

(H. B. 3873)

**(No. 198)**

(Approved August 7, 2008)

## **AN ACT**

To add a new Section III-15 to Act No. 213 of September 12, 1996, as amended, for the purposes of providing that telecommunications or cable companies shall maintain a user information privacy and confidentiality protection policy, and that these companies may not require from customers to show their original Social Security card, nor leave a copy of the same to be kept by a company as a condition to conduct a transaction or process a service request, except in those cases in which the law specifically so requires; and for other purposes.

### **STATEMENT OF MOTIVES**

The Social Security Number of a citizen is a piece of information that is frequently used in ways that were not foreseen when said program was created. The Social Security Number is, in its origin and purpose, an account number for taxpayers, which was designed for the purpose of conducting transactions of the Social Security itself, as well as tax-related and labor benefit transactions. However, it was never designed as a universal identification number or as a citizen identity number. Notwithstanding, the number is frequently used as an identity verification method, precisely for its reference to lists of taxpayers and payrolls.

Federal laws authorize a variety of specific uses for the Social Security Number; however, it is clearly established in the laws that the fact that it is allowed for the requirement of this number for purposes of identity verification of a person does not mean that the Social Security card, as such, constitutes a requirable piece of identification in any case not involving employment contracting.

The Social Security Administration, the Federal Trade Commission and other government and industry entities recommend to all companies or agencies that use or collect social security numbers not to display said numbers in ways that can be available to the general public and to maintain these as confidential data for internal reference use, taking the necessary information security measures at all times. They also recommend to consider offering different identification numbers to their customers, as well as case or employee numbers, if tax-related transactions are not to be conducted. However, several public and private entities have not adopted these recommendations and continue using the Social Security number as a form of regular identification. They even require the citizen to present the social security card or leave a copy of the same together with their service request application. Due to the fact that for any credit verification only the social security number is required, the effect is to simply impose an additional transaction to the customer providing the original document, which specifically states that it does not constitute a legal identification.

Many citizens have had to face this situation when dealing with telecommunications or cable companies. Having a copy of the original cards is absolutely unnecessary if they already have the numbers. Since, in fact, the Telecommunications Regulatory Board Act does not include any Section specifically requiring the offering of customer privacy protection, the Legislature of Puerto Rico deems it prudent and necessary to control such practice.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.- A new Section III-15 is hereby added to Act No. 213 of September 12, 1996, as amended, to read as follows:

“Section III-15: User Privacy Protection:

(a) Within ninety (90) days following the date of approval of this Section, or the future issuance of a certification or franchise, telecommunications and cable companies shall adopt and present before the Board a user information privacy policy. Said policy shall be notified to the users and shall describe the kind of information of the user that is being compiled, for what purpose, and under which circumstances it shall be shared with other public or private entities.

(b) No telecommunications or cable company may require that a user present his/her original Social Security card or leave a copy of said card to be kept in possession of the company as a condition to conduct a transaction or process a service request, except for those cases in which federal laws specifically provide for the retention of a copy of the card. This provision shall not be applicable to the use of Social Security numbers for such cases and such purposes in which it is authorized by federal law or regulations; provided, that except when explicitly otherwise ordered, the company may accept that the customer gives only the number without the need to show the original card or a copy thereof.”

Section 2.- If any provision or wording of this Act were to be challenged before a Court and declared unconstitutional or null, said judgment shall not affect, impair or invalidate the remaining provisions of this Act.

Section 3.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 198 (H. B. 3873)** of the **7<sup>th</sup> Session of the 15<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to add a new Section III-15 to Act No. 213 of September 12, 1996, as amended, for the purposes of providing that telecommunications or cable companies shall maintain a user information privacy and confidentiality protection policy, and that these companies may not require from customers to show their original Social Security card, nor leave a copy of the same to be kept by a company as a condition to conduct a transaction or process a service request, except in those cases in which the law specifically so requires; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30<sup>th</sup> of October of 2009.

Solange I. De Lahongrais, Esq.  
Director