

What to do when they ask for your Social Security Number

by

Chris Hibbert, Computer Professionals for Social Responsibility

Many people are concerned about the number of organizations asking for their Social Security Numbers. They worry about invasions of privacy and the oppressive feeling of being treated as just a number. Unfortunately, I can't offer any hope about the dehumanizing effects of identifying you with your numbers. I can try to help you keep your Social Security Number from being used as a tool in the invasion of your privacy. (Ed. note: Not intended as legal advise.)

Surprisingly, government agencies are reasonably easy to deal with; private organizations are much more troublesome. Federal law restricts the agencies at all levels of government that can demand your number and a fairly complete disclosure is required even if its use is voluntary. There are no comparable Federal laws restricting the uses non-government organizations can make of it, or compelling them to tell you anything about their plans. Some states have recently enacted regulations on collection of SSNs by private entities. With private institutions, your main recourse is refusing to do business with anyone whose terms you don't like. They, in turn, are allowed to refuse to deal with you on those terms.

Short History

Social Security numbers were introduced by the Social Security Act of 1935. They were originally intended to be used only by the social security program, and public assurances were given at the time that use would be strictly limited. In 1943 Roosevelt signed Executive Order 9397 which required federal agencies to use the number when creating new record-keeping systems. In 1961 the IRS began to use it as a taxpayer ID number. The Privacy Act of 1974 required authorization for government agencies to use SSNs in their data bases and required disclosures (detailed below) when government agencies request the number. Agencies which were already using SSN as an identifier before January 1, 1975 were allowed to continue using it. The Tax Reform Act of 1976 gave authority to state or local tax, welfare, driver's license, or motor vehicle registration authorities to use the number in order to establish identities. The Privacy Protection Study Commission of 1977 recommended that the Executive Order be repealed after some agencies referred to it as their authorization to use SSNs. I don't know whether it was repealed, but no one seems to have cited EO 9397 as their authorization recently.

Several states use the SSN as a driver's license number, while others record it on applications and store it in their database. Some states that routinely use it on the license will make up another number if you insist. According to the terms of the Privacy Act, any that have a space for it on the application forms should have a disclosure notice. Many don't, and until someone takes them to court, they aren't likely to change. (Though New York recently agreed to start adding the notice on the basis of a letter written by a reader of this blurb.)

The Privacy Act of 1974 (5 U.S.C. 552a) requires that any federal, state, or local government agency that requests your Social Security Number has to tell you four things:

- 1: Whether disclosure of your Social Security Number is required or optional,
- 2: What law authorizes them to ask for your Social Security Number,
- 3: How your Social Security Number will be used if you give it to them, and
- 4: The consequences of failure to provide an SSN.

In addition, the Act says that only Federal law can make use of the Social Security Number mandatory. So anytime you're dealing with a government institution and you're asked for your Social Security Number, just look for the Privacy Act Statement. If there isn't one, complain and don't give your number. If the statement is present, read it. If it says giving your Social Security Number is voluntary, you'll have to decide for yourself whether to fill in the number.

Private Organizations

The guidelines for dealing with non-governmental institutions are much more tenuous. Most of the time private organizations that request your Social Security Number can get by quite well without your number, and if you can find the right person to negotiate with, they'll willingly admit it. The problem is finding that right person. The person behind the counter is often told no more than "get the customers to fill out the form completely."

Most of the time, you can convince them to use some other number. Usually the simplest way to refuse to give your Social Security Number is simply to leave the appropriate space blank. One of the times when this isn't a strong enough statement of your desire to conceal your number is when dealing with institutions which have direct contact with your employer. Most employers have no policy against revealing your Social Security Number; they apparently believe that it must be an unintentional slip when an employee doesn't provide an SSN to everyone who asks.

Public utilities (gas, electric, phone, etc.) are considered to be private organizations under the laws regulating SSNs. Most of the time they ask for an SSN, and aren't prohibited from asking for it, but they'll usually relent if you insist. Ask to speak to a supervisor, insist that they document a corporate policy requiring it, ask about alternatives, ask why they need it and suggest alternatives.

Lenders and Borrowers (those who send reports to the IRS)

Banks and credit card issuers and various others are required by the IRS to report the SSNs of account holders to whom they pay interest or when they charge interest and report it to the IRS. If you don't tell them your number you will probably either be refused an account or be charged a penalty such as withholding of taxes on your interest. (Hint: Get a non-interest bearing account.)

Many Banks, Brokerages, and other financial institutions have started implementing automated systems to let you check your balance. All too often, they are using SSNs as the PIN that lets you get access to your personal account information. If your bank does this to you, write them a letter pointing out how common it is for the people with whom you have financial business to know your SSN. Ask them to change your PIN, and if you feel like doing a good deed, ask them to stop using the SSN as a default identifier for their other customers. Some customers will believe that there's some security in it, and be insufficiently protective of their account numbers.

When buying (and possibly refinancing) a house, most banks will now ask for your Social Security Number on the Deed of Trust. This is because the Federal National Mortgage Association recently started requiring it. The fine print in their regulation admits that some consumers won't want to give their number, and allows banks to leave it out when pressed. [It first recommends getting it on the loan note, but then admits that it's already on various other forms that are a required part of the package, so they already know it. The Deed is a public document, so there are good reasons to refuse to put it there, even though all parties to the agreement already have access to your number.]

Insurers, Hospitals, Doctors

No laws require medical service providers to use your Social Security Number as an ID number (except for Medicare, Medicaid, etc.) They often use it because it's convenient or because your employer uses it to identify employees to its groups health plan. In the latter case, you have to get your employer to change their policies. Often, the people who work in personnel assume that the employer or insurance company requires use of the SSN when that's not really the case. When a previous employer asked for my SSN for an insurance form, I asked them to try to find out if they had to use it. After a week they reported that the insurance company had gone along with my request and told me what number to use. Blood banks also ask for the number but are willing to do without if pressed on the issue. After I asked politely and persistently, the blood bank I go to agreed that they didn't have any use for the number. They've now expunged my SSN from their database, and they seem to have taught their receptionists not to request the number.

Most insurance companies share access to old claims through the Medical Information Bureau. If your insurance company uses your SSN, other insurance companies will have a much easier time finding out about your medical history. You can get a copy of the file which MIB keeps on you by writing to Medical Information Bureau, P.O. Box 105, Essex Station, Boston, MA 02112. Their phone number is (617) 426-3660.

If an insurance agent asks for your Social Security Number in order to "check your credit", point out that the contract is invalid if your check bounces or your payment is late. They don't need to know what your credit is like, just whether you've paid them.

Children

The Family Support Act of 1988 (42 U.S.C. 1305, 607, and 602) apparently requires states to require parents to give their Social Security Numbers in order to get a birth certificate issued for a newborn. The law allows the requirement to be waived for "good cause", but there's no indication of what may qualify.

The IRS requires taxpayers to report SSNs for dependents over one year of age, but the requirement can be avoided if you're prepared to document the existence of the child by other means if challenged. The law on this can be found at 26 U.S.C. 6109.

Universities and Colleges

Universities that accept federal funds are subject to the Family Educational Rights and Privacy Act of 1974 (the "Buckley Amendment"), which prohibits them from giving out personal information on students without permission. There is an exception for directory information, which is limited to names, addresses, and phone numbers, and another exception for release of information to the parents of minors. There is no exception for Social Security Numbers, so covered Universities aren't allowed to reveal students' numbers without their permission. In addition, state universities are bound by the requirements of the Privacy Act, which requires them to provide the disclosures mentioned above. If they make uses of the SSN which aren't covered by the disclosure they are in violation.

Why SSNs are a bad choice for UIDs in data bases Database designers continue to introduce the Social Security Number as the key when putting together a new database or when re-organizing an old one. Some of the qualities that are (often) useful in a key and that people think they are getting from the SSN are Uniqueness, Universality, Security, and Identification. When designing a database, it is instructive to consider which of these qualities are actually important in your application; many designers assume unwisely that they are all useful for every application, when in fact each is occasionally a drawback. The SSN provides none of them, so designs predicated on the assumption that it does provide them will fail in a variety of ways.

Uniqueness

Many people assume that Social Security Numbers are unique. They were intended by the Social Security Administration to be unique, but they didn't take sufficient precautions to ensure that it would be so. There have been several instances when two different SSA offices issued the same number to different people. They have also given a previously issued number to someone with the same name as the original recipient, thinking it was the same person asking again. There are a few numbers that were used by thousands of people because they were on sample cards shipped in wallets by their manufacturers. (One is given below.)

The passage of the Immigration reform law in 1986 caused an increase in the duplicate use of SSNs. Since the SSN is now required for employment, illegal immigrants must find a valid name/SSN pair in order to fool the INS, and IRS long

enough to collect a paycheck. Using the SSN when you can't cross-check your database with the SSA means you can count on getting some false numbers mixed in with the good ones.

Universality

Not everyone has a Social Security Number. Foreigners are the primary exception, but many children don't get SSNs until they're in school. They were only designed to be able to cover people who were eligible for Social Security.

Identification

Few people ever ask to see an SSN card; they believe whatever you say. The ability to recite the number provides little evidence that you're associated with the number in anyone else's database.

Security

The card is not at all forgery-resistant, even if anyone did ever ask for it. The numbers don't have any redundancy (no check-digits) so any 9-digit number in the range of numbers that have been issued is a valid number. It's relatively easy to copy the number incorrectly, and there's no way to tell that you've done so.

In most cases, there is no cross-checking that a number is valid. Credit card and checking account numbers are checked against a database almost every time they are used. If you write down someone's phone number incorrectly, you find out the first time you try to use it.

Why you should resist requests for your SSN

When you give out your number, you are providing access to information about yourself. You're providing access to information about you that you don't know about. That you don't have the ability or the legal right to correct or rebut. You provide access to information that is irrelevant to most transactions but that will occasionally trigger prejudice. Worst of all, since you provided the key, (and did so "voluntarily") all the info discovered under your number will be presumed to be true, about you, and relevant.

A major problem with the use of SSNs as identifiers is that it makes it hard to control access to personal information. Even assuming you want someone to be able to find out some things about you, there's no reason to believe that you want to make all records concerning yourself available. When multiple record systems are all keyed by the same identifier, and all are intended to be easily accessible to some users, it becomes difficult to allow someone access to some of the information about a person while restricting them to specific topics.

Unfortunately, far too many organizations assume that anyone who presents your SSN must be you. When more than one person uses the same number, it clouds up the records. If someone intended to hide their activities, it's likely that it'll look bad on whichever record it shows up on. When it happens accidentally, it can be

unexpected, embarrassing, or worse. How do you prove that you weren't the one using your number when the record was made?

What you can do to protect your number

If despite your having written "refused" in the box for Social Security Number, it still shows up on the forms someone sends back to you (or worse, on the ID card they issue), your recourse is to write letters or make phone calls. Start politely, explaining your position and expecting them to understand and cooperate. If that doesn't work, there are several more things to try:

1: Talk to people higher up in the organization. This often works simply because the organization has a standard way of dealing with requests not to use the SSN, and the first person you deal with just hasn't been around long enough to know what it is.

2: Enlist the aid of your employer. You have to decide whether talking to someone in personnel, and possibly trying to change corporate policy is going to get back to your supervisor and affect your job.

3: Threaten to complain to a consumer affairs bureau. Most newspapers can get a quick response. Ask for their "Action Line" or equivalent. If you're dealing with a local government agency, look in the state or local government section of the phone book under "consumer affairs." If it's a federal agency, your Member of Congress may be able to help.

4: Insist that they document a corporate policy requiring the number. When someone can't find a written policy or doesn't want to push hard enough to get it, they'll often realize that they don't know what the policy is, and they've just been following tradition.

5: Ask what they need it for and suggest alternatives. If you're talking to someone who has some independence, and they'd like to help, they will sometimes admit that they know the reason the company wants it, and you can satisfy that requirement a different way.

6: Tell them you'll take your business elsewhere (and follow through if they don't cooperate.)

7: If it's a case where you've gotten service already, but someone insists that you have to provide your number in order to have a continuing relationship, you can choose to ignore the request in hopes that they'll forget or find another solution before you get tired of the interruption.

*** Adopt an active policy of not giving out your SSN unless you are convinced it is required or is to your benefit. Make people show you why it is needed.

*** Never print your Social Security number on your checks, business cards, address labels or other identifying information. Do not carry your SSN card in your wallet, or other cards containing the SSN. Your wallet could be lost or stolen. Attempt to resist merchants' requests to write your SSN onto your checks. Explain

how you could become a victim of fraud if someone were to use your SSN and account number to gain access to your bank or credit accounts, or to open new accounts in your name.

If someone absolutely insists on getting your Social Security Number, you may want to give a fake number. There is no legal penalty as long as you're not doing it to get something from a government agency or to commit fraud. There are a few good choices for "anonymous" numbers. Making one up at random is a bad idea, as it may coincide with someone's real number and cause them some amount of grief. It's better to use a number like "078-05-1120", which was printed on "sample" cards inserted in thousands of new wallets sold in the 40's and 50's. It's been used so widely that both the IRS and SSA recognize it immediately as bogus, while most clerks haven't heard of it.

There are several prefixes that have never been assigned, and which therefore don't conflict with anyone's real number. They include the following patterns:

1. Any field all zeroes (no field of zeroes is ever assigned)
2. First digit "8" (no area numbers in the 800 series have been assigned)
3. First two digits 73-79 (no area numbers in the 700 series have been assigned except 700-729 which were assigned to railroad workers until 1964)

Giving a number with one of these patterns rather than your own number isn't very useful if there's anything serious at stake since they're likely to be noticed. Numbers beginning with 772 have never been assigned to individuals, but some have been assigned to organizations and for other special purposes. The Social Security Administration recommends that people showing Social Security cards in advertisements use numbers in the range 987-65-4320 through 987-65-4329.

If you're designing a database, and want to use numbers other than Social Security Numbers, you'd be better off generating numbers that are shorter than 9 digits, so they won't be confused with SSNs. If you have an existing database using SSNs, and want to allow people to use a different identifier, it's better to generate longer or shorter numbers or ones with letters included rather than depending on these unused patterns.

The Social Security Administration recommends that you request a copy of your file from them every few years to make sure that your records are correct (your income and "contributions" are being recorded for you, and no one else's are.) As a result of a recent court case, the SSA has agreed to accept corrections of errors when there isn't any contradictory evidence, SSA has records for the year before or after the error, and the claimed earnings are consistent with earlier and later wages. (San Jose Mercury News, 5/14, 1992 page 6-A) Call the Social Security Administration at (800) 772-1213 and ask for Form 7004, (Request for Earnings and Benefit Estimate Statement.)

U.S. Passports

The application for US Passports (DSP-11 12/87) requests a Social Security Number, but gives no Privacy Act notice. There is a reference to "Federal Tax Law" and a misquotation of Section 6039E of the 1986 IRC, claiming that the section requires that you provide your name, mailing address, date of birth, and Social Security Number. The referenced section only requires TIN (SSN), and it requires that it be sent to the IRS and not to the Passport office. It appears that when you apply for a passport, you can refuse to reveal your Social Security Number to the passport office, and instead mail a notice to the IRS, giving only your Social Security Number (other identifying info optional) and notifying them that you are applying for a passport. [I can provide copies of the letter that was used successfully by one contributor. I'd be interested in hearing how the State department and the Post Office (which is willing to process the forms for you) react.]

Results from Some Recent Legal Cases (3/24/93) CPSR joined two legal cases in 1992 which concerned Social Security Numbers and privacy. One of them challenged the IRS practice of printing Social Security Numbers on mailing labels when they send out tax forms and related correspondence. The other challenged Virginia's requirement of a Social Security Number in order to register to vote.

Dr. Peter Zilahy Ingerman filed suit against the IRS in Federal District Court in 1991, and CPSR filed a friend of the court brief in August 1991. The case was decided in favor of the IRS.

The Virginia case was filed by a resident of the state who refused to supply a Social Security Number when registering to vote. When the registrar refused to accept his registration, he filed suit. He is also challenging the state of Virginia on two other bases: the registration form lacked a Privacy Act notice, and the voter lists the state publishes include Social Security Numbers. The Federal court of appeals ruled that the state of Virginia may not allow the disclosure of Social Security numbers as a condition of registering to vote. The court said that the Virginia requirement places an "intolerable burden" on the right to vote. The case is officially referred to as Greidinger v. Davis, No. 92-1571, Fourth Circuit Court of Appeals, March 22, 1993.

If you have suggestions for improving this document please send them to me at:

Chris Hibbert hibbert@memex.com or Memex, Inc. 550 California Ave, Suite 210 Palo Alto, CA 94306

This posting is available via anonymous ftp from [rtfm.mit.edu](ftp://rtfm.mit.edu) in the file `/pub/usenet/news.answers/ssn-privacy`. It's also available from mail-server@pit-manager.mit.edu by sending a mail message containing the line "send usenet/news.answers/ssn-privacy" (without the quote marks) as the sole contents of the body. Send a message containing "help" to get general information about the mail server.

Do a Google search on "Social Security numbers" for more information.

**Also see, "SECRETS OF THE SOCIAL SECURITY NUMBER" at
<http://www.buildfreedom.com/tl/tl17b.shtml>**

--- E X A M P L E ---

The herein serves as constructive Notice that John Henry Doe® being a living man, not a corporation or becoming one or an officer or surety of one, as agent of the named DEBTOR individual, [UCC] legal entity juristic person or organization, the living man gives right Notice of His intent of operating under the God of nature, instead of the god of the State; and gives apt Notice of His intent of NOT being a surety for the use of [private issue] Federal Reserve Notes (FRNs) and the alleged debt of the public; and gives proper and suitable Notice that the assigned Social Security Administration Account Number (a/k/a "SSN") **078-05-1120** is that of the DEBTOR – not the living man; and further

The living man, *sui juris*, one who is not a transferee, federal employee, or an elected official, does not authorize, consent or accept the use of the Social Security Number (SSN) as may be assigned to the living man's trust account within the public account with and administered by the Social Security Administration (SSA) for any purpose other than direct dealings with the Social Security Administration as to living man's estate as may be in its possession, which is foreign to the US Government; further

Disclosure of Social Security Number (SSN)

Act Dec. 31, 1974, P. L. 93-579, Section 7, 88 Stat. 1909, provided:

"(a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

"(2) the provisions of paragraph (1) of this subsection shall not apply with respect to --

"(A) any disclosure which is required by Federal statute, or

"(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

"(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it."

Respectfully submitted — *by Order of the DEBTOR, JOHN HENRY DOE*

The living man is also Authorized Agent for DEBTOR, and proceeds without prejudice, without waiving any rights, remedy, defences statutory or procedural.

--- E X A M P L E --- **NOT LEGAL ADVICE** ---

One is cautioned against doing anything without comprehending what it is that they are doing.