

1999 DRAFTING REQUEST

Bill

Received: 11/4/98

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Public Util. - telco and cable

Extra Copies:

Topic:

Prohibit use of social security numbers in telecommunications industry

Instructions:

Draft bill that is identical to 1997 LRB-129011

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 11/4/98	wjackson 11/20/98		_____			S&L
/1			lpaasch 11/23/98	_____	gretskl 11/23/98	lrb_docadmin 11/24/98	

FE Sent For:

01-14-99

<END>

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**Instructions:**

Draft bill that is identical to 1997 LRB- 1290/1

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/?	kunkemd	1-11-20-98 JLG	11/23LP	<del>11/23LP</del>			
				<u>Km</u>			

FE Sent For:

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WISCONSIN STATE ASSEMBLY  
ASSISTANT MINORITY LEADER

PRIVACY LEGISLATION

- ✓ AJR-44: *RAC/PJD* Restores the privacy advocate as a constitutional officer.
- ✓ AB-230: *KSH* Prohibits the re-disclosure of transactional information gained from credit card sales.
- ~~AB-226:~~ Prohibits the Department of Transportation from requiring citizens to provide their Social Security Number to receive a motor vehicle operator's license or state ID.
- ✓ AB-227: *Bo. Am* Prohibit ~~UW System, VTAE~~ <sup>f%-state</sup> colleges and ~~K-12 schools from using~~ a student's Social Security Number as a student ID. *PG*
- ✓ AB-229: *PG* Would require post-secondary schools, K-12 schools and professional sports teams to provide alternate areas for interviewing athletes other than locker rooms.
- ✓ AB-23 1: *JJK* Restores the Privacy Advocate and Privacy Council.
- ✓ AB-228: *PJK* Requires disclosure by insurance agents to disclose to anyone who applies for insurance, any information that identifies the person that the agent has supplied to or received from a national or statewide database.
- ✓ AB-369: *GMM* Would prohibit employer monitoring of employee computer network use.
- ✓ AB-370 Prohibits sale, lease or rental of credit card info without cardholder's express written consent. *(done by MCBNBS)?*
- ✓ AB-546: *KSH* Requires businesses (profit and non-profit) to destroy personal information contained in records prior to the record's disposal. *Only apply to businesses with over \$1,000,000 gross income*
- ~~AB-724~~ *Theft of Identity*
- ✓ AB-796: *All- JTK will start* Property rights for personal information

\_\_\_\_\_

5  
P.

LRB's: Last session's drafter

- 1290/1 ADK Prohibit use of social security number in telecommunications industry
- 1533/ KSN Ban use of SSN by credit bureaus
- 1320/ TAY Prohibit use of SSN as health care identifier
- 1291 JTK Prohibit access to SSN's in public records
- 1532/ KSH Ban businesses from using SSN's in credit applications
- 2672/1 JTK Information technology functions of DOA transferred to Joint Committee on Info Policy

~~2915/1 Criminal use of medical records~~

~~2916/1 Extortion using medical records~~

4889/1 JTK Privacy Impact Statements

5120/PI DAK Immunization of persons against anthrax

→ 99-0715/1  
196.209 ?

→ 96.499(1)  
falso  
Carriere (b)

NOTE

Wij  
1/95

1997 BILL

0715/2

RM NOT RUN

REGEN.

including a person who provides cable television services

1 AN ACT *to create* 196.633 of the statutes; relating to: prohibiting  
2 telecommunications providers from using social security numbers of customers  
3 for purposes related to providing telecommunications services and providing a  
4 penalty.

**Analysis by the Legislative Reference Bureau**

This bill prohibits a telecommunications provider from requiring a customer to provide his or her social security number to the telecommunications provider for any purpose that is related to providing telecommunications services to the customer. The bill also prohibits a telecommunications provider from using a customer's social security number for the same purpose. In addition, the bill allows the public service commission, on its own motion or the filing of a complaint by any person, to commence an action in court to enforce the bill's prohibitions. A telecommunications provider <sup>that</sup> violates the bill's prohibitions is subject to a forfeiture of between \$25 and \$5,000.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION <sup>FB</sup> ~~196.633~~ <sup>196.209(6)</sup> of the statutes is created to read:

INSERT 1-5



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BILL

HOUSE 2-3

-2-

C § 5

196.209 (6)

BA

NO B

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~~196.633 Use of social security numbers by telecommunications~~

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~~providers~~ In this ~~section~~, "customer" means an individual to whom a telecommunications provider provides telecommunications service.

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~~(a)~~ (b) 1. A telecommunications provider may not require a customer to provide his or her social security number to the telecommunications provider for any purpose that is related to the provision of a telecommunications service to the customer.

7

~~(a)~~ 2. A telecommunications provider may not use the social security number of a customer for any purpose that is related to the provision of a telecommunications service to the customer.

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~~(a)~~ (c) The commission may, upon its own motion or the filing of a complaint by any person, commence an action against a telecommunications provider to enforce this

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~~Section 6~~ pt. & m + - - -

13

~~(a)~~ (d) A telecommunications provider who violates sub. (2) (a) or (b) shall forfeit not less than \$25 nor more than \$5,000.

This subsection

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SECTION ~~11~~ Effective date.

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(1) This act takes effect on the first day of the 2nd month beginning after publication.

18

(END) ✓

D-NOTE

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1 **INSERT 1-5:**

2 **SECTION 1.** 196.202 (2) of the statutes is amended to read:

3 196.202 (2) **SCOPE OF REGULATION.** A commercial mobile radio service provider  
4 is not subject to ch. 200 or this chapter, except a commercial mobile radio service  
5 provider is subject to s. 196.209 (6), and subject to s. 196.218 (3) to the extent not  
6 preempted by federal law. If the application of s. 196.218 (3) to a commercial mobile  
7 radio service provider is not preempted, a commercial mobile radio service provider  
8 shall respond, subject to the protection of the commercial mobile radio service  
9 provider's competitive information, to all reasonable requests for information about  
10 its operations in this state from the commission necessary to administer the  
11 universal service fund.

NOTE: NOTE: Sub. (2) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 1985 a. 297, 1987 a. 227, 1991 a. 39; 1993 a. 36, 406; 1997 a. 27, 40, 218; s. 13.93 (2) (c).

12 ~~**SECTION 2.** 196.203 (3) (dm) of the statutes is amended to read:~~

13 196.203 (3) (dm) Section 196.209 (6) applies to an alternative  
14 telecommunications utility.

15 **SECTION 3.** 196.209 (title) of the statutes is amended to read:

16 **196.209 (title) Privacy considerations; social security numbers.**

History: 1993 a. 496 ss. 107, 108, 110; 1995 a. 27.

17 **SECTION 4.** 196.209 (4) (intro.) of the statutes is amended to read:

18 196.209 (4) **SCOPE.** (intro.) Rules promulgated by the commission under this  
19 section sub. (1) and privacy considerations addressed by a telecommunications  
20 provider shall include all of the following:

History: 1993 a. 496 ss. 107, 108, 110; 1995 a. 27.

21 **SECTION 5.** 196.209 (5) (b) of the statutes is amended to read:

Proof w/ stats.

Proof w/ stats

Proof  
1/2/05

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196.209 (5) (b) The telecommunications privacy council shall advise the commission concerning the administration of ~~this section~~ subs. (1) to (4) and the content of rules promulgated under ~~this section~~ sub. (1).

History: 1993 a. 496 ss. 107, 108, 110; 1995 a. 27.

**INSERT 2-3:**

2. "Telecommunications service" includes cable television service.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0715/1dn

MDK:.....

wlj+jlg

Representative Schneider:

Please review this bill, which is based on 1997 LRB-1290/1, very carefully to make sure that it achieves your intent. In addition, please note the following differences between this bill and 1997 LRB-1290/1:

1. After reviewing 1997 LRB-1290/1, I thought the provisions of this bill should more appropriately be included in s. 196.209, which deals with privacy considerations.
2. This bill, unlike 1997 LRB-1290/1, includes provisions to ensure that commercial mobile radio service providers, alternative telecommunications utilities and providers of cable television service are subject to the bill's prohibitions. Note that telecommunications carriers are also subject to the bill's prohibitions by virtue of s. 196.499 (1) (b), stats.

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel  
Legislative Attorney  
266-0131

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRE07 15/1dn  
MDK:wlj&jlg:lp

November 23, 1998

Representative Schneider:

Please review this bill, which is based on 1997 LRB-1290/l, very carefully to make sure that it achieves your intent. In addition, please note the following differences between this bill and 1997 LRB-1290/l:

1. After reviewing 1997 LRB-1290/l, I thought the provisions of this bill should more appropriately be included in s. 196.209, which deals with privacy considerations.
2. This bill, unlike 1997 LRB-1290/l, includes provisions to ensure that commercial mobile radio service providers, alternative telecommunications utilities and providers of cable television service are subject to the bill's prohibitions. Note that telecommunications carriers are also subject to the bill's prohibitions by virtue of s. 196.499 (1) (b), stats.

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel  
Legislative Attorney  
266-0131

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 11/23/98

**To:** Representative Schneider

**Relating to LRB drafting number:** LRB-0715

**Topic**

Prohibit use of social security numbers in telecommunications industry

**Subject(s)**

Public Util. - telco and cable

1. **JACKET** the draft for introduction MS

in the **Senate** or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

**A** revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mark D. Kunkel, Legislative Attorney  
Telephone: (608) 266-O 13 1