

## Sweeping Connecticut SSN Bill Signed Into Law

*On June 10, 2008, Connecticut Governor M. Jodi Rell signed new legislation relating to the confidentiality of personal information and having major implications for companies doing business in Connecticut. Among other requirements, Connecticut House Bill 5658 requires the public posting of a social security number (“SSN”) protection policy by all persons that collect SSNs in the course of business. The law takes effect October 1, 2008.*

### **SOCIAL SECURITY NUMBER PROTECTION POLICY**

The most sweeping provision of the new Connecticut law is a blanket requirement that “[a]ny person who collects Social Security numbers in the course of business shall create a privacy protection policy which shall be published or publicly displayed.” Because the legislation includes only a single exemption, which applies to agencies and political subdivisions of the state, the new SSN requirement would presumably apply broadly to all employers in Connecticut and all businesses that collect SSNs from Connecticut residents.

The required privacy protection policy must:

1. Protect the confidentiality of SSNs;
2. Prohibit unlawful disclosure of SSNs; and
3. Limit access to SSNs.

Entities affected by the new legislation can meet the publication or public display requirement by, among other methods, posting the privacy protection policy on an Internet web page.

### **SAFEGUARD AND DISPOSAL PROVISION**

In addition, Connecticut House Bill 5658 contains a provision requiring all persons in possession of others’ personal information to safeguard the data, computer files, and documents containing that information from misuse by third parties. The same provision also requires the secure disposal of such personal information by destroying, erasing, or making the information otherwise unreadable prior to disposal.

While at least six other states have enacted general safeguard laws requiring businesses to adequately protect personal information within their custody or control, and at least seventeen other states have enacted laws regulating the manner in which businesses dispose of records containing personal information, the definition of “personal information” in the new Connecticut legislation is more expansive than that of its state counterparts and thus may impose greater requirements on affected entities than other state safeguard and disposal laws. Specifically, rather than being limited to the sensitive data elements typically identified in breach notification laws, the Connecticut definition of “personal information” includes all “information capable of being associated with a particular individual through one or more identifiers.”

### **PENALTIES**

Any person or entity that intentionally violates the provisions of Connecticut House Bill 5658 is subject to a civil penalty of \$500 per violation, not to exceed \$500,000 for any single event.

**KELLEY DRYE & WARREN LLP**

Please be advised that Kelley Drye & Warren's Privacy and Information Security Practice is a leader in advising clients on privacy and information security issues and has been at the forefront of developments in this growing area of the law. Our attorneys regularly counsel clients regarding all aspects of privacy and data security compliance, including drafting and amending privacy and information security policies, advising clients on interpreting their own policies, crafting data security programs for clients, performing privacy and/or data security audits of existing business practices, drafting agreements with third parties regarding their obligations in connection with handling clients' customer data, and representing clients in connection with federal and state regulator privacy investigations regarding their privacy and data security practices.

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