

Amendment No. 549

Assembly Amendment to Assembly Bill No. 600 (BDR 19-774)

Proposed by: Assembly Committee on Government Affairs

Amendment Box: Replaces Amendment No. 375.

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

MSM



Date: 4/20/2007

A.B. No. 600—Revises provisions concerning the protection of certain personal identifying information. (BDR 19-774)



ASSEMBLY BILL NO. 600—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning the protection of certain personal identifying information. (BDR 19-774)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to privacy; revising provisions concerning the protection of certain personal identifying information; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, documents submitted to governmental agencies must not include the social security number of a person except in certain circumstances. (NRS 239B.030) Existing law also prohibits public bodies from disclosing on their websites personal information about a person, except in certain circumstances. Personal information is defined to mean the person’s name in combination with his social security number, driver’s license number or certain other account numbers. (NRS 239B.050, 603A.040) **Sections ~~1 and 2~~ 2 and 3** of this bill make consistent the information that is protected from disclosure by public entities on documents submitted to the entity or on the entity’s website. **Section 2 also authorizes a person to request the redaction of personal information from documents submitted to a governmental agency before January 1, 2007. Section ~~7~~ 8** of this bill ~~also~~ provides that the last 4 digits of a social security number are not personal information for the purposes of these provisions.

Section 1 of this bill provides certain immunity to officers, ~~and~~ employees **and members** of a governmental agency **or public body** relating to the disclosure of personal information ~~[. Section 1 also authorizes a person to request the redaction of personal information from documents submitted to a governmental agency before January 1, 2007.] pursuant to section 2 or 3 of this bill.~~

Section ~~3~~ 4 of this bill authorizes the use of the last four digits of a social security number in judgments, and **sections ~~4 and 6~~ 5 and 7** of this bill remove the requirement of the inclusion of a social security number on certificates of marriage and forms for the reporting of divorces and annulments. (NRS 122.160, 440.135) **Section ~~5~~ 6** of this bill authorizes the county recorder to allow the inspection and copying of certain records by family members ~~],~~ **guardians and personal representatives.** (NRS 247.090)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 239B of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 1. An officer, employee or member of a governmental agency or public body
4 is not liable for any civil damages as a result of any act or omission, not
5 amounting to gross negligence, in carrying out the provisions of NRS 239B.030
6 or 239B.050.

7 2. As used in this section:

8 (a) "Governmental agency" means an officer, board, commission,
9 department, division, bureau, district or any other unit of government of the State
10 or a local government.

11 (b) "Public body" has the meaning ascribed to it in NRS 205.462.

12 ~~[Section 1.]~~ Sec. 2. NRS 239B.030 is hereby amended to read as follows:

13 239B.030 1. Except as otherwise provided in subsection 2, a person shall
14 not include and a governmental agency shall not require a person to include ~~the~~
15 ~~social security number of~~ any personal information about a person on any
16 document that is recorded, filed or otherwise submitted to the governmental agency
17 on or after January 1, 2007.

18 2. If ~~the social security number of~~ personal information about a person is
19 required to be included in a document that is recorded, filed or otherwise submitted
20 to a governmental agency on or after January 1, 2007, pursuant to a specific state or
21 federal law, for the administration of a public program or for an application for a
22 federal or state grant, a governmental agency shall ensure that the ~~social security~~
23 ~~number~~ personal information is maintained in a confidential manner or
24 obliterated or otherwise removed by any method, including, without limitation,
25 through the use of computer software, and may only disclose the ~~social security~~
26 ~~number~~ personal information as required:

27 (a) To carry out a specific state or federal law; or

28 (b) For the administration of a public program or an application for a federal or
29 state grant.

30 **Any action taken by a governmental agency pursuant to this subsection must**
31 **not be construed as affecting the legality of the document.**

32 3. A governmental agency shall take necessary measures to ensure that notice
33 of the provisions of this section is provided to persons with whom it conducts
34 business. Such notice may include, without limitation, posting notice in a
35 conspicuous place in each of its offices.

36 4. A governmental agency may require a person who records, files or
37 otherwise submits any document to the governmental agency to provide an
38 affirmation that the document does not contain ~~the social security number of~~
39 ~~personal information about~~ any person. A governmental agency may refuse to
40 record, file or otherwise accept a document which does not contain such an
41 affirmation when required and any document which contains ~~the social security~~
42 ~~number of~~ personal information about a person.

43 ~~5. An officer or employee of a governmental agency is not liable for any~~
44 ~~civil damages as a result of any act or omission, not amounting to gross~~
45 ~~negligence, in carrying out the provisions of this section.~~

46 ~~6.~~ On or before January 1, 2017, each governmental agency shall ensure that
47 any ~~social security number~~ personal information contained in a document that
48 has been recorded, filed or otherwise submitted to the governmental agency before
49 January 1, 2007, which the governmental agency continues to hold is maintained in

1 a confidential manner or is obliterated or otherwise removed from the document ~~(f)~~
2 , by any method, including, without limitation, through the use of computer
3 software. Any action taken by a governmental agency pursuant to this subsection
4 must not be construed as affecting the legality of the document.

5 ~~6. (f)(7)~~ *A person may request that a governmental agency obliterate or*
6 *otherwise remove from any document submitted by the person to the*
7 *governmental agency before January 1, 2007, any personal information about*
8 *the person contained in the document. The governmental agency shall not charge*
9 *any fee to perform such a service.*

10 ~~(g)~~ 7. As used in this section ~~[“governmental”]~~ :

11 (a) *“Governmental agency”* means an officer, board, commission, department,
12 division, bureau, district or any other unit of government of the State or a local
13 government.

14 (b) *“Personal information”* has the meaning ascribed to it in NRS 603A.040.

15 ~~(Sec. 2)~~ Sec. 3. NRS 239B.050 is hereby amended to read as follows:

16 239B.050 1. If a public body maintains a website on the Internet, the public
17 body shall not disclose on that website personal information unless the disclosure is
18 required by a federal or state ~~[statute or regulation.]~~ law or for the administration
19 of a public program or an application for a federal or state grant.

20 2. If it appears that a public body has engaged in or is about to engage in any
21 act or practice which violates subsection 1, the Attorney General or the appropriate
22 district attorney may file an action in any court of competent jurisdiction for an
23 injunction to prevent the occurrence or continuance of that act or practice.

24 3. An injunction:

25 (a) May be issued without proof of actual damage sustained by any person.

26 (b) Does not preclude the criminal prosecution and punishment of an act or
27 practice that may otherwise be prohibited by law.

28 4. As used in this section:

29 (a) *“Personal information”* has the meaning ascribed to it in NRS 603A.040.

30 (b) *“Public body”* has the meaning ascribed to it in NRS 205.462.

31 ~~(Sec. 3)~~ Sec. 4. NRS 17.150 is hereby amended to read as follows:

32 17.150 1. Immediately after filing a judgment roll the clerk shall make the
33 proper entries of the judgment, under appropriate heads, in the docket kept by him,
34 noting thereon the hour and minutes of the day of such entries.

35 2. A transcript of the original docket or an abstract or copy of any judgment
36 or decree of a district court of the State of Nevada or the District Court or other
37 court of the United States in and for the District of Nevada, the enforcement of
38 which has not been stayed on appeal, certified by the clerk of the court where the
39 judgment or decree was rendered, may be recorded in the office of the county
40 recorder in any county, and when so recorded it becomes a lien upon all the real
41 property of the judgment debtor not exempt from execution in that county, owned
42 by him at the time, or which he may afterward acquire, until the lien expires. The
43 lien continues for 6 years after the date the judgment or decree was docketed, and is
44 continued each time the judgment or decree is renewed, unless:

45 (a) The enforcement of the judgment or decree is stayed on appeal by the
46 execution of a sufficient undertaking as provided in the Nevada Rules of Appellate
47 Procedure or by the Statutes of the United States, in which case the lien of the
48 judgment or decree and any lien by virtue of an attachment that has been issued and
49 levied in the actions ceases;

50 (b) The judgment is for arrearages in the payment of child support, in which
51 case the lien continues until the judgment is satisfied;

52 (c) The judgment is satisfied; or

53 (d) The lien is otherwise discharged.

1 ↪ The time during which the execution of the judgment is suspended by appeal,
2 action of the court or defendant must not be counted in computing the time of
3 expiration.

4 3. The abstract described in subsection 2 must contain the:

5 (a) Title of the court and the title and number of the action;

6 (b) Date of entry of the judgment or decree;

7 (c) Names of the judgment debtor and judgment creditor;

8 (d) Amount of the judgment or decree; and

9 (e) Location where the judgment or decree is entered in the minutes or
10 judgment docket.

11 4. A judgment creditor who records a judgment or decree shall record at that
12 time an affidavit stating:

13 (a) The name and address of the judgment debtor;

14 (b) The judgment debtor's driver's license number and state of issuance or the
15 *last four digits of the* judgment debtor's social security number; and

16 (c) The judgment debtor's date of birth,

17 ↪ if known to the judgment creditor. If any of the information is not known, the
18 affidavit must include a statement of that fact.

19 ~~[Sec. 4.]~~ **Sec. 5.** NRS 122.160 is hereby amended to read as follows:

20 122.160 1. Marriages between Indians performed in accordance with tribal
21 customs within closed Indian reservations and Indian colonies have the same
22 validity as marriages performed in any other manner provided for by the laws of
23 this State, if there is recorded in the county in which the marriage takes place,
24 within 30 days after the performance of the tribal marriage, a certificate declaring
25 the marriage to have been performed.

26 2. The certificate of declaration required to be recorded by subsection 1 must
27 include the names of the persons married, their ages, ~~[social security numbers,]~~
28 tribe, and place and date of marriage. The certificate must be signed by an official
29 of the tribe, reservation or colony.

30 3. The certificate must be recorded with the recorder of the county in which
31 the marriage was performed and recorded by him without charge.

32 ~~[Sec. 5.]~~ **Sec. 6.** NRS 247.090 is hereby amended to read as follows:

33 247.090 ~~[A]]~~

34 ***1. Except as otherwise provided in subsection 2 and NRS 239B.030, all***
35 ***documents on file in the office of the county recorder, must, during office hours, be***
36 ***open for inspection by any person without charge. The county recorder must***
37 ***arrange the books of record and indexes in his office in such suitable places as to***
38 ***facilitate their inspection.***

39 ***2. A county recorder may allow inspection and copying of records***
40 ***containing personal information about a deceased or incapacitated person by a***
41 ***spouse, widow or widower, parent, sibling, ~~for~~ child, guardian or personal***
42 ***representative of the person. As used in this subsection, "personal information"***
43 ***has the meaning ascribed to in NRS 603A.040.***

44 ~~[Sec. 6.]~~ **Sec. 7.** NRS 440.135 is hereby amended to read as follows:

45 440.135 1. The Board shall prescribe, and the State Registrar shall furnish
46 in sufficient numbers to each county clerk for distribution, a form for the reporting
47 of divorces and annulments of marriage.

48 2. The information required by such form must be limited to:

49 (a) The names ~~[and social security numbers]~~ of the parties;

50 (b) The court and county in which the decree is granted; and

51 (c) The date of the decree.

1 ~~Sec. 7.~~ **Sec. 8.** NRS 603A.040 is hereby amended to read as follows:
2 603A.040 “Personal information” means a natural person’s first name or first
3 initial and last name in combination with any one or more of the following data
4 elements, when the name and data elements are not encrypted:

- 5 1. Social security number.
- 6 2. Driver’s license number or identification card number.
- 7 3. Account number, credit card number or debit card number, in combination
8 with any required security code, access code or password that would permit access
9 to the person’s financial account.

10 ➤ The term does not include *the last four digits of a social security number or*
11 publicly available information that is lawfully made available to the general public.

12 ~~Sec. 8.~~ **Sec. 9. 1.** This **section, section 1 and sections 3 to 8, inclusive,**
13 **of this act ~~becomes~~ become** effective upon passage and approval.

14 **2. Section 2 of this act becomes effective on January 1, 2008.**