

THE CALIFORNIA STATE UNIVERSITY
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To: CSU Presidents

Supersedes: HR 2003-23

From: Jackie R. McClain
Vice Chancellor
Human Resources




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Subject: **Legislation Change Regarding Use of Social Security Numbers**

Due to the passage of Assembly Bill (AB) 3016, this policy memorandum has been updated to reflect additional changes to California Civil Code Section 1798.85.

As you know, Senate Bill (SB) 25, passed during the 2003/04 legislative session, amended the Civil Code Section 1798.85 which limited the California State University's (CSU) use of social security numbers as identifiers for students and employees. SB 25 also provided a "continuous use" exception which allowed the CSU to continue to use an individual's social security number in a manner inconsistent with the SB 25's restrictions.¹ Assembly Bill (AB) 3016 eliminates this exception effective July 1, 2006. A revised summary of the impact of both bills is provided below:

➤ Effective July 1, 2005, the CSU will be prohibited from:

1. Publicly posting or displaying an individual's social security number.
2. Printing an individual's social security number on any card required for access to products or services.
3. Requiring an individual to transmit his/her social security number over the Internet, unless the connection is secure or the social security number is encrypted.

¹ Refer to HR 2003-23 for specific information on SB 25.

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4. Requiring an individual to use a social security number to access an Internet Web site, unless a password, unique personal identification number, or other authentication device is required also.
5. Printing an individual's social security number on materials that are mailed (except where required by state or federal law). However, social security numbers may still be included in applications and forms sent by mail to establish, amend or terminate an account, contract or policy, or to confirm the accuracy of the social security number. A social security number may not be printed on a postcard or visible on an envelope.

Exception: If CSU has, before January 1, 2004, continuously used an individual's social security number in a manner inconsistent with the restrictions noted above, the CSU may continue to use the social security number in that manner until July 1, 2006, provided that notice of the right to stop the use is provided annually to the individual, a request to stop the use is honored within 30 days without charge, and no services are denied as a consequence. After July 1, 2006, this exception no longer is available to CSU campuses.

- Effective July 1, 2005, the CSU is prohibited from encoding or embedding a social security number in a card or document, including using a bar code, chip, magnetic strip, or any other technology. There is no exception from this prohibition even if this practice began prior to January 1, 2004.
- Because the legislation is intended to deter public disclosure of social security numbers, it does not prohibit use of the social security number for internal verification, or administrative purpose, or as otherwise required by law.

AB 3016 may be viewed on the Web at: http://leginfo.ca.gov/pub/03-04/bill/asm/ab_3001-3050/ab_3016_bill_20040823_chaptered.pdf

Questions may be directed to systemwide Human Resources at (562) 951-4411 or your campus counsel, as appropriate. This document is available on Human Resources' Web site at: <http://www.calstate.edu/HRAdm/memos.shtml>.

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