



WHAT TEXANS SHOULD KNOW ABOUT PROVIDING THEIR SOCIAL SECURITY NUMBER

by Texas Attorney General Greg Abbott

ACCORDING TO THE FEDERAL TRADE Commission, Texas ranks eighth in the nation for identity theft complaints. In 2013, more than 23,000 Texans were identity theft victims and as a result, lost thousands of dollars and hours of time attempting to correct their credit ratings and personal financial history.

Identity theft occurs when a criminal illegally uses someone else's personal information – a name, address, driver's license number, credit or debit card account number or Social Security number – to commit fraud or other crimes.

Fortunately, increased identity theft awareness has made Texans much more cautious about freely providing their personal information. One particularly sensitive part of a person's identity is his or her Social Security number (SSN). Many Texans call the Office of the Attorney General (OAG) to ask when and where they are required to give out their SSN.

One of our most commonly received questions on this subject is, "Can a private business ask for my Social Security number?" Generally, the answer is yes. The law does not prohibit a business from asking for a person's SSN; however, the customer has options and does not have to provide that information.

Texans are not legally required to provide their SSN to private businesses unless the

transaction is one which triggers mandatory Internal Revenue Service notification. Texans should be aware, though, that businesses can refuse to provide products or services to customers who fail to provide their SSN.

If a business insists that customers provide their SSN and customers feel this is not justified, customers may want to ask for a supervisor or manager to discuss the situation. If the company is unwilling to budge, Texans may want to consider taking their business elsewhere.

Be aware that while federal law does not forbid a business from asking for a person's SSN, it does mandate that the business protect any numbers it collects. People who provide their SSN to a private business should familiarize themselves with the company's privacy policy.

Texas law also requires that businesses safeguard their clients' sensitive personal information, including names, addresses, financial information and SSN. The OAG has charged several commercial vendors with unlawfully failing to protect such information.

Many Texans also inquire about government agencies and whether they have the right to ask for a person's SSN. Federal law does compel government agencies to ask for a SSN in certain instances.

For example, certain government agencies, including taxing authorities,

human resource offices and departments of motor vehicles, can require a SSN as mandated by federal law.

Federal law does provide protections when citizens are required to divulge their SSN. The Privacy Act of 1974 requires that all government agencies that request Social Security numbers provide a disclosure statement on the form. The statement explains whether citizens are required to provide their SSN or if it is optional. Additionally, the document details how a person's SSN will be used.

The Office of Information and Regulatory Affairs in the U. S. Office of Management and Budget provides guidance and oversight regarding the Privacy Act of 1974. Interested Texans may read the Act on the U.S. Department of Justice Web site at www.usdoj.gov.

The Privacy Act also provides that citizens cannot be denied government benefits or services if they refuse to disclose their SSN – if the disclosure is not required by federal law or if the disclosure is to an agency which has been using SSNs prior to January 1975.

Texans who are asked to give their SSN to a government agency but do not receive a disclosure statement may want to cite the Privacy Act and contact their U.S. congressmen or senators.

– November 2014

POINTS TO REMEMBER



SOCIAL SECURITY NUMBER

- You do NOT have to give your SSN to a private business.
- If you do give your SSN to a business, get a copy of their privacy policy.
- If you are required to give your SSN to a government agency, you must be provided with a disclosure statement.
- NEVER give out your SSN or other personal information over the phone or by e-mail.
- Report ID theft to your local police department.
- File an ID theft complaint on FTC's website at www.ftc.gov or call (877) ID THEFT.

For more information about this or other topics, visit our website at www.texasattorneygeneral.gov.



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