

**4-86-107. Prohibiting the misappropriation of social security numbers.**

**(a)** As used in this section:

**(1)** "Person" means:

**(A)** An individual;

**(B)** A corporation;

**(C)** A partnership;

**(D)** An organization; or

**(E)** Any other entity; and

**(2)** "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

**(b)** Except as provided in subsection (c) of this section, a person may not do any of the following:

**(1)** Publicly post or publicly display in any manner an individual's social security number;

**(2)** Print an individual's social security number on any card required for the individual to access products or services provided by the person or entity;

**(3)** Print an individual's social security number:

**(A)** On a postcard or other mailer not requiring an envelope; or

**(B)** In a manner in which the social security number is visible on an envelope or without the envelope's being opened; or

**(4)** Require an individual to transmit his or her social security number over the Internet unless the:

**(A)** Connection is secure; or

**(B)** Social security number is encrypted.

**(c)** This section does not prevent the collection, use, or release of a social security number:

**(1)** As required or explicitly authorized by federal or state law; or

**(2)** Pursuant to state or federal court rules.

**(d)** This section does not apply to an entity providing an electronic communications service to the public that is used by another person to violate this section unless the entity:

**(1)** Conspires with another person to violate this section; or

**(2)** Intentionally aids and abets another person in the violation of this section.

**(e)** This section shall not be asserted as a means to avoid compliance with an otherwise valid request for records pursuant to the Freedom of Information Act of 1967, § 25-19-101 et seq.

**(f)** The Attorney General may:

- (1)** Bring suit against any person for violating the provisions of this section;
- (2)** Collect civil penalties of up to two hundred fifty dollars (\$250) per violation along with attorney's fees and costs incurred in the investigation and prosecution of the matter; and
- (3)** Seek appropriate injunctive relief.

**HISTORY:** Acts 2005, No. 1295, § 1.