

BILL ANALYSIS

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| Department, Board, Or Commission | Author | Bill Number/Version Date |
| Franchise Tax Board | DeSaulnier | SB 447 |

SUBJECT

State Agency Communications/Social Security Numbers

SUMMARY

This bill would prohibit a state agency from sending any communication to an individual that contains more than the last four digits of the individual's social security number (SSN).

This analysis only addresses the provisions of this bill that impact the department's programs and operations.

REASON FOR THE BILL

The reason for the bill is to prevent identity theft related to SSNs obtained from government documents.

EFFECTIVE/OPERATIVE DATE

This bill would be effective on January 1, 2013, and operative for mailings beginning on January 1, 2015.

ANALYSIS

STATE LAW

Current state law prohibits any state agency from sending any outgoing United States mail to an individual containing personal information about that individual, including, but not limited to, the individual's SSN, telephone number, driver's license number, or credit card account number, unless the correspondence is sealed and no personal information can be viewed from the outside of that correspondence.

THIS BILL

This bill would prohibit state agencies, including the Franchise Tax Board (FTB) from sending any communication to any individual that contains more than the last four digits of the individual's SSN, unless required by federal law.

This bill would sunset and recast the provision that prohibits state agencies, including the FTB, from sending any outgoing United States Mail to an individual that contains personal information about that individual, including the individual's SSN, unless that personal information is contained within sealed correspondence and cannot be viewed from the outside of that sealed correspondence.

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| Gail Hall, FTB Contact Person (916) 845-6333 (Office) | Executive Officer Selvi Stanislaus | Date 9/7/12 |
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The bill defines outgoing United States mail as correspondence sent via a common carrier including, but not limited to, a package express service and a courier service.

The bill defines SSN as a full SSN, only when required by federal law, or the last four digits of an SSN.

IMPLEMENTATION CONSIDERATIONS

The FTB currently utilizes an FTB Identification Number, instead of an SSN, on its communication with individuals. As a result, implementing this bill would not impact the department's programs and operations.

LEGISLATIVE HISTORY

SB 25 (Bowen, Ch. 907, Stats. 2003) limited the use of SSNs as personal identifying numbers.

OTHER STATES' INFORMATION

Most states have privacy laws that are similar to California's privacy laws prohibiting various state and local agencies from disclosing personal identifying information, such as an SSN, in an unauthorized manner.

FISCAL IMPACT

This bill would not impact the department's costs.

ECONOMIC IMPACT

This bill would not impact the state's income tax revenue.

APPOINTMENTS

None.

SUPPORT/OPPOSITION

Support: None provided

Opposition: None Provided

VOTES

| | | | |
|----------------|----------|-------|------|
| Concurrence | 08/29/12 | Y: 35 | N: 0 |
| Assembly Floor | 08/28/12 | Y: 78 | N: 0 |
| Senate Floor | 01/23/12 | Y: 35 | N: 0 |

LEGISLATIVE STAFF CONTACT

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