

New York State Social Security Number Law Protections Employee Waiver

Company Name: _____

Effective December 12, 2012, new restrictions are in place for Social Security Numbers in the state of New York. The new law limits certain entities, including employers, from requiring individuals to disclose their Social Security Numbers for any purpose. Exceptions to the rule are provided for fraud investigations and criminal record checks, among other purposes. Employers and other entities that violate the law may be subject to civil penalties. Businesses must review their practices with employees, customers and other individuals in situations where all or a part of the Social Security Number is involved.

Under the new law, the Social Security Number (SSN) includes not only the nine-digit number issued by the Social Security Administration, but also "any number derived from such number", unless the number is encrypted. In addition, any requirements for employees or customers to use the last four digits of their SSN as part of an identification number, is unlawful. However, there are a few exceptions:

- The individual consents to the acquisition or use of his or her SSN (this likely means a voluntary consent);
- The SSN is expressly required by federal, state or local law or regulation;
- The SSN is used for internal verification or fraud investigation;
- The SSN is requested for credit or credit card transaction initiated by the consumer or in connection with a lawful request for a consumer report or investigating consumer report (in addition to permissible background checks under the Fair Credit Reporting Act and New York law, this provision also may cover corporate credit card programs, frequently used by companies to better manage business expense reimbursement);
- The SSN is requested for purposes of employment, including in the course of administration of a claim, benefits, or procedure related to employment, such as termination from employment, retirement, workplace injury, or unemployment claims;
- The SSN is requested for tax compliance, collecting child or spousal support, or determining whether a person has a criminal record; and
- The SSN is requested by an authorized insurance company for purposes of furnishing information to the Centers for Medicare and Medicaid Services (this likely captures the reporting requirements under Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007).

As an employee of the above noted company, I acknowledge that I have read and understand this information and that I am voluntarily providing consent for the use of any number derived from my social security number.

Please complete the information below:

Employee Name (Please Print): _____ Date: _____

Employee Signature: _____