by an authorized insurer for the purpose of furnishing information to the United States Centers for Medicare and Medicaid Services.

The New York Attorney General is authorized to seek an injunction against anyone who violates these restrictions, and a court may impose a civil penalty not to exceed \$500 for a first offense, and \$1000 for a second and each subsequent offense. The legislation also contains a “safe harbor” provision that no one shall be considered to have violated this law if it is shown by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding procedures reasonably intended to avoid such error.

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