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SB-184 Social security number truncation program. (2017-2018)

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Senate Bill No. 184

CHAPTER 621

An act to amend Section 27301 of the Government Code, relating to local government.

[Approved by Governor October 09, 2017. Filed with Secretary of State October 09, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 184, Morrell. Social security number truncation program.

Existing law requires the county recorder of each county to establish a social security number truncation program in order to create a public record version of each official record, in an electronic format, and requires the social security number contained in the record to be truncated, as specified. Existing law requires these provisions to apply to official records recorded on or after January 1, 1980, as specified.

This bill, for each official record recorded before January 1, 1980, would authorize the county recorder to create a copy of that record in an electronic format and truncate any social security number contained in that record.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 27301 of the Government Code is amended to read:

27301. (a) The county recorder of each county shall establish a social security number truncation program in order to create a public record version of each official record.

(1) The program shall include both of the following components, which the recorder shall implement concurrently:

(A) For each official record recorded between January 1, 1980, and December 31, 2008, the recorder shall create in an electronic format an exact copy of the record except that any social security number contained in the copied record shall be truncated. In order to create a public record copy, the recorder shall first truncate the social security numbers in all records that already exist in an electronic format and then create an electronic version of all other records and truncate social security numbers contained in those records. Each group of records shall be handled in descending chronological order.

(B) For each official record recorded on or after January 1, 2009, the recorder shall create a copy of that record in an electronic format and truncate any social security number contained in that record.

(2) The program may include a component for each official record recorded before January 1, 1980, pursuant to which the county recorder may create a copy of that record in an electronic format and truncate any social security number contained in that record.

(b) Nothing in this article shall be construed to restrict, delay, or modify access to any official record, or modify any existing agreements regarding access to any official record, prior to the creation and availability of a public record version of that official record. A county recorder shall not charge any new fee or increase any existing fees in order to fund the social security number truncation program pursuant to this article, except as provided in subdivision (d) of Section 27361.

(c) Notwithstanding paragraph (1) of subdivision (a), a county recorder shall not be required to create a public record version of an official record if the fee authorized in Section 27304 is determined by the recorder to be insufficient to meet the cost of creating the public record version. In that case, the county recorder shall determine whether the fee is sufficient to meet the cost of creating a public record version of only a fraction of the official records described in paragraph (1) of subdivision (a). If the fee is sufficient to meet the cost of creating a public record version of a fraction of the official records, the recorder shall be required to create a public record version of that fraction only.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which amends Section 27301 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect against the risk of identity theft when government documents recorded before January 1, 1980, and maintained by county recorders contain social security numbers, it is necessary to enact legislation that ensures the confidentiality of social security numbers.