

[First Reprint]

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STATE OF NEW JERSEY
211th LEGISLATURE

ADOPTED JUNE 9, 2005

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SYNOPSIS

The "Identity Theft Prevention Act"

CURRENT VERSION OF TEXT

As amended by the Senate on June 20, 2005.

(Sponsorship Updated As Of: 6/24/2005)

1 **AN ACT** concerning identity theft, amending P.L.1997, c.172 and
2 supplementing various parts of the statutory law.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. (New section) This act shall be known and may be cited as the
8 "Identity Theft Prevention Act."

9

10 2. (New section) The Legislature finds and declares that:

11 a. The crime of identity theft has become one of the major law
12 enforcement challenges of the new economy, as vast quantities of
13 sensitive, personal information are now vulnerable to criminal
14 interception and misuse; and

15 b. A number of indicators reveal that, despite increased public
16 awareness of the crime, incidents of identity theft continue to rise; and

17 c. An integral part of many identity crimes involves the interception
18 of personal financial data or the fraudulent acquisition of credit cards
19 or other financial products in another person's name; and

20 d. Identity theft is an act that violates the privacy of our citizens
21 and ruins their good names: victims can suffer restricted access to
22 credit and diminished employment opportunities, and may spend years
23 repairing damage to credit histories; and

24 e. Credit reporting agencies and issuers of credit should have
25 uniform reporting requirements and effective fraud alerts to assist
26 identity theft victims in repairing and protecting their credit; and

27 f. The Social Security number is the most frequently used record
28 keeping number in the United States. Social Security numbers are
29 used for employee files, medical records, health insurance accounts,
30 credit and banking accounts, university ID cards and many other
31 purposes; and

32 g. Social Security numbers are frequently used as identification
33 numbers in many computer files, giving access to information an
34 individual may want kept private and allowing an easy way of linking
35 data bases. Therefore, it is wise to limit access to an individual's Social
36 Security number whenever possible; and,

37 h. It is therefore a valid public purpose for the New Jersey
38 Legislature to ensure that the Social Security numbers of the citizens
39 of the State of New Jersey are less accessible in order to detect and
40 prevent identity theft and to enact certain other protections and
41 remedies related thereto and thereby further the public safety.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted June 20, 2005.

1 3. (New section) a. A person who reasonably believes or
2 reasonably suspects that he has been the victim of identity theft in
3 violation of N.J.S.2C:21-1, section 1 of P.L.1983, c.565 (C.2C:21-
4 2.1) or N.J.S.2C:21-17 may contact the local law enforcement agency
5 in the jurisdiction where he resides, which shall take a police report of
6 the matter and provide the complainant with a copy of that report.
7 Notwithstanding the fact that jurisdiction may lie elsewhere for
8 investigation and prosecution of a crime of identity theft, the local law
9 enforcement agency shall take the complaint and provide the
10 complainant with a copy of the complaint and may refer the complaint
11 to a law enforcement agency in that different jurisdiction.

12 b. Nothing in this section shall interfere with the discretion of a
13 local law enforcement agency to allocate resources for investigations
14 of crimes. A complaint filed under this section is not required to be
15 counted as an open case for purposes such as compiling open case
16 statistics.

17

18 4. Section 3 of P.L.1997, c.172 (C.56:11-30) is amended to read
19 as follows:

20 3. As used in this act:

21 "Adverse action" has the same meaning as in subsection (k) of
22 section 603 of the federal "Fair Credit Reporting Act," 15 U.S.C.
23 s.1681a.

24 "Consumer" means an individual.

25 "Consumer report" (1) means any written, oral or other
26 communication of any information by a consumer reporting agency
27 bearing on a consumer's credit worthiness, credit standing, credit
28 capacity, character, general reputation, personal characteristics or
29 mode of living which is used or expected to be used or collected in
30 whole or in part for the purpose of serving as a factor in establishing
31 the consumer's eligibility for:

32 (a) credit or insurance to be used primarily for personal, family or
33 household purposes;

34 (b) employment purposes; or

35 (c) any other purpose authorized under section 4 of this act.

36 (2) The term "consumer report" does not include:

37 (a) any:

38 (i) report containing information solely on transactions or
39 experiences between the consumer and the person making the report;

40 (ii) communication of that information among persons related by
41 common ownership or affiliated by corporate control; or

42 (iii) communication of other information among persons related by
43 common ownership or affiliated by corporate control, if it is clearly
44 and conspicuously disclosed to the consumer that the information may
45 be communicated among those persons and the consumer is given the
46 opportunity, before the time that the information is initially

1 communicated, to direct that the information not be communicated
2 among those persons;

3 (b) any authorization or approval of a specific extension of credit
4 directly or indirectly by the issuer of a credit card or similar device;

5 (c) any report in which a person, who has been requested by a third
6 party to make a specific extension of credit directly or indirectly to a
7 consumer, conveys his decision with respect to that request, if the
8 third party advises the consumer of the name and address of the person
9 to whom the request was made, and the person makes the disclosures
10 to the consumer required under 15 U.S.C. s.1681m; or

11 (d) communication excluded from the definition of consumer
12 report pursuant to subsection (o) of section 603 of the federal "Fair
13 Credit Reporting Act," 15 U.S.C. s.1681a.

14 "Consumer reporting agency" means any person which, for
15 monetary fees, dues, or on a cooperative nonprofit basis, regularly
16 engages, in whole or in part, in the practice of assembling or
17 evaluating consumer credit information or other information on
18 consumers for the purpose of furnishing consumer reports to third
19 parties, and which uses any means or facility for the purpose of
20 preparing or furnishing consumer reports.

21 "Director" means the Director of the Division of Consumer Affairs
22 in the Department of Law and Public Safety.

23 "Division" means the Division of Consumer Affairs in the
24 Department of Law and Public Safety.

25 "Employment purposes" means, when used in connection with a
26 consumer report, a report used for the purpose of evaluating a
27 consumer for employment, promotion, reassignment or retention as an
28 employee.

29 "File" means, when used in connection with information on any
30 consumer, all of the information on that consumer recorded and
31 retained by a consumer reporting agency regardless of how the
32 information is stored.

33 "Investigative consumer report" means a consumer report or a
34 portion thereof in which information on a consumer's character,
35 general reputation, personal characteristics or mode of living is
36 obtained through personal interviews with neighbors, friends or
37 associates of the consumer who is the subject of the report or with
38 others with whom the consumer is acquainted or who may have
39 knowledge concerning any of those items of information. However,
40 this information shall not include specific factual information on a
41 consumer's credit record obtained directly from a creditor of the
42 consumer or from a consumer reporting agency when the information
43 was obtained directly from a creditor of the consumer or from the
44 consumer.

45 "Medical information" means information or records obtained, with
46 the consent of the individual to whom it relates, from licensed

1 physicians or medical practitioners, hospitals, clinics, or other medical
2 or medically related facilities.

3 "Security freeze" means a notice placed in a consumer's consumer
4 report, at the request of the consumer and subject to certain
5 exceptions, that prohibits the consumer reporting agency from
6 releasing the report or any information from it without the express
7 authorization of the consumer, but does not prevent a consumer
8 reporting agency from advising a third party that a security freeze is
9 in effect with respect to the consumer report.

10 (cf: P.L.1997, c.172, s.3)

11

12 5. (New section) a. A consumer may elect to place a security
13 freeze on his consumer report by:

14 (1) making a request in writing by certified mail or overnight mail
15 to a consumer reporting agency; or

16 (2) making a request directly to the consumer reporting agency
17 through a secure electronic mail connection, if an electronic mail
18 connection is provided by the consumer reporting agency.

19 b. A consumer reporting agency shall place a security freeze on a
20 consumer report no later than five business days after receiving a
21 written request from the consumer.

22 c. The consumer reporting agency shall send a written
23 confirmation of the security freeze to the consumer within five
24 business days of placing the freeze and at the same time shall provide
25 the consumer with a unique personal identification number or
26 password to be used by the consumer when providing authorization
27 for the release of his credit for a specific party or period of time.

28 d. If the consumer wishes to allow his consumer report to be
29 accessed for a specific party or period of time while a freeze is in
30 place, he shall contact the consumer reporting agency via certified or
31 overnight mail or secure electronic mail and request that the freeze be
32 temporarily lifted, and provide all of the following:

33 (1) Information generally deemed sufficient to identify a person;

34 (2) The unique personal identification number or password
35 provided by the consumer reporting agency pursuant to subsection c.
36 of this section; and

37 (3) The proper information regarding the third party who is to
38 receive the consumer report or the time period for which the consumer
39 report shall be available to users of the consumer report.

40 e. A consumer reporting agency that receives a request from a
41 consumer to temporarily lift a freeze on a consumer report pursuant
42 to subsection d. of this section shall comply with the request no later
43 than three business days after receiving the request.

44 f. A consumer reporting agency shall develop procedures
45 involving the use of telephone, fax, the Internet, or other electronic
46 media to receive and process a request from a consumer to temporarily

1 lift a freeze on a consumer report pursuant to subsection d. of this
2 section in an expedited manner. The director shall promulgate
3 regulations necessary to allow the use of electronic media to receive
4 and process a request from a consumer to temporarily lift a security
5 freeze pursuant to subsection d. of this section as quickly as possible,
6 with the goal of processing a request within 15 minutes of that
7 request.

8 g. A consumer reporting agency shall remove or temporarily lift
9 a freeze placed on a consumer report only in the following cases:

10 (1) Upon consumer request, pursuant to subsection d. or j. of this
11 section; or

12 (2) If the consumer report was frozen due to a material
13 misrepresentation of fact by the consumer. If a consumer reporting
14 agency intends to remove a freeze upon a consumer report pursuant
15 to this paragraph, the consumer reporting agency shall notify the
16 consumer in writing at least five business days prior to removing the
17 freeze on the consumer report.

18 h. If a third party requests access to a consumer report on which
19 a security freeze is in effect, and this request is in connection with an
20 application for credit or any other use, and the consumer does not
21 allow his consumer report to be accessed for that specific party or
22 period of time, the third party may treat the application as incomplete.

23 i. (1) At any time that a consumer is required to receive a
24 summary of rights required under section 609 of the federal "Fair
25 Credit Reporting Act," 15 U.S.C. s.1681g, the following notice shall
26 be included:

27
28 **New Jersey Consumers Have the Right to Obtain a Security**
29 **Freeze**

30
31 You may obtain a security freeze on your credit report to
32 protect your privacy and ensure that credit is not granted in your
33 name without your knowledge. You have a right to place a "security
34 freeze" on your credit report pursuant to New Jersey law.

35 The security freeze will prohibit a consumer reporting agency
36 from releasing any information in your credit report without your
37 express authorization or approval.

38 The security freeze is designed to prevent credit, loans, and
39 services from being approved in your name without your consent.
40 When you place a security freeze on your credit report, within five
41 business days you will be provided a personal identification number
42 or password to use if you choose to remove the freeze on your credit
43 report or to temporarily authorize the release of your credit report
44 for a specific party, parties or period of time after the freeze is in
45 place. To provide that authorization, you must contact the
46 consumer reporting agency and provide all of the following:

- 47 (i) The unique personal identification number or password
48 provided by the consumer reporting agency;
49 (ii) Proper identification to verify your identity; and
50 (iii) The proper information regarding the third party or parties

1 who are to receive the credit report or the period of time for which
2 the report shall be available to users of the credit report.

3 A consumer reporting agency that receives a request from a
4 consumer to lift temporarily a freeze on a credit report shall comply
5 with the request no later than three business days or less, as
6 provided by regulation, after receiving the request.

7 A security freeze does not apply to circumstances in which you
8 have an existing account relationship and a copy of your report is
9 requested by your existing creditor or its agents or affiliates for
10 certain types of account review, collection, fraud control or similar
11 activities.

12 If you are actively seeking credit, you should understand that
13 the procedures involved in lifting a security freeze may slow your
14 own applications for credit. You should plan ahead and lift a freeze,
15 either completely if you are shopping around, or specifically for a
16 certain creditor, a few days before actually applying for new credit.

17 You have a right to bring a civil action against someone who
18 violates your rights under the credit reporting laws. The action can
19 be brought against a consumer reporting agency or a user of your
20 credit report.

21

22 (2) If a consumer requests information about a security freeze, he
23 shall be provided with the notice provided in paragraph (1) of this
24 subsection and with any other information, as prescribed by the
25 director by regulation, about how to place, temporarily lift and
26 permanently lift a security freeze.

27 j. A security freeze shall remain in place until the consumer
28 requests that the security freeze be removed. A consumer reporting
29 agency shall remove a security freeze within three business days of
30 receiving a request for removal from the consumer, who provides the
31 following:

32 (1) Proper identification; and

33 (2) The unique personal identification number or password
34 provided by the consumer reporting agency pursuant to subsection c.
35 of this section.

36 k. A consumer reporting agency shall require proper identification
37 of the person making a request to place or remove a security freeze.

38 l. The provisions of this section do not apply to the use of a
39 consumer report by the following:

40 (1) A person, or subsidiary, affiliate, or agent of that person, or an
41 assignee of a financial obligation owing by the consumer to that
42 person, or a prospective assignee of a financial obligation owing by the
43 consumer to that person in conjunction with the proposed purchase of
44 the financial obligation, with which the consumer has or had prior to
45 assignment an account or contract, including a demand deposit
46 account, or to whom the consumer issued a negotiable instrument, for
47 the purposes of reviewing the account or collecting the financial
48 obligation owing for the account, contract, or negotiable instrument.
49 For purposes of this paragraph, "reviewing the account" includes

1 activities related to account maintenance, monitoring, credit line
2 increases, and account upgrades and enhancements;

3 (2) A subsidiary, affiliate, agent, assignee, or prospective assignee
4 of a person to whom access has been granted under subsection d. of
5 this section, for purposes of facilitating the extension of credit or other
6 permissible use ¹[.] ;¹

7 (3) Any State or local agency, law enforcement agency, trial court,
8 or private collection agency acting pursuant to a court order, warrant,
9 or subpoena;

10 (4) The Division of Taxation in the Department of the Treasury for
11 the purpose of enforcing the tax laws of this State;

12 (5) A State or local child support enforcement agency; ¹[or]¹

13 (6) The use of credit information for the purposes of prescreening
14 as provided for by the federal "Fair Credit Reporting Act," 15 U.S.C.
15 s.1681 et seq. ¹;

16 (7) Any person or entity administering a credit file monitoring
17 subscription service to which the consumer has subscribed; or

18 (8) Any person or entity for the purpose of providing a consumer
19 with a copy of the consumer's credit report upon the consumer's
20 request.¹

21 m. (1) A consumer reporting agency shall not charge a consumer
22 any fee to place a security freeze on that consumer's consumer report.

23 (2) A consumer reporting agency may charge a reasonable fee, not
24 to exceed \$5, to a consumer who elects to remove or temporarily lift
25 a security freeze on that consumer's consumer report.

26 (3) A consumer may be charged a reasonable fee, not to exceed
27 \$5, if the consumer fails to retain the original personal identification
28 number provided by the consumer reporting agency and must be
29 reissued the same or a new personal identification number.

30

31 6. (New section) If a security freeze is in place, a consumer
32 reporting agency shall not change any of the following official
33 information in a consumer report without sending a written
34 confirmation of the change to the consumer within 30 days of the
35 change being posted to the consumer's file: name; date of birth; Social
36 Security number; or address. Written confirmation is not required for
37 technical modifications of a consumer's official information, including
38 name and street abbreviations, complete spellings, or transposition of
39 numbers or letters. In the case of an address change, the written
40 confirmation shall be sent to both the new address and to the former
41 address.

42

43 7. (New section) The provisions of sections 4 through 9 of this
44 amendatory and supplementary act shall not apply to a consumer
45 reporting agency that acts only as a reseller of credit information by
46 assembling and merging information contained in the data base of

1 another consumer reporting agency or multiple consumer reporting
2 agencies, and does not maintain a permanent data base of credit
3 information from which new consumer reports are produced, except
4 that such a reseller of credit information shall honor any security
5 freeze placed on a consumer report by another consumer reporting
6 agency.

7

8 8. (New section) The following entities are not required to place
9 a security freeze in a consumer report, pursuant to section 5 of this
10 amendatory and supplementary act:

11 a. A check services company or fraud prevention services
12 company, which issues ¹reports on incidents of fraud or ¹
13 authorizations for the purpose of approving or processing negotiable
14 instruments, electronic funds transfers, or similar methods of
15 payments; and

16 b. A demand deposit account information service company, which
17 issues reports regarding account closures due to fraud, substantial
18 overdrafts, ATM abuse, or similar negative information regarding a
19 consumer, to inquiring banks or other financial institutions for use only
20 in reviewing a consumer request for a demand deposit account at the
21 inquiring bank or financial institution.

22

23 9. (New section) a. Any person who willfully fails to comply with
24 the requirements of sections 4 through 9 of this amendatory and
25 supplementary act shall be liable to a consumer as provided in section
26 11 of P.L.1997, c.172 (C.56:11-38).

27 b. Any person who is negligent in failing to comply with the
28 requirements of sections 4 through 9 of this amendatory and
29 supplementary act shall be liable to a consumer as provided in section
30 12 of P.L.1997, c.172 (C.56:11-39).

31

32 10. (New section) As used in sections 10 through 15 of this
33 amendatory and supplementary act:

34 "Breach of security" means unauthorized access to electronic files,
35 media or data containing personal information that compromises the
36 security, confidentiality or integrity of personal information when
37 access to the personal information has not been secured by encryption
38 or by any other method or technology that renders the personal
39 information unreadable or unusable. Good faith acquisition of
40 personal information by an employee or agent of the business for a
41 legitimate business purpose is not a breach of security, provided that
42 the personal information is not used for a purpose unrelated to the
43 business or subject to further unauthorized disclosure.

44 ¹[Acquisition of personal information or access thereto is not a
45 breach of security if the business or public entity establishes after a
46 thorough investigation that misuse of the information has not occurred

1 and is not reasonably possible. Any determination shall be
2 documented in writing and retained for five years.]]¹

3 "Business" means a sole proprietorship, partnership, corporation,
4 association, or other entity, however organized and whether or not
5 organized to operate at a profit, including a financial institution
6 organized, chartered, or holding a license or authorization certificate
7 under the law of this State, any other state, the United States, or of
8 any other country, or the parent or the subsidiary of a financial
9 institution.

10 "Communicate" means to send a written or other tangible record
11 or to transmit a record by any means agreed upon by the persons
12 sending and receiving the record.

13 "Customer" means an individual who provides personal information
14 to a business.

15 "Individual" means a natural person.

16 "Internet" means the international computer network of both
17 federal and non-federal interoperable packet switched data networks.

18 "Personal information" means an individual's first name or first
19 initial and last name linked with any one or more of the following data
20 elements: (1) Social Security number; (2) driver's license number or
21 State identification card number; or (3) account number or credit or
22 debit card number, in combination with any required security code,
23 access code, or password that would permit access to an individual's
24 financial account. Dissociated data that, if linked, would constitute
25 personal information is personal information if the means to link the
26 dissociated data were accessed in connection with access to the
27 dissociated data.

28 For the purposes of sections 10 through 15 of this amendatory and
29 supplementary act, personal information shall not include publicly
30 available information that is lawfully made available to the general
31 public from federal, state or local government records, or widely
32 distributed media.

33 "Private entity" means any individual, corporation, company,
34 partnership, firm, association, or other entity, other than a public
35 entity.

36 "Public entity" includes the State, and any county, municipality,
37 district, public authority, public agency, and any other political
38 subdivision or public body in the State. For the purposes of sections
39 10 through 15 of this amendatory and supplementary act, public entity
40 does not include the federal government.

41 "Publicly post" or "publicly display" means to intentionally
42 communicate or otherwise make available to the general public.

43 "Records" means any material, regardless of the physical form, on
44 which information is recorded or preserved by any means, including
45 written or spoken words, graphically depicted, printed, or
46 electromagnetically transmitted. Records does not include publicly

1 available directories containing information an individual has
2 voluntarily consented to have publicly disseminated or listed.

3

4 11. (New section) A business or public entity shall destroy, or
5 arrange for the destruction of, a customer's records within its custody
6 or control containing personal information, which is no longer to be
7 retained by the business or public entity, by shredding, erasing, or
8 otherwise modifying the personal information in those records to make
9 it unreadable, undecipherable or nonreconstructable through generally
10 available means.

11

12 12. (New section) a. Any business that conducts business in New
13 Jersey, or any public entity that compiles or maintains computerized
14 records that include personal information, shall disclose any breach of
15 security of those computerized records following discovery or
16 notification of the breach to any customer who is a resident of New
17 Jersey whose personal information was, or is reasonably believed to
18 have been, accessed by an unauthorized person. The disclosure to a
19 ¹[consumer] customer¹ shall be made in the most expedient time
20 possible and without unreasonable delay, consistent with the legitimate
21 needs of law enforcement, as provided in subsection c. of this section,
22 or any measures necessary to determine the scope of the breach and
23 restore the reasonable integrity of the data system. ¹Disclosure of a
24 breach of security to a customer shall not be required under this
25 section if the business or public entity establishes that misuse of the
26 information is not reasonably possible. Any determination shall be
27 documented in writing and retained for five years.¹

28 b. Any business or public entity that compiles or maintains
29 computerized records that include personal information on behalf of
30 another business or public entity shall notify that business or public
31 entity, who shall notify its New Jersey customers, as provided in
32 subsection a. of this section, of any breach of security of the
33 computerized records immediately following discovery, if the personal
34 information was, or is reasonably believed to have been, accessed by
35 an unauthorized person.

36 c. (1) Any business or public entity required under this section to
37 disclose a breach of security of a customer's personal information
38 shall, in advance of the disclosure to the customer, report the breach
39 of security and any information pertaining to the breach to the Division
40 of State Police in the Department of Law and Public Safety for
41 investigation or handling, which may include dissemination or referral
42 to other appropriate law enforcement entities.

43 (2) The notification required by this section shall be delayed if a
44 law enforcement agency determines that the notification will impede
45 a criminal or civil investigation and that agency has made a request
46 that the notification be delayed. The notification required by this

1 section shall be made after the law enforcement agency determines that
2 its disclosure will not compromise the investigation and notifies that
3 business or public entity.

4 d. For purposes of this section, notice may be provided by one of
5 the following methods:

6 (1) Written notice;

7 (2) Electronic notice, if the notice provided is consistent with the
8 provisions regarding electronic records and signatures set forth in
9 section 101 of the federal "Electronic Signatures in Global and
10 National Commerce Act" (15 U.S.C. s.7001); or

11 (3) Substitute notice, if the business or public entity demonstrates
12 that the cost of providing notice would exceed \$250,000, or that the
13 affected class of subject persons to be notified exceeds 500,000, or the
14 business or public entity does not have sufficient contact information.
15 Substitute notice shall consist of all of the following:

16 (a) E-mail notice when the business or public entity has an e-mail
17 address;

18 (b) Conspicuous posting of the notice on the Internet web site page
19 of the business or public entity, if the business or public entity
20 maintains one; and

21 (c) Notification to major Statewide media.

22 e. Notwithstanding subsection d. of this section, a business or
23 public entity that maintains its own notification procedures as part of
24 an information security policy for the treatment of personal
25 information, and is otherwise consistent with the requirements of this
26 section, shall be deemed to be in compliance with the notification
27 requirements of this section if the business or public entity notifies
28 subject customers in accordance with its policies in the event of a
29 breach of security of the system.

30 f. In addition to any other disclosure or notification required under
31 this section, in the event that a business or public entity discovers
32 circumstances requiring notification pursuant to this section of more
33 than 1,000 persons at one time, the business or public entity shall also
34 notify, without unreasonable delay, all consumer reporting agencies
35 that compile or maintain files on consumers on a nationwide basis, as
36 defined by subsection (p) of section 603 of the federal "Fair Credit
37 Reporting Act" (15 U.S.C. s.1681a), of the timing, distribution and
38 content of the notices.

39

40 13. (New section) a. No person, including any public or private
41 entity, shall:

42 (1) Publicly post or publicly display an individual's Social Security
43 number, or any four or more consecutive numbers taken from the
44 individual's Social Security number;

45 (2) Print an individual's Social Security number on any materials
46 that are mailed to the individual, unless State or federal law requires

1 the Social Security number to be on the document to be mailed;

2 (3) Print an individual's Social Security number on any card
3 required for the individual to access products or services provided by
4 the entity;

5 (4) Intentionally communicate or otherwise make available to the
6 general public an individual's Social Security number;

7 (5) Require an individual to transmit his Social Security number
8 over the Internet, unless the connection is secure or the Social
9 Security number is encrypted; or

10 (6) Require an individual to use his Social Security number to
11 access an Internet web site, unless a password or unique personal
12 identification number or other authentication device is also required to
13 access the Internet web site.

14 b. Nothing in this section shall prevent a public or private entity
15 from using a Social Security number for internal verification and
16 administrative purposes, so long as the use does not require the release
17 of the Social Security number to persons not designated by the entity
18 to perform associated functions allowed or authorized by law.

19 c. Nothing in this section shall prevent the collection, use or
20 release of a Social Security number, as required by State or federal
21 law.

22 d. Notwithstanding this section, Social Security numbers may be
23 included in applications and forms sent by mail, including documents
24 sent as part of an application or enrollment process, or to establish,
25 amend or terminate an account, contract or policy, or to confirm the
26 accuracy of the Social Security number. A Social Security number
27 that is permitted to be mailed under this subsection may not be printed,
28 in whole or in part, on a postcard or other mailer not requiring an
29 envelope, or visible on the envelope or without the envelope having
30 been open.

31 e. Nothing in this section shall apply to documents that are
32 recorded or required to be open to the public pursuant to Title 47 of
33 the Revised Statutes. This section shall not apply to records that are
34 required by statute, case law, or New Jersey Court Rules, to be made
35 available to the public by entities provided for in Article VI of the New
36 Jersey Constitution.

37 f. Nothing in this section shall apply to the interactive computer
38 service provider's transmissions or routing or intermediate temporary
39 storage or caching of an image, information or data that is otherwise
40 subject to this section.

41

42 14. (New section) The Director of the Division of Consumer
43 Affairs in the Department of Law and Public Safety, in consultation
44 with the Commissioner of Banking and Insurance, shall promulgate
45 regulations pursuant to the "Administrative Procedure Act," P.L.1968,

1 c.410 (C.52:14B-1 et seq.), necessary to effectuate sections 4 through
2 15 of this amendatory and supplementary act.

3

4 15. (New section) It shall be an unlawful practice and a violation
5 of P.L.1960, c.39 (C.56:8-1 et seq.) to willfully, knowingly or
6 recklessly violate sections 10 through 13 of this amendatory and
7 supplementary act.

8

9 16. This act shall take effect on ¹[the 180th day after] January 1
10 next following¹ enactment, except that section 3 of this act shall take
11 effect immediately.