

FACTSHEET FOR BUSINESS

THE NEW YORK SOCIAL SECURITY NUMBER PROTECTION LAW N.Y. Gen. Bus. Law Section 399-dd

TO WHOM DOES IT APPLY?

- ▶ *Persons, firms, partnerships, associations and or corporations collecting and or maintaining Social Security numbers.*

WHAT DOES IT REQUIRE?

- ▶ *Reasonable measures to ensure that no officer or employee has access to Social Security numbers for any purpose other than for a legitimate or necessary business purpose related to the conduct of such business.*
- ▶ *Safeguards to preclude unauthorized access to Social Security numbers and protect the confidentiality of Social Security numbers.*

WHAT DOES IT PROHIBIT?

- ▶ *Making an individual's Social Security number available to the general public, whether intentionally or not.*
- ▶ *Requiring a customer to transmit his/her Social Security number over the Internet, unless the connection is secure or the number is encrypted.*
- ▶ *Requiring a customer to use his/her Social Security number to access an Internet website unless a password, PIN or other type of authenticating device is also required for the individual to access the website.*
- ▶ *Printing a Social Security number on any material that is mailed to an individual, unless a State or federal law requires the number to be on the document being mailed. Notwithstanding the foregoing, Social Security account numbers can be mailed as part of an application or enrollment process, or to establish, amend or terminate an account, contract or policy, or to confirm the accuracy of the Social Security account number. In these cases, Social Security numbers must not be printed, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on the envelope or without the envelope being opened.*
- ▶ *Printing a Social Security number on any card or tag required for an individual to access products, services or benefits.*

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WHAT DOES IT PROHIBIT? (con't)

- *Encoding or embedding a Social Security number in or on a card or document, including but not limited to, using a bar code, magnetic strip, or other technology, in place of removing the Social Security number as required by this law. (Effective January 3, 2009)*
- *Filing any document available for public inspection with any state agency, political subdivision, or in any court that contains a Social Security account number of any other person, unless such other is a dependent child or has consented to such filing, except as required by federal or state law or regulation, or by court rule. (Effective January 3, 2009)*

(Miscellaneous Note: The law does not prevent collection, use or release of a Social Security account number as required by State or federal law or internal verification, fraud investigation or administrative purposes or for any business function authorized by 15 U.S.C. 6802. Waivers of these rules are not permitted.)

WHAT DOES NON-COMPLIANCE COST?

- *Potential Attorney General action.*
- *Potential injunctions and fines up to \$250,000 for multiple violations resulting from a single act.*
- *Loss of business reputation.*



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