

HOUSE BILL NO. 749
INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE STORAGE AND DISPLAY OF SOCIAL SECURITY NUMBERS BY GOVERNMENTAL ENTITIES; PROHIBITING THE USE OF SOCIAL SECURITY NUMBERS ON INSURANCE CARDS; PROVIDING PENALTIES; AND PROVIDING A DELAYED EFFECTIVE DATE."

WHEREAS, the Montana Constitution provides in Article II, section 9, the right for a person to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions except when an individual's privacy exceeds the merits of public disclosure; and

WHEREAS, Article II, section 10, of the Montana Constitution states that the right of privacy is essential and must not be infringed without a compelling state interest; and

WHEREAS, a Social Security number is considered in and of itself personal information but is required for various official documents that may remain on file in a governmental agency.

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

NEW SECTION. Section 1. Protection of individual social security numbers -- definitions. (1) If an individual's social security number is required to be included in a document that is recorded, filed, or otherwise submitted to a governmental entity pursuant to a specific state or federal law, for the administration of a public program, or for an application for a federal or state grant, the governmental entity shall ensure that the social security number is maintained and stored in a confidential manner.

(2) An insurance card issued by a governmental entity to establish the eligibility of an employee or the employee's dependents for insurance benefits may not use an individual's social security number as the identification number on the insurance card.

(3) A governmental entity subject to subsection (1) shall provide notice of the provisions of this section to persons that submit documents containing a social security number to the governmental entity.

(4) For the purposes of this section, the following definitions apply:

(a) (i) "Confidential manner" means that a file:

(A) is exempt by law from being considered public information or a public record; or

(B) is considered public information, but the social security number is maintained separately from the original file or, if a copy of the original document is available publicly, the social security number on the copy is redacted or encrypted in a manner that obscures the first five digits or all of the number.

(ii) This subsection (4)(a) does not prohibit providing law enforcement or other authorized entities with a copy of the original document that shows the intact social security number.

(b) "Governmental entity" means a state agency, as defined in 2-2-102, or a local government, as defined in 1-2-116.

(c) "Insurance card" means a card issued by a governmental entity to an employee for the purposes of identifying eligibility of the employee or the employee's dependents to receive health, dental, optical, or accident insurance benefits, prescription drug benefits, or benefits under a managed care plan or plan provided by a health maintenance organization, health services corporation, or similar entity.

NEW SECTION. Section 2. Penalties. An employee of a governmental entity, as defined in [section 1], who knowingly discloses a social security number in violation of the provisions of [section 1] may be charged with a misdemeanor under 46-18-212.

NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 2, chapter 6, part 1, and the provisions of Title 2, chapter 6, part 1, apply to [sections 1 and 2].

NEW SECTION. Section 4. Effective date. [This act] is effective January 1, 2008.

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