

SUMMARY ANALYSIS OF AMENDED BILL

Author: Jones Analyst: Deborah Barrett Bill Number: AB 1168
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: June 1, 2007
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Security of Social Security Numbers/FTB Truncate Social Security Numbers On Lien Abstracts And Any Other Records Created By The Board That Are Disclosable

- DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
- AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.
- FURTHER AMENDMENTS NECESSARY
- DEPARTMENT POSITION CHANGED TO _____.
- REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED April 16, 2007 , STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would require Franchise Tax Board (FTB) to truncate social security numbers (SSNs) on lien or other documents made public.

SUMMARY OF AMENDMENTS

The June 1, 2007, amendments would revise requirements related to colleges and universities and would establish the College and University Social Security Number task force. These amendments would not impact the department's programs or operations and are not discussed in this analysis.

The June 1, 2007, amendments would prohibit a state agency from filing or recording documents required to be open to the public that contain more than the last four digits of a social security number. The June 1, 2007, amendments would also establish the Social Security Number Truncation Program within the county recorders' offices. The "This Bill" discussion has been revised, and the remainder of the department's analysis of the bill as amended April 16, 2007, still applies.

Board Position:	Legislative Director	Date
<input type="checkbox"/> S	Brian Putler	6/25/07
<input type="checkbox"/> NA		
<input type="checkbox"/> SA		
<input type="checkbox"/> N		
<input type="checkbox"/> NP		
<input type="checkbox"/> O		
<input type="checkbox"/> NAR		
<input checked="" type="checkbox"/> PENDING		

POSITION

Pending.

THIS BILL

This bill would require a local agency or filing office to truncate any SSN on any document it is required to make available to the public. The term "truncate" would be defined by this bill to mean to redact the first five digits of an SSN. The bill would prohibit any state agency from filing or recording a document with a local agency that contains more than the last four digits of an SSN. The bill provides that a local agency is not required to adhere to these requirements prior to an unspecified date. The bill defines public documents to mean an electronic format document that is an exact copy of an official record except that any SSN contained in that record is truncated.

This bill would establish the Social Security Number Truncation Program within the offices of the county recorder. The program would require the county recorder to create a public record version of each official record maintained in the county recorder files.

For records recorded from January 1, 1935, through December 31, 2008, the bill would require the recorder to create in an electronic format, an exact copy of the record, except that any SSN contained in the record would be truncated. The recorder is required to first truncate records that already exist in an electronic format and then create the electronic version of all other records. Each group of records is to be handled in descending chronological order.

For each official record recorded on or after January 1, 2009, the recorder would be required to create a copy of that record in an electronic format and truncate any SSN contained in that record. The recorder would be deemed to be in compliance with the requirements of the bill if they use due diligence to create and truncate SSNs in official records while applying industry best practices. A recorder is not liable for failure to truncate an SSN.

This bill would provide that any person may request that a recorder truncate his or her SSN contained in public records. The recorder is required to truncate that number within ten business days of receiving the request that includes the exact location of the untruncated SSN within a specifically identified public record.

This bill would require the county recorder to make available only the public record upon request and may disclose the official record only upon court order or subpoena.

The bill would authorize each county recorder, as approved by that county's board of supervisors, to charge an additional dollar for each page recorded. Use of the resulting funds is limited to the county recorder for purposes of implementing an SSN truncation program. This bill would require the county recorder to petition the board of supervisors for the authority to levy the fee authorized by this bill.

This bill would require, by January 1, 2009, and annually thereafter, the County Recorders Association to report to the Legislature and the Office of Privacy Protection (OPP) a report on the progress each county recorder has made in complying with this bill's provisions. When OPP has determined that all counties have completed the requirements of the program, the report is no longer required. OPP is required to report to the Legislature by January 1, 2013, on whether counties need to continue levying the fee authorized by this bill.

This bill would require FTB to truncate SSNs on lien abstracts and any other records created by FTB that are disclosable under the Public Records Act. SSNs would be required to be truncated so that no more than the last four digits of any SSN are displayed. For purposes of this requirement, truncating is specifically defined to mean to redact the first five digits of an SSN prior to disclosing the lien document.

LEGISLATIVE STAFF CONTACT

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