

Fiscal Estimate Narratives

DNR 1/10/2006

LRB Number	05-3249/1	Introduction Number	AB-738	Estimate Type	Original
Description Prohibiting use of social security numbers on state civil service examinations, prohibiting requests by merchants for customers' social security numbers, requiring notice of unauthorized acquisitions of computerized personal information, posting certain personal information in government records on the Internet and accessing certain public records and employer records containing the social security numbers of individuals, prohibiting a register of deeds from recording certain instruments that contain more than a partial social security number, prohibiting number of credit inquiries as factor in credit reports, granting rule-making authority, and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

Bill Summary

The bill creates a number of requirements designed to protect individual privacy. The requirements impact a wide range of state and local agencies. Provisions directly impacting DNR include the following: (1) Section 19.36(13): No state agency that maintains an Internet site may post any public record containing the name of an individual together with that person's birth date, drivers license number, work phone, or unpublished home phone number on that Internet site. (2) Section 19.36(14): As of January 1, 2007, a state agency must delete the social security number in any record of an individual before the agency permits access to the record by any person other than an officer or employee of the governmental unit, unless the person who requests access to the record is specifically authorized by federal or state law or by the subject individual to have access to the social security number. Section 19.36(14)(d) says that no agency may provide access to a social security number together with information revealing the identity of that individual to any officer/employee of the agency other than the legal custodian or an employee working under their immediate supervision, unless the number is redacted, the officer/employee's official responsibilities require them to have access to the number or they are authorized by the record subject to have access to the number. (3) Section 100.53: If an agency maintains a database containing personal information and has reason to know of an unauthorized access to the database, the agency must give notice to the person who is the subject of the information that was acquired and to at least three major credit reporting agencies. This notice must include a warning that an unauthorized acquisition may adversely affect the individual's credit rating. (4) Section 103.135: An employer cannot provide access to an employee record containing a social security number together with information identifying the individual unless (a) the social security number is redacted; (b) the person is authorized by federal or state law or by the person to see the social security number; or (c) the person is an officer, employee, or agent of the employer and his or her official responsibilities require him or her to have access to the number.

Fiscal Impact

A. Databases available on DNR Internet

Current data on the DNR Internet site that contain individual names and work phone numbers include:

1. List of licensed well drillers, including contact name and business phone, prepared by the Bureau of Drinking Water and Groundwater.
2. List of licensed pump installers, including contact name and business phone, prepared by the Bureau of Drinking Water and Groundwater.
3. Solid and Hazardous Waste Information Management System (SHWIMS). SHWIMS is designed to help the public find information on sites and associated facilities that are regulated by the Waste Management program. Possible facility activities include landfill operation, waste transportation, hazardous waste generation, wood burning, and waste processing. SHWIMS includes 83,500 records, including individual contact names and work phone numbers for about 43,800 facilities.
4. Wisconsin Recycling Markets Directory. The directory provides information on approximately 300 recycling markets in Wisconsin. Users can generate custom lists of markets for various materials, including a listing by company with the contact name of an individual and associated work phone number.
5. Air Emissions Permits. The current air permits system is such that a particular permit can be downloaded

and viewed; these permits currently contain names, addresses, and contact phone numbers.

6. Urban Forestry Consultants in Wisconsin. This Internet database is prepared by the Forestry Division and is a list of commercial consultants that provide urban forestry consulting services in Wisconsin. It includes the contact name and work phone of approximately 60 commercial consultants.

7. 2005 Directory of Foresters. This Internet database is prepared by the Forestry Division and lists a total of approximately 150 foresters, including all foresters employed by DNR, private enterprise foresters, and other partners in the private forestry assistance network. Each entry contains a contact name and work phone number.

8. Wisconsin Urban Forestry Council Membership. This Internet database is prepared by the Forestry Division and lists the name, address and work phone of each of the 23 council members.

9. Wisconsin Certified Big Tree Inspectors. This Internet database is prepared by the Forestry Division and lists 27 certified big tree inspectors who are used for champion tree nominations in the Champion Tree Program, with a total of 27 entries, each containing the name and business phone number of an inspector.

10. Urban Forestry Workshops. This Internet site lists the upcoming Forestry workshops, with either an individual contact name and work phone number or a business contact and work phone number for each workshop.

11. Forestry Assistance Locator (Cooperating Foresters). This Internet database is prepared by the Forestry Division and lists 115 professional foresters in Wisconsin, each with an individual name and work phone number.

12. Fire Department Advisory Council Membership List. This Internet database prepared by the Division of Forestry includes the name and work phone number of the 12 members of the Fire Department Advisory Council.

13. Wood Residue Brokers. This Internet database lists Wisconsin companies currently engaged in the wood residue market. It provides the contact names and work phone numbers for each of 17 companies. It is prepared by the Division of Forestry.

14. Independent Certified Plan Writers. This Internet database is prepared by the Division of Forestry and contains the contact name and work phone number for over 50 individuals certified to write management plans for the Managed Forest Law program.

In each of these cases, the Department would need to eliminate the phone numbers from the displayed data. Minimal time would be required to complete this task, estimated at a maximum of a few hours per database or list. The larger workload, which is difficult to estimate, is the staff time required to answer phone calls and e-mail request for the specific information that is being deleted.

B. Delete social security numbers from records before providing public access, effective January 1, 2007

For those few databases within DNR that have social security numbers of individuals, the Department is already in compliance with this requirement. All social security numbers are deleted before providing access to that record by any person other than an officer or employee of the governmental unit, unless the person who requests access to the record is specifically authorized by federal or state law or the subject individual to have access to the social security number.

C. Required notification of unauthorized acquisition of personal information

DNR has not had an event where there was unauthorized acquisition of personal information stored in a computer. No fiscal impact is estimated in light of the fact that such access would be very rare if it did occur. If this sort of event did occur, the fiscal impact could be great since the record subject can sue the state for injunctive relief, damages and attorneys fees.

D. Access to employee records with social security numbers

Social security numbers are an integral part of personnel files in DNR. The social security number is contained on the original job application form as well as the W2 tax forms. These documents, along with other personnel documents that do not contain social security numbers, are kept in each employee's P-File. P-files are not automated but are paper documents in paper folders. P-files are frequently opened to retrieve any one of a number of personnel documents in the P-file. In addition, the DNR maintains two automated human resource systems, HRS and PALS, that also contain employee social security numbers.

Any person looking at the contents of a P-file, HRS, and PALS have the potential opportunity to view an employee's social security number. Currently, any DNR staff person in the Bureau of Human Resources and the employee's immediate supervisor have access to an employee's P-file. Currently, HR staff, management accountants and certain computer programs have access to the HRS and PALS systems.

All employees in the Bureau of Human Resources are working under the immediate supervision of the

bureau director who is the custodian of the records. Therefore, the Department is already in compliance with this proposed provision with regard to employees in the Bureau of Human Resources.

However, under this bill, supervisors could no longer have direct access to their supervisee's P-file. All supervisors would have to request that an HR employee pull needed documents from the supervisee's P-file. In addition, if the desired document contained a social security number, the social security number would have to be blocked out before the document was given to the supervisor. It is assumed that social security number may need to be blocked on the HRS and PALS systems. This additional workload would be absorbed by current HR staff.

E. Fiscal impact on local government

All four of the provisions listed above also affect local government. However, it is difficult to estimate fiscal impact on local governmental units without detailed information on the kinds and numbers of databases in each county.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): Removal of contact names and work phones from a variety of databases on the DNR Internet site			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
	State Operations - Salaries and Fringes	\$	
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$	\$
B. State Costs by Source of Funds			
	GPR		
	FED		
	PRO/PRS		
	SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
	NET CHANGE IN COSTS	\$	\$
	NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By		Authorized Signature	Date

