



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

DAVID A. PATERSON  
GOVERNOR

VALERIE GREY  
DIRECTOR OF STATE OPERATIONS

**MEMORANDUM**

**TO:** Heads of State Agencies and Public Authorities  
**FROM:** Valerie Grey, Director of State Operations *VB*  
**SUBJECT:** State Agency Use of Social Security Numbers  
**DATE:** October 8, 2009

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Last year, Governor Paterson signed into law Chapter 279 of the Laws of 2008, a Governor's Program Bill which significantly strengthened protections against identity theft. That law restricted the permissible use of social security numbers by State agencies and other governmental entities. Those provisions will become effective January 1, 2010. By this memorandum, we wish to alert executive personnel to the impending change of law, and make sure that all agencies are compliant by the effective date.

Chapter 279 creates a new Public Officers Law § 96-a, which bars the State or its political subdivisions from doing any of the following, unless required by law:

- Intentionally communicating or making available to the general public an individual's social security account number;
- Printing an individual's social security account number on any card or tag required for the individual to access products, services or benefits provided by the State and its political subdivisions;
- requiring an individual to transmit his or her social security account number over the Internet, unless the connection is secure or the number is encrypted;
- requiring an individual to use his or her social security account number to access a website, unless a password or unique personal identification number or other authentication device is also required to for access;
- including an individual's social security number, except its the last four digits, on any materials that are mailed to the individual or sent to him or her in an email that is copied to third parties, except that social security account numbers may be included in

applications and forms sent by mail, including documents sent as part of an application or enrollment process, or to establish, amend or terminate an account, contract or policy, or to confirm the accuracy of a social security number;

- printing a social security number, under any circumstances, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on an envelope or without the envelope having been opened; and
- Encoding or embedding a social security number in or on a card or document, including by bar code, chip, magnetic strip, or other technology, where printing a social security number thereon is prohibited under this law.

Social security numbers are defined by the statute to include any number derived from a social security number; thus, the deletion of any part of a social security number does not remove it from these prohibitions, except when specifically provided.

The statute does not prohibit the use of social security numbers for internal verification, fraud investigation or administrative purposes; nor does it impact the disclosure of criminal history information as permitted by current law, or the use of encrypted social security numbers.

Finally, Chapter 279 also imposes certain requirements (already effective) on employers on treatment of employee social security numbers, set forth in Labor Law § 203-d.

If you have not already done so, please review these requirements, and make sure your agencies policies and practices are consistent with this statute. These requirements were part of an important legislative initiative by the Governor to combat identity theft, and it is crucial that executive agencies follow them. If you have any questions, please call David Weinstein, First Assistant Counsel, at 518-473-8343.