

109TH CONGRESS
1ST SESSION

H. R. 82

To regulate the use by interactive computer services of Social Security account numbers and related personally identifiable information.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. FRELINGHUYSEN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To regulate the use by interactive computer services of Social Security account numbers and related personally identifiable information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security On-
5 line Privacy Protection Act”.

1 **SEC. 2. REGULATION OF USE BY AN INTERACTIVE COM-**
2 **PUTER SERVICE OF SOCIAL SECURITY AC-**
3 **COUNT NUMBERS AND RELATED PERSON-**
4 **ALLY IDENTIFIABLE INFORMATION.**

5 (a) DISCLOSURE OF SOCIAL SECURITY ACCOUNT
6 NUMBER OR RELATED PERSONALLY IDENTIFIABLE IN-
7 FORMATION WITHOUT CONSENT PROHIBITED.—An inter-
8 active computer service shall not, by means of a reference
9 service or otherwise, disclose to a third party without an
10 individual's prior informed written consent—

11 (1) such individual's Social Security account
12 number, or

13 (2) personally identifiable information which is
14 identifiable to such individual by means of the indi-
15 vidual's Social Security account number.

16 (b) REVOCATION OF CONSENT.—Such service shall
17 permit an individual to revoke any consent granted pursu-
18 ant to subsection (a) at any time, and upon such revoca-
19 tion, such service shall cease disclosing such number or
20 information to a third party.

21 **SEC. 3. ENFORCEMENT AND RELIEF.**

22 (a) FEDERAL TRADE COMMISSION.—The Federal
23 Trade Commission shall have the authority to examine
24 and investigate an interactive computer service to deter-
25 mine whether such service has been or is engaged in any
26 act or practice prohibited by this Act.

1 (b) ENFORCEMENT.—If the Federal Trade Commis-
2 sion determines an interactive computer service has been
3 or is engaged in any act or practice prohibited by this Act,
4 the Commission may issue a cease and desist order as if
5 such service were in violation of section 5 of the Federal
6 Trade Commission Act and shall be subject to liability for
7 violations of such order as provided in such section 5. Any
8 such service which engages in an act or practice prohibited
9 by this Act with actual knowledge, or knowledge fairly im-
10 plied on the basis of objective circumstances, that such
11 act or practice is so prohibited shall also be liable for civil
12 penalties under section 5(m)(1) of such Act as if such
13 service were in violation of such section 5.

14 **SEC. 4. DEFINITIONS.**

15 As used in this Act—

16 (1) INTERACTIVE COMPUTER SERVICE.—The
17 term “interactive computer service” means any in-
18 formation service that provides computer access to
19 multiple users via modem or other means of tele-
20 communication to the Internet or any other on-line
21 network.

22 (2) INTERNET.—The term “Internet” means
23 the international computer network of both Federal
24 and non-Federal interoperable packet switched data
25 networks.

1 (3) SOCIAL SECURITY ACCOUNT NUMBER.—The
2 term “Social Security account number” of an indi-
3 vidual means the number assigned to such individual
4 under section 205(c)(2)(B) of the Social Security
5 Act (and any derivative of such number).

6 (4) PERSONALLY IDENTIFIABLE INFORMA-
7 TION.—The term “personally identifiable informa-
8 tion” has the meaning given such term in section
9 631 of the Communications Act of 1934 (47 U.S.C.
10 551).

11 (5) INFORMED WRITTEN CONSENT.—The term
12 “informed written consent” of an individual means
13 a statement—

14 (A) in writing and freely signed by the in-
15 dividual;

16 (B) consenting to the disclosures such
17 service will make of the information provided;
18 and

19 (C) describing the rights of the individual
20 under this Act.

21 (6) THIRD PARTY.—The term “third party”
22 means, with respect to the disclosure thereto of an
23 individual’s Social Security account number or any
24 personally identifiable information in connection

1 with such individual, a person or other entity other
2 than—

3 (A) such service;

4 (B) an employee of such service; or

5 (C) the individual.

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