

Limiting the Use of the Social Security Number in Healthcare. Appendix B: Federal Legislation Restricting SSN Use

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The federal government has passed multiple laws restricting or prohibiting SSN use in the following areas:

Financial SSN Restrictions	
1999	Title V of the Gramm-Leach-Bliley Act imposed privacy and security obligations on financial institutions with respect to customers' personally identifiable financial information, including SSNs. ¹
2005	Sections 221, 231, and 234 of the Bankruptcy Abuse Prevention and Consumer Protection Act add provisions to discourage abusive bankruptcy filings and to protect personally identifiable information, including SSNs. ²
Government SSN Restrictions	
1974	The Privacy Act limits the federal government's use of the SSN. ³
1990	The Food and Agricultural Resources Act provided that SSNs maintained as a result of any law enacted on or after October 1, 1990, will be confidential and may not be disclosed. ⁴
2000	Section 2 of the Social Security Number Confidentiality Act requires the Treasury Secretary to ensure that SSNs are not visible on or through unopened mailings of government checks or other drafts beginning November 6, 2003. ⁵
2001	Section 311 of the Department of Transportation and Related Agencies Appropriations Act provides that no recipient of funds via this act shall disseminate information, including SSNs, obtained by a state department of motor vehicles except as authorized by law. ⁶
2004	Section 7214 of the Intelligence Reform and Terrorism Prevention Act prohibits federal, state, and local governments from displaying SSNs, or any derivative thereof, on driver's licenses, motor vehicle registrations, or other identification documents issued by state departments of motor vehicles. ⁷
Healthcare SSN Restrictions	
1996	The Health Insurance Portability and Accountability Act protects the privacy of health information that identifies an individual (including SSNs) and restricts healthcare organizations from disclosing such information to others without

	the patient's consent. ⁸
Identity Theft	
1998	The Identity Theft and Assumption Deterrence Act made identity theft (transferring or using another person's means of identification) a crime, subject to penalties. The act further defined "means of identification" to include SSN. ⁹
2008	The Federal Trade Commission issues a report introducing five measures to help prevent the use of SSNs in identity theft. ¹⁰
Judicial SSN Restrictions	
2007	Section 202 of the Court Security Improvement Act criminalizes the intentional and malicious publication of personal information, including SSNs, of certain judicial officials and their immediate families. ¹¹
Military Identifier	
2010	The Department of Veterans Affairs and the Department of Defense agree on a single lifetime personal identifier that will follow military personnel from active duty through retirement. ¹²
National Identifier Guidance	
1976	The Federal Advisory Committee on False Identification rejects the idea of a national identifier and did not even consider the SSN for such a purpose. It also recommends that penalties for misuse be increased and evidence requirements strengthened. ¹³
1977	The Privacy Protection Study Commission recommends that no steps be taken toward developing a standard, universal label for individuals until safeguards and policies regarding permissible uses and disclosures were proven effective. It also recommends that Executive Order 9397 be amended so that federal agencies could no longer use it as legal authority to require disclosure of an individual's SSN (although no further action was taken). ¹⁴
SSA Restrictions	
1971	The Social Security Administration (SSA) task force publishes a report recommending that SSA take a cautious approach toward SSN use and that SSA do nothing to promote the use of the SSN as an identifier. ¹⁵
SSN Card Restrictions	

1983	The Social Security Amendments of 1983 required that new and replacement SSN cards issued after October 30, 1983, will be made of banknote paper (and to the maximum extent practicable) not be subject to counterfeiting. ¹⁶
1996	Section 11 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 required the Commissioner of Social Security develop and submit to Congress a prototype of counterfeit-resistant Social Security card that is made of durable, tamper-resistant material (e.g., plastic); uses technologies that provide security features (e.g., magnetic stripe); and provides individuals with reliable proof of citizenship or legal resident alien status. ¹⁷
2004	The Intelligence Reform and Terrorism Prevention Act requires the Social Security Commissioner to restrict the issuance of multiple replacement Social Security cards to any individual to three per year and 10 for the life of the individual. It also requires SSA in consultation with Homeland Security to form an interagency task force for the purpose of further improving the security of Social Security cards and numbers. ¹⁸
Victims of Crime Restrictions	
2006	Section 3 of the Violence against Women and Department of Justice Reauthorization Act provides that grantees under the 1994 Violence against Women Act shall not disclose certain personal information, including SSNs. Section 605 provides that victim service providers are not required to disclose personally identifiable information, including SSNs, about clients. ¹⁹

Notes

1. Federal Trade Commission. "Security in Numbers: ***-**-*** SSNs and ID Theft." December 2008. www.ftc.gov/os/2008/12/P075414ssnreport.pdf.
2. Swendiman, Kathleen S. "CRS Report for Congress: The Social Security Number: Legal Developments Affecting Its Collection, Disclosure, Confidentiality." Updated February 21, 2008. www.fas.org/sgp/crs/misc/RL30318.pdf.
3. Social Security Administration. "Social Security Number Chronology." November 9, 2005. www.ssa.gov/history/ssn/ssnchron.html.
4. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
8. Bovbjerg, Barbara D. "Federal and State Laws Restrict Use of SSNs, yet Gaps Remain." Testimony before the Committee on Consumer Affairs and Protection and Committee on Governmental Operations, New York State Assembly. Government Accountability Office. September 15, 2005. www.gao.gov/new.items/d051016t.pdf. Social Security Administration. "Social Security Number Chronology."
9. Social Security Administration. "Social Security Number Chronology."
10. Federal Trade Commission. "Security in Numbers: ***-**-*** SSNs and ID Theft."
11. Swendiman, Kathleen S. "CRS Report for Congress: The Social Security Number: Legal Developments Affecting Its Collection, Disclosure, Confidentiality."
12. "VA, DOD Agree to Adopt on Single Personal Identifier for EHRs." *iHealthBeat*, August 12, 2010. www.ihealthbeat.org/articles/2010/8/12/va-dod-agree-to-adopt-single-personal-identifier-for-ehrs.aspx.
13. Social Security Administration. "Social Security Number Chronology."
14. Ibid.
15. Ibid.
16. Ibid.
17. Ibid.
18. Ibid.
19. Swendiman, Kathleen S. "CRS Report for Congress: The Social Security Number: Legal Developments Affecting Its Collection, Disclosure, Confidentiality."

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