

## **IC 4-1-10**

### **Chapter 10. Release of Social Security Number**

#### **IC 4-1-10-1**

##### **Applicability**

Sec. 1. This chapter applies after June 30, 2006.

*As added by P.L.91-2005, SEC.1.*

#### **IC 4-1-10-1.5**

##### **"Person"**

Sec. 1.5. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity.

*As added by P.L.160-2007, SEC.1.*

#### **IC 4-1-10-2**

##### **"State agency"**

Sec. 2. As used in this chapter, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of the executive, including the administrative, department of state government. Except as provided in subdivision (4), the term does not include the judicial or legislative department of state government. The term includes the following:

- (1) A state elected official's office.
- (2) A state educational institution.
- (3) A body corporate and politic of the state created by state statute.
- (4) The Indiana lobby registration commission established by IC 2-7-1.6-1.

*As added by P.L.91-2005, SEC.1. Amended by P.L.2-2007, SEC.18.*

#### **IC 4-1-10-3**

##### **Nondisclosure of Social Security number**

Sec. 3. (a) For purposes of this section, disclosure of the last four (4) digits of an individual's Social Security number is not a disclosure of the individual's Social Security number.

(b) Except as provided in section 4 or 5 of this chapter, a state agency may not disclose an individual's Social Security number.

*As added by P.L.91-2005, SEC.1.*

#### **IC 4-1-10-4**

##### **Exceptions to nondisclosures of Social Security number**

Sec. 4. Unless prohibited by state law, federal law, or court order, the following apply:

- (1) A state agency may disclose the Social Security number of an individual to a state, local, or federal agency.
- (2) A state law enforcement agency may, for purposes of furthering an investigation, disclose the Social Security number of an individual to any individual, state, local, or federal

agency, or other legal entity.  
*As added by P.L.91-2005, SEC.1.*

#### **IC 4-1-10-5**

##### **Permitted disclosures of Social Security number**

Sec. 5. (a) A state agency may disclose the Social Security number of an individual if any of the following apply:

(1) The disclosure of the Social Security number is expressly required by state law, federal law, or a court order.

(2) The individual expressly consents in writing to the disclosure of the individual's Social Security number.

(3) The disclosure of the Social Security number is:

(A) made to comply with:

(i) the USA Patriot Act of 2001 (P.L. 107-56); or

(ii) Presidential Executive Order 13224; or

(B) to a commercial entity for the permissible uses set forth in the:

(i) Drivers Privacy Protection Act (18 U.S.C. 2721 et seq.);

(ii) Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

(iii) Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.).

(4) The disclosure of the Social Security number is for the purpose of administration of a state agency employee's or the state agency employee's dependent's health benefits.

(5) The disclosure of the Social Security number is for the purpose of administration of:

(A) a pension fund administered by the board of trustees of the Indiana public retirement system;

(B) a deferred compensation plan or defined contribution plan established under IC 5-10-1.1;

(C) a pension plan established by the state police department under IC 10-12;

(D) the Uniform Commercial Code (IC 26-1) by the office of the secretary of state; or

(E) Title IV-D of the federal Social Security Act.

(b) A state agency's disclosure of the Social Security number of an individual in compliance with subsection (a) does not violate IC 5-14-3-4(a)(12).

*As added by P.L.91-2005, SEC.1. Amended by P.L.29-2006, SEC.1; P.L.106-2008, SEC.1; P.L.35-2012, SEC.14; P.L.128-2012, SEC.1.*

#### **IC 4-1-10-5.5**

##### **Disclosure of Social Security number by state educational institution**

Sec. 5.5. Unless prohibited by state law, federal law, or a court order, the following apply:

(1) A state educational institution may disclose, in addition to the disclosures otherwise permitted by this chapter, a Social Security number of an individual to the following:

(A) A state, local, or federal agency or a person with whom a state, local, or federal agency has a contract to perform the agency's duties and responsibilities.

(B) A person that the state educational institution contracts with to provide goods or services to the state educational institution if:

(i) the disclosure is necessary for the contractor to perform the contractor's duties and responsibilities under the contract; and

(ii) the contract requires adequate safeguards, including any safeguards required by state or federal law, to prevent any use or disclosure of the Social Security numbers for any purpose other than those purposes described in the contract and to require the return or confirmed destruction of any Social Security numbers following termination of the contractual relationship.

(C) Persons to whom the state educational institution may otherwise legally disclose for the permissible purposes of the following:

(i) The Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

(ii) The Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq.).

(D) The state educational institution's legal counsel, but only to the extent that a state educational institution could disclose a Social Security number to an in-house counsel.

(2) Consent for the authorized disclosure of any individual's Social Security number may be given to a state educational institution by electronic transmission if the state educational institution is reasonably able to verify the authenticity of the consent. A state educational institution may rely on the written consent of an individual given to a third party if the consent expressly permits the disclosure of the individual's Social Security number by the state educational institution.

*As added by P.L.160-2007, SEC.2.*

#### **IC 4-1-10-6**

##### **State agency compliance**

Sec. 6. A state agency complies with section 3 of this chapter if the agency:

(1) removes; or

(2) completely and permanently obscures;

a Social Security number on a public record before disclosing the public record.

*As added by P.L.91-2005, SEC.1.*

#### **IC 4-1-10-7**

##### **Impermissible disclosure of Social Security number; required notice**

Sec. 7. If a state agency releases a Social Security number in

violation of this chapter, the agency shall provide notice to the person whose Social Security number was disclosed in the manner set forth in IC 4-1-11.

*As added by P.L.91-2005, SEC.1.*

#### **IC 4-1-10-8**

##### **Criminal disclosures of Social Security number; Level 6 felony**

Sec. 8. An employee of a state agency who knowingly, intentionally, or recklessly discloses a Social Security number in violation of this chapter commits a Level 6 felony.

*As added by P.L.91-2005, SEC.1. Amended by P.L.158-2013, SEC.57.*

#### **IC 4-1-10-9**

##### **False representation to obtain Social Security number; Level 6 felony**

Sec. 9. A person who knowingly, intentionally, or recklessly makes a false representation to a state agency to obtain a Social Security number from the state agency commits a Level 6 felony.

*As added by P.L.91-2005, SEC.1. Amended by P.L.158-2013, SEC.58.*

#### **IC 4-1-10-10**

##### **Negligent disclosure of Social Security number; Class A infraction**

Sec. 10. An employee of a state agency who negligently discloses a Social Security number in violation of this chapter commits a Class A infraction.

*As added by P.L.91-2005, SEC.1.*

#### **IC 4-1-10-11**

##### **Attorney general investigation of disclosures; notice to county prosecutor and state police**

Sec. 11. (a) The attorney general may investigate any allegation that a Social Security number was disclosed in violation of this chapter.

(b) If the attorney general determines that there is evidence that a state employee committed a criminal act under section 8 or 9 of this chapter, the attorney general shall report the attorney general's findings to:

(1) the prosecuting attorney in the county where the criminal act occurred; and

(2) the state police department.

*As added by P.L.91-2005, SEC.1.*

#### **IC 4-1-10-12**

##### **Attorney general determination of infraction; report to appointing authority and county prosecutor**

Sec. 12. If the attorney general determines that there is evidence that a state employee committed an infraction under section 10 of this chapter, the attorney general:

(1) shall report the attorney general's findings to the appointing authority (as defined in IC 4-2-6-1) of the agency that employs the employee; and

(2) may report the attorney general's findings to the local prosecuting attorney in the county where the infraction occurred.

*As added by P.L.91-2005, SEC.1.*

#### **IC 4-1-10-13**

##### **Attorney general rulemaking authority**

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that the attorney general considers necessary to carry out this chapter.

*As added by P.L.91-2005, SEC.1.*