

Senate Bill 1056

Sponsored by COMMITTEE ON RULES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits disclosure of Social Security number of individual. Provides exceptions. Punishes violation by maximum one year's imprisonment, \$6,250 fine, or both.

Allows private cause of action for damages.

A BILL FOR AN ACT

1
2 Relating to Social Security numbers.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section, "person" means any individual, private or public**
5 **corporation, partnership, cooperative, association, estate, limited liability company, organ-**
6 **ization, public body as defined in ORS 174.109 or other entity.**

7 **(2) Except as provided in subsection (3) of this section, a person may not intentionally**
8 **communicate or directly or indirectly display, transfer, sell, lease, loan, trade, rent or oth-**
9 **erwise disclose any individual's Social Security number to a third party or to the general**
10 **public without the affirmatively expressed consent of the individual.**

11 **(3) Nothing in this section prohibits or limits the display or transfer of a Social Security**
12 **number:**

13 **(a) Required, authorized or excepted under any federal or state law;**

14 **(b) For a public health purpose, including the protection of the health or safety of an**
15 **individual in an emergency situation;**

16 **(c) For a law enforcement purpose, including the investigation of fraud and the enforce-**
17 **ment of a child support obligation;**

18 **(d) If the display is for a use occurring as a result of a legal interaction between busi-**
19 **nesses, governments or a business and government, regardless of which entity initiates the**
20 **interaction, including, but not limited to:**

21 **(A) The prevention of fraud, including fraud in protecting an employee's right to em-**
22 **ployment benefits;**

23 **(B) The facilitation of credit checks or the facilitation of background checks of employ-**
24 **ees, prospective employees or volunteers; or**

25 **(C) When the transmission of the Social Security number is incidental to, and in the**
26 **course of, the sale, lease, franchising or merger of all or a portion of a business;**

27 **(e) If the transfer is part of a data-matching program involving a federal, state or local**
28 **government agency;**

29 **(f) If the Social Security number is required to be submitted as part of an individual's**
30 **application for any type of federal, state or local government benefit or program; or**

31 **(g) For internal verification or administrative purposes by a person's employee or agent**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 for a legitimate purpose of that person, provided that the Social Security number is not used
2 in violation of applicable law.

3 **SECTION 2.** Violation of section 1 of this 2005 Act is a Class A misdemeanor.

4 **SECTION 3.** (1) An individual aggrieved by a violation of section 1 of this 2005 Act may
5 bring an action in an appropriate court to recover actual damages or \$5,000, whichever is
6 greater, plus court costs and attorney fees reasonably incurred in the action.

7 (2) Except as provided in this subsection, an action under subsection (1) of this section
8 must be brought within two years of the date the individual knew, or should have known,
9 of the violation. When a defendant has materially and willfully misrepresented or failed to
10 disclose any information required under section 1 of this 2005 Act to be disclosed to an indi-
11 vidual and the information is material to the establishment of the defendant's liability to the
12 individual, the action may be brought at any time within two years after the discovery by
13 the individual of the misrepresentation or failure to disclose the required information.

14 **SECTION 4.** Sections 1 to 3 of this 2005 Act apply to communications, displays or trans-
15 fers of Social Security numbers that occur on or after the effective date of this 2005 Act.

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