

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 793

Short Title: Government Agencies Limit Release of SSNs. (Public)

Sponsors: Senators Berger of Rockingham; Apodaca, Bingham, Brown, Forrester, Goodall, Jacumin, Kinnaird, Stevens, Thomas, Tillman, and Webster.

Referred to: Judiciary I.

March 23, 2005

A BILL TO BE ENTITLED

AN ACT AMENDING THE STATE PRIVACY ACT TO PROVIDE THAT SOCIAL SECURITY NUMBERS SHALL NOT APPEAR ON CITATIONS AND OTHERWISE LIMITING THE DISCLOSURE OF SOCIAL SECURITY NUMBERS BY GOVERNMENT AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3F of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-64.61. Limitations on release of social security numbers by government agencies; citations.

(a) Prohibition. – Except as specifically provided by subsection (b) of this section, no State or local government agency may (i) intentionally communicate, display, or disclose to the general public or to a third party an individual's social security number or (ii) cause an individual's social security number to be printed on any citation.

(b) Exceptions. – Notwithstanding subsection (a) of this section, social security numbers may be:

- (1) Used by State and local agencies in confidential applications, forms, and other documents in connection with official business concerning an individual.
- (2) Sent by mail in connection with official business, but may not be sent on a postcard or other mailer not requiring an envelope or in any manner where the social security number is visible.
- (3) Released pursuant to a State or federal law that specifically requires the disclosure.
- (4) Released pursuant to an unexpired, valid contract executed under G.S. 7A-109, or any related law, before July 1, 2005.

1 (c) Citations. – Citations, including electronic tickets, issued for violations of
2 motor vehicle laws shall not display all or part of an individual's social security number.

3 (d) Limited Access. – State and local government agencies shall take action to
4 prevent unnecessary access to social security numbers by their employees. The Division
5 of Motor Vehicles and the Administrative Office of the Courts shall not unnecessarily
6 release or display social security numbers, in whole or in part, in the processing of
7 citations or in the course of other official business."

8 **SECTION 2.** G.S. 7A-109 reads as rewritten:

9 **"§ 7A-109. Record-keeping procedures.**

10 (a) Each clerk shall maintain such records, files, dockets and indexes as are
11 prescribed by rules of the Director of the Administrative Office of the Courts. Except as
12 prohibited by the State Privacy Act, Article 3F of Chapter 143 of the General Statutes,
13 or any other provision of law, these records shall be open to the inspection of the public
14 during regular office hours, and shall include civil actions, special proceedings, estates,
15 criminal actions, juvenile actions, minutes of the court, judgments, liens, lis pendens,
16 and all other records required by law to be maintained. The rules prescribed by the
17 Director shall be designed to accomplish the following purposes:

- 18 (1) To provide an accurate record of every determinative legal action,
19 proceeding, or event which may affect the person or property of any
20 individual, firm, corporation, or association;
- 21 (2) To provide a record during the pendency of a case that allows for the
22 efficient handling of the matter by the court from its initiation to
23 conclusion and also affords information as to the progress of the case;
- 24 (3) To provide security against the loss or destruction of original
25 documents during their useful life and a permanent record for
26 historical uses;
- 27 (4) To provide a system of indexing that will afford adequate access to all
28 records maintained by the clerk;
- 29 (5) To provide, to the extent possible, for the maintenance of records
30 affecting the same action or proceeding in one rather than several
31 units; and
- 32 (6) To provide a reservoir of information useful to those interested in
33 measuring the effectiveness of the laws and the efficiency of the courts
34 in administering them.

35 (b) The rules shall provide for the protection of the social security numbers of
36 individuals and for indexing according to the minimum criteria set out below:

- 37 (1) Civil actions. – the names of all parties;
- 38 (2) Special proceedings. – the names of all parties;
- 39 (3) Administration of estates. – the name of the estate and in the case of
40 testacy the name of each devisee;
- 41 (4) Criminal actions. – the names of all defendants;
- 42 (5) Juvenile actions. – the names of all juveniles;
- 43 (6) Judgments, liens, lis pendens, etc. – the names of all parties against
44 whom a lien has been created by the docketing of a judgment, notice

1 of lien, transcript, certificate, or similar document and the names of all
2 parties in those cases in which a notice of lis pendens has been filed
3 with the clerk and abstracted on the judgment docket.

4 (c) The rules shall require that all documents received for docketing shall be
5 immediately indexed either on a permanent or temporary index. The rules may prescribe
6 any technological process deemed appropriate for the economical and efficient
7 indexing, storage and retrieval of information.

8 (c1) The rules shall provide for compliance with the State Privacy Act and shall
9 address identity theft and the privacy of social security numbers and other personal
10 information.

11 (d) In order to facilitate public access to court records, except where public
12 access is prohibited by the State Privacy Act or any other provision of law, the Director
13 may enter into one or more nonexclusive contracts under reasonable cost recovery terms
14 with third parties to provide remote electronic access to the records by the public. Costs
15 recovered pursuant to this subsection shall be remitted to the State Treasurer to be held
16 in the Court Information Technology Fund established in G.S. 7A-343.2.

17 (e) If any contracts entered into under ~~G.S. 7A-109(d)~~ subsection (d) of this
18 section are in effect during any calendar year, the Director of the Administrative Office
19 of the Courts shall submit to the Joint Legislative Commission on Governmental
20 Operations not later than February 1 of the following year a report on all those
21 contracts."

22 **SECTION 3.** Nothing in this act shall be construed to interfere with any
23 pending, valid contract between a State or local agency and any third party that was
24 executed before July 1, 2005.

25 **SECTION 4.** This act becomes effective July 1, 2005.