



Ohio Legislative Service Commission

Bill Analysis

Nicholas A. Keller

S.B. 69

131st General Assembly
(As Introduced)

Sens. Tavares, Brown, Skindell

BILL SUMMARY

- Makes it an unlawful discriminatory practice to require, solicit, mail, or publicly display another person's Social Security number under certain circumstances.
- Allows a person to file a charge with the Civil Rights Commission alleging that another person has engaged in or is engaging in an unlawful discriminatory practice by improperly requiring, soliciting, mailing, or publicly displaying another person's Social Security number and allows the Civil Rights Commission to investigate and remediate that unlawful discriminatory practice.

CONTENT AND OPERATION

Unlawful discriminatory practice – display and requirement of Social Security numbers

The bill makes it an unlawful discriminatory practice under Ohio's Civil Rights Law¹ for a person to do any of the following with the Social Security number of an Ohio resident:

- Print, embed, encode within a magnetic strip or on a chip, or otherwise place or affix the Social Security number on a card, tag, badge, or other device issued or used for identification or membership, for the purpose of providing access to products or services, or on any other card, tag, badge, or device issued to an individual;

¹ R.C. Chapter 4112.

- Solicit or require the use of the Social Security number as a password for a computerized service, telephone customer service, or a website, or require that an individual provide the individual's Social Security number as a condition to access goods, services, or a web site;
- Solicit or require an individual to transmit the individual's Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted;
- Print an individual's Social Security number on mailing material that does not require an envelope or in any other manner that makes a Social Security number visible without the envelope being opened;
- Publicly display or otherwise make available to the public, including by sale to the public, the Social Security number of another individual.

Under the bill, a person is permitted to include the person's own Social Security number or the Social Security number of the individual's minor child on materials sent through the mail. Additionally, the bill does not apply to the mailing of public records under Ohio's Public Records Law that contains a Social Security number; the collection, use, or release of a Social Security number as required by state or federal law; or the use of a Social Security number for internal verification or administrative purposes.²

Filing a charge of an unlawful discriminatory practice

Under continuing law, any person may file a charge with Ohio's Civil Rights Commission alleging that another person has engaged or is engaging in an unlawful discriminatory practice. In the case of certain specified charges under continuing law (those that allege unlawful discriminatory practices not related to housing) or a charge of an unlawful discriminatory practice created in the bill, the charge must be in writing and under oath and must be filed with the Commission within six months after the alleged unlawful discriminatory practice was committed. The Commission may investigate the charge and may initiate further action in accordance with procedures specified in continuing law. The Commission also may conduct a preliminary investigation upon its own initiative relating to those unlawful discriminatory practices in current law or an unlawful discriminatory practice created in the bill. Although the Commission must first attempt to induce compliance with Ohio's Civil Rights Law through informal methods, if the Commission ultimately determines that an unlawful discriminatory practice has occurred, after a hearing the Commission may issue orders to remedy the situation, including cease and desist orders, back pay, reinstatement, or

² R.C. 4112.02(K), with conforming changes in R.C. 4112.02, 4112.08, and 4112.14.

hiring. The bill requires the Commission to assess a civil penalty if someone commits an unlawful discriminatory practice created in the bill. The amount of the penalty is up to \$1,000 for the first violation and up to \$2,000 for each subsequent violation. This penalty must be assessed in addition to any other remedy that may be ordered.³

Bringing a civil action

Additionally, continuing law allows an individual subject to an unlawful discriminatory action to sue for damages, injunctive relief, or any other appropriate relief. The bill requires the fine described immediately above to be assessed against whoever violates the bill's prohibitions, in addition to any damages and relief that an individual may receive in a lawsuit. The bill requires this fine to be deposited in the Civil Rights Commission General Reimbursement Fund created under continuing law.⁴

Definition – Social Security number

"Social Security number" is defined by the bill to mean three or more consecutive digits of a Social Security number.⁵

HISTORY

ACTION	DATE
Introduced	02-23-15

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³ R.C. 4112.05 and 4115.99(B).

⁴ R.C. 4112.15 and 4112.99.

⁵ R.C. 4112.01(A)(24).

