

**SUMMARY ANALYSIS OF AMENDED BILL**

Author: Jones et al Analyst: Deborah Barrett Bill Number: AB 1168  
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: July 2, 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 DEPARTMENTS 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 June 1, 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 July 2, 2007, amendments would make the following changes:

- require local agencies to fully redact SSNs before disclosing public documents,
- exclude a county recorder and death records from the redaction requirement, and
- make other changes related to county recorder’s ability to assess additional fees that do not impact the department and are not discussed in this analysis.

The “This Bill” discussion has been revised and the remainder of the department’s analysis of the bill as amended June 1, 2007, still applies.

**POSITION**

Pending.

Board Position:	Legislative Director	Date
<input type="checkbox"/> S	Brian Putler	7/12/07
<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		

## THIS BILL

This bill would require a local agency or filing office to redact all of the digits of an SSN on a document before making it available to the public. This redaction requirement is not applicable to county recorders or death records. 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. A filing office may refuse to file a record containing more than the last four digits of an SSN.

This bill would require a filing office to truncate the SSN on a public record before disclosing the record to the public. "Truncate" is defined to mean to redact at least the first five digits of an SSN.

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.

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, 1962, 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 and is subject to audit to determine whether the funds generated by the fee are used only by the recorder collecting the fee for the purpose of implementing the 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, 2018, on whether counties need to continue levying the fee authorized by this bill.

### **LEGISLATIVE STAFF CONTACT**

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