

By: Rodriguez, Hupp, Miller

H.B. No. 1053

Substitute the following for H.B. No. 1053:

By: Madden

C.S.H.B. No. 1053

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of social security numbers in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 145 to read as follows:

CHAPTER 145. CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS

Sec. 145.001. APPLICABILITY. (a) This chapter does not apply to a governmental body, as defined by Section 552.003, Government Code.

(b) This chapter does not apply to documents that are:

(1) required or permitted by state or federal law to be recorded in public records; or

(2) required to be collected, used, or disclosed to the public by state or federal law.

Sec. 145.002. PROHIBITED USES. (a) In this section, "publicly display" means to intentionally communicate or otherwise make available to the general public.

(b) A person may not:

(1) publicly display in any manner an individual's social security number;

(2) require an individual to transmit a social security number over the Internet, unless the connection is secure or the social security number is encrypted;

1 (3) require an individual to use a social security
2 number to access an Internet website, unless a password or unique
3 personal identification number or other authentication device is
4 also required to access the website;

5 (4) print an individual's social security number on
6 any card required for the individual to have access to products or
7 services provided by the person; or

8 (5) print an individual's social security number on
9 any materials that are mailed to the individual, unless state or
10 federal law requires the social security number to be printed on the
11 document to be mailed.

12 (c) Subsection (b)(5) does not apply to applications or
13 forms sent by mail, including a document sent:

14 (1) as part of an application or enrollment process;

15 (2) to establish, amend, or terminate an account,
16 contract, or policy; or

17 (3) to confirm the accuracy of a social security
18 number.

19 Sec. 145.003. PERMITTED USES. (a) A person may collect,
20 use, or release a social security number for internal verification
21 or administrative purposes.

22 (b) A person who, before January 1, 2005, has used an
23 individual's social security number in a manner prohibited by
24 Section 145.002 may continue using that individual's social
25 security number in the same manner if:

26 (1) the use of the social security number is
27 continuous; and

1 (2) the person provides the individual with an annual
2 disclosure, beginning January 1, 2006, informing the individual of
3 the right to stop the use of the social security number in the
4 manner prohibited by Section 145.002.

5 (c) This chapter does not apply to a person who collects,
6 uses, or releases a social security number if the person is required
7 to collect, use, or release the social security number by federal or
8 state law, including Chapter 552, Government Code.

9 Sec. 145.004. DISCONTINUANCE OF USE ON REQUEST. (a) If a
10 person receives a written request from an individual directing the
11 person to stop using the individual's social security number in a
12 manner prohibited by Section 145.002, the person shall comply with
13 the request not later than the 30th day after the date the request
14 is received.

15 (b) The person may not impose a fee or charge for complying
16 with the request.

17 Sec. 145.005. DENIAL OF SERVICES PROHIBITED. A person may
18 not deny products or services to an individual because the
19 individual makes a written request to discontinue use under Section
20 145.004.

21 SECTION 2. This Act takes effect January 1, 2005.