



**Deem & López Law Offices**  
Dedicated to justice – Responsive to you

590 Centerville Road  
Lancaster, PA 17601  
(717) 892-3900 (tel.)  
(717) 892-3901 (fax)  
[www.dflworkforjustice.com](http://www.dflworkforjustice.com)

**Protecting Social Security Numbers in the Workplace  
Pennsylvania Laws & Workplace Policies**

Included below:

***Breach of Personal Information Notification Act***  
***Confidentiality of Social Security Numbers Act***  
***Privacy Resources for Everyone***  
***Employers and Social Security Numbers***

Pennsylvania law now provides greater protections for private information, including prohibiting the release of social security numbers. Over the past year, two pieces of legislation were signed into law by Governor Ed Rendell that enhance privacy protections for individuals, The Breach of Personal Information Notification Act and the Confidentiality of Social Security Numbers Act.

***Breach of Personal Information Notification Act***

The ***Breach of Personal Information Notification Act*** was signed into law on December 22, 2005 (effective June 20, 2006). This new law applies to all entities, which include both private and public agencies, individuals or corporations that do business in Pennsylvania. It requires each of the above entities to ***notify*** individuals when personal information is released without authorization, even if the release is for a lawful purpose. The personal information protected under this statute includes any data connected to a person's name that also contains any one of the following elements: social security number, driver's license number or state identification number, or financial account number. Failure to provide notification of such a breach may result in a violation of the Unfair Trade Practices and Consumer Protection Law. *See* 73 P.S. § 2301 *et seq.*

***Confidentiality of Social Security Numbers Act***

The ***Confidentiality of Social Security Numbers Act*** was signed into law on June 29, 2006. The new law is effective in 180 days, or December 26, 2006. This new law prohibits the release or posting of social security numbers by persons, businesses and most state agencies. It also prohibits entities, including employers, from requiring persons to use their social security numbers as a personal identification number or access code. The first violation may result in a ***summary offense*** and a \$500 fine. Additional violations may result in a \$5,000 fine. There are certain limited exceptions to this law, e.g. law enforcement investigations. Another important exception applies to Pennsylvania state court documents. There is no penalty if a court document has social security number information on the document and it is available to the public. *See* Act 60 of 2006. (Available at: <http://www.legis.state.pa.us/WU01/LI/LI/CL/ACT/20060.HTM>.)



## *Privacy Resources for Everyone*

Protecting social security numbers and other personal information is important to prevent identify theft. Privacy advocates around the country recognize that social security numbers link to many forms of confidential information. As a result, several states have enacted legislation to protect the release, display or publication of social security numbers. Pennsylvania is among these states. Now Pennsylvania employers, municipalities, and county agencies have an obligation to protect this type of personal information. For more information about protecting your privacy, please visit any one of the following web sites:

<http://www.privacyrights.org>

<http://www.consumerprivacyguide.org>

<http://www.epic.org>

<http://www.privacyexchange.org>

## *Employers and Social Security Numbers*

An employer that wants to protect employees' privacy will take deliberate steps to reduce the risk of release of personal information, including social security numbers. Here are some steps employers may want to take to provide privacy protections for employees:

- Only collect social security numbers when collection is required by federal or state law.
- Develop a unique identifier to substitute for social security numbers.
- Set an annual schedule when you will inform employees about their right to restrict the display or public posting of social security numbers.
- Remove social security numbers from identification cards, badges, time cards, employee rosters, and other widely seen documents.
- Do not require an employee to send social security numbers over the Internet or by email.
- Control access to social security numbers and monitor the access.
- Protect records that contain social security numbers by encrypting the documents containing the numbers and locking the documents in a secure cabinet.
- Do not use social security numbers on written agreements.
- Develop a policy that prohibits the disclosure of social security numbers except where required by law.
- Notify employees quickly when a breach occurs so they can reduce the risk of identity theft.
- Develop a policy that requires employees to "clean work areas" so that social security numbers are not on display.
- Provide training and written material for employees and supervisors on their responsibilities when handling social security numbers.
- Designate someone in your workplace as the responsible person for ensuring compliance with policies and procedures for protecting social security numbers.

For more information regarding workplace privacy policy development, contact Deem & López Law Offices at [info@dflworkforjustice.com](mailto:info@dflworkforjustice.com), or call (717) 892-3900.

