

PRIVACY ALERT

New Law Requires Those Possessing “Personal Information” to Protect It from Misuse

Effective October 1, 2008, Connecticut Public Act 08-167 requires anyone possessing “personal information” to take steps to prevent anyone else from using it improperly. “Personal information” is essentially any information capable of being associated with a particular individual through one or more identifiers. Examples include the numbers on driver’s licenses, state identification cards, health insurance identifications, credit and debit cards, alien registrations and bank accounts. Unless the information is publicly available from the media or government, any person or company possessing such information is required to “safeguard the data, computer files and documents containing the information from misuse by third parties” and is also required to “destroy, erase or make unreadable such data, computer files and documents prior to disposal.”

This new law goes even further for Social Security numbers. In addition to the general rules for safeguarding and disposing of personal information, the law requires anyone who collects Social Security numbers in the course of business to create a privacy policy dedicated to protecting the confidentiality of these numbers, prohibiting their unlawful disclosure and limiting access to them. The policy must be in writing and either “published or publicly displayed,” such as on a website.

Violators of this new law risk civil administrative penalties, which can range from \$500 to \$500,000 unless the violation was “unintentional.”

Any person or business that acquires the information of customers, employees or others that could be misused to their detriment must therefore think carefully about how to handle and keep that information. This means locking office doors and cabinets, limiting file access to personnel with a “need to know,” and erasing hard drives and shredding papers before discarding them. If the information includes Social Security numbers, then creating, publicizing and strictly following a written policy for protecting them is mandatory. Those who consider these issues now and take steps to safeguard the personal information in their possession will be in the best position to comply with this new law and to avoid the potentially significant consequences of violating it.

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