

(H.B. 2223)

(No. 207)

(Approved September 27, 2006)

## **AN ACT**

To prohibit all employers of private enterprises and of the public corporations of the Commonwealth of Puerto Rico from using the Social Security Number of employees in the identification cards or in any document of general or routine circulation; establish restrictions and requirements and identify exception, impose sanctions and authorize the Department of Labor and Human Resources to supervise the implementation of this Act; to define the periods for its implementation; and for other purposes.

### **STATEMENT OF MOTIVES**

This past year, over 9.3 million consumers within United States jurisdictions suffered damages because of the identity theft phenomenon. One insidious modality of this practice involves the configuration of schemes whereby its participants, armed with partial information about a citizen, approach entities with which the citizen deals on a daily basis and with the excuse of being conducting legitimate transactions obtain additional information.

One of the pieces of information which is most vulnerable to undue use is the Social Security Number. This piece of information is frequently used in ways that were not foreseen when said program was created. The origin and purpose of the Social Security Number was to serve as a taxpayer's account number designed to be used for conducting transactions by the

Social Security itself, for tax transactions and for transactions involving labor benefits and was never designed to be a universal identification number nor the identity card number of a citizen. However, that number is frequently used for verifying the identity of a person, precisely because it allows for making reference to taxpayer lists or payrolls.

The Federal Laws authorize certain specific uses of the Social Security Number by local and state agencies and entities. To allow requiring the Social Security Number for the purpose of verifying the identity of a person does not however mean that there is an obligation or the freedom to use the same as a public identification, employee, case or registration number.

The Social Security Administration, the Federal Trade Commission and other government and industrial entities recommend that those companies or agencies that use or obtain a Social Security Number refrain from displaying said number so as to be in casual view of the public and maintain the same as confidential data for internal use as reference taking information security measures at all times; and that they consider providing their clients with identification, case or employee numbers different from the SSN if no fiscal or tax transactions are involved.

However, many public and private entities have not accepted these recommendations and continue using the Social Security Number as a regular means of identification. As a consequence, the Legislature of Puerto Rico deems it prudent and necessary to approve this Act so as to prohibit employers of private enterprises and of the public corporations from displaying a Social Security Number as identification number in employee identification cards and in other documents of general circulation.

***TO BE ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.-No employer of a private enterprise or of a public corporation of the Commonwealth of Puerto Rico may show or display the Social Security Number of an employee, regardless of the nature of his/her position or appointment, in his/her identification card, nor may show or display that data in a place visible to the general public or in a document of general circulation. No Social Security Number may be included in any personnel directory or in any similar list that is made available to persons who have no need or authority for accessing such data.

These protective measures may be rejected voluntarily or in writing by the employee although said rejection may not be imposed as a condition for employment. This provision shall not be applicable as to the use of the Social Security Number in those cases and for those purposes for which it is specifically compulsory by special provision of law, nor for which it has been authorized or regulated through federal law or regulation, nor for its use for the internal purpose of verifying the identity, taxes, contracting and payrolls, subject to the employer taking the proper safeguards for maintaining its confidentiality.

When a document containing the Social Security Number of a worker has to be made public for a purpose which does not require that data, the same shall be edited so that said data is partially or totally illegible without this being deemed an alteration of the contents of the document.

Section 2.-The violation of the provisions of this Act, including the failure to protect the confidentiality of the Social Security Number, entails a fine of not less than five hundred (500) dollars or up to five thousand (5,000) dollars for each case. The Department of Labor and Human Resources of the

Commonwealth of Puerto Rico shall be the agency in charge of supervising compliance with this Act.

Section 3.-Should any provision, word, sentence or subsection of this Act were to be impugned for any reason by a court and declared unconstitutional or null, or should any federal legislation or regulation occupy the field, such an action shall not affect, impair or invalidate the remaining provisions of this Act.

Section 4.-The Department of Labor and Human Resources shall have six (6) months after the effective date of this Act to establish the regulations needed to comply with the provisions of Section 2; said regulations must grant employers a term of not less than six (6) months to certify to the Department the implementation of these provisions or a work plan with a certain date within which it is to be achieved.

Section 5.-None of the provisions of this Act shall be understood to impair any organizational policy of an employer or of any collective bargaining agreement which are already in effect and provide protections to the confidentiality of the Social Security Number and sanctions for noncompliance.

Section 6.-This Act shall take effect immediately after its approval, subject to the provisions about the implementation process included in its Section 4.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 207 (H.B. 2223) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to prohibit all employers of private enterprises and of the public corporations of the Commonwealth of Puerto Rico from using the Social Security Number of employees in the identification cards or in any document of general or routine circulation; establish restrictions and requirements and identify exception, impose sanctions and authorize the Department of Labor and Human Resources to supervise the implementation of this Act; to define the periods for its implementation; and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 2<sup>nd</sup> of November of 2006.

Francisco J. Domenech  
Director