

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION UI
	CORRESPONDENCE SYMBOL OUI/DUIO
	DATE May 24, 2013

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 18-13

TO: STATE WORKFORCE AGENCIES

FROM: JANE OATES
 Assistant Secretary *Jane Oates*

SUBJECT: Rules for the Appropriate Use of and Access to Social Security Numbers

1. **Purpose.** To advise states that recent changes restrict the use of and access to Social Security Numbers (SSNs) in the unemployment insurance (UI) program.

2. **References.**

- Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C));
- Social Security Number Protection Act of 2010 (Public Law (Pub. L.) 111-318); and
- Unemployment Insurance Program Letter (UIPL) No. 21-05, *Use of Identifying Information on Unemployment Insurance (UI) Documents.*

3. **Summary of Changes.** Sections 2(a)(1) and 2(b)(1) of Pub. L. 111-318 amend Section 205(c)(2)(C) of the Social Security Act by adding two new subsections. They are:

- Subsection x - Prohibits the use of SSNs on all checks issued for payment by governmental agencies. The law specifies that “No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.” This subsection means that state UI agencies are prohibited from printing the SSN or a derivative of the SSN (e.g. masking the first 5 numbers) on UI benefit checks, or any other checks to individuals or other state agencies.
- Subsection xi – Prohibits inmate access to SSNs, stating that “No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security numbers of other individuals.” This subsection means that state UI agencies are prohibited from using prisoners to process wage records or any other UI records that contain SSNs.

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4. **Effective Dates.** The Social Security Administration interprets the effective dates for the following two subsections in footnotes 65 and 66 of U.S.C. 405, respectively, as follows:
 - Subsection x – “P.L. 111-318, §2 (a)(1), adds this second new clause (x), to be applicable with respect to checks issued after December 13, 2013 (the date that is three years after the date of enactment of P.L. 111-318 [December 18, 2010]).” This means that state UI agencies must not print SSNs, or any derivative of the SSN, on any checks issued after December 13, 2013.
 - Subsection xi – “P.L. 111-318, §2 (b)(1), added this new clause (xi), applicable with respect to employment of prisoners, or entry into contract with prisoners, December 18, 2011 (the date that was one year after the date of enactment of P.L. 111-318 [December 18, 2010]).”
5. **Action Requested.** State Administrators should provide the information in this UIPL to appropriate staff.
6. **Inquiries.** Questions should be directed to the appropriate Regional Office.
7. **Attachment.** Public Law 111-318

Public Law 111-318
111th Congress

An Act

To limit access to Social Security account numbers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Number Protection Act of 2010".

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) Prohibition of Use of Social Security Account Numbers on Checks Issued for Payment by Governmental Agencies.--

(1) In general.--Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency."

(2) Effective date.--The amendment made by this subsection shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) Prohibition of Inmate Access to Social Security Account Numbers.--

(1) In general.--Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (a)) is amended by adding at the end the following:

"(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense."

(2) Effective date.--The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

Approved December 18, 2010.