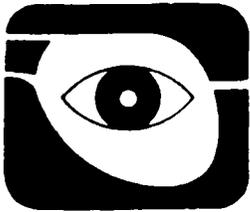


FEATURE ARTICLE



How to Keep Your Personal Information Personal: Tips from the Privacy Rights Clearinghouse*

The tremendous advances in telecommunications and computer technologies in the past decade have led to increased collection and dissemination of personal information. At the same time, there has been a growing awareness in all sectors of society of the threats to personal privacy caused by the enhanced sophistication of information technologies.

In 1992, the Telecommunications Education Trust, a program of the California Public Utilities Commission, addressed these concerns by funding the Privacy Rights Clearinghouse (PRC). The PRC is a consumer education program administered by the Center for Public Interest Law at the University of San Diego School of Law.

The PRC is the first consumer education project in the United States to focus solely on personal privacy protection. The purposes of the program are to raise consumers' awareness of how technology affects personal privacy; empower consumers to take action to control their own personal information by providing practical tips on privacy protection; take specific privacy-related complaints from consumers and, when appropriate, refer them to appropriate organizations or agencies for further assistance; and document the nature of Californians' concerns about privacy in regular reports and make them available to policymakers and consumer advocates.

To accomplish these objectives, the PRC administers a toll-free hotline¹; develops and distributes free fact sheets and other publications (available in English and Spanish)²; operates a computer bulletin board (BBS) which contains electronic versions of the fact sheets and provides up-to-date information about state and federal privacy-related legisla-

tion³; and publishes an annual report which summarizes the project's findings and recommendations.⁴

The toll-free hotline, launched in October 1992, has provided clear evidence that consumers indeed are concerned about protecting their privacy. Because of significant media coverage of the PRC in its beginning months, California consumers flooded the hotline with calls. In all, the PRC staff fielded 11,402 calls during the first twelve months of the hotline's operation, and mailed over 150,000 fact sheets on various privacy-related topics to interested consumers.

Three topics attracted nearly two-thirds (63%) of all calls to the hotline: credit reporting, direct marketing (unsolicited mail and telephone calls), and the use of Social Security numbers. Because of the overwhelming interest in these topics, reprinted below is a condensed version of the PRC's fact sheets on these privacy issues.

HOW PRIVATE IS MY CREDIT REPORT?

Credit reports are a gold mine of information about consumers. They contain Social Security numbers, addresses, credit payment status, employment history, and even legal information. To address concerns about who has access to this potentially sensitive information, California has passed new laws which enhance consumers' privacy rights.⁵ The major credit bureaus which compile credit reports have also adopted voluntary guidelines to improve consumer services.⁶

What is in my credit report? Your credit report is actually a credit history. It is created by reports from many different sources. Firms which have granted you credit make regular reports about your accounts to the credit bureaus. If

you are late in making payments, utilities, hospitals, landlords, and others to whom you owe money may report this information to the credit bureaus. Your bank may also inform the credit bureaus if you overdraw your account.

In addition, your credit report contains your name and any name variations, your address, Social Security number, and employment information. Your legal record may also be included in your credit report, including marriage, divorce, liens, bankruptcy, and other matters of public record.

Is there anything that may not be included in my credit report? Certain pieces of personal information may *not* be included in your credit report:

- medical information (unless you give your consent);
- adverse information, including bankruptcy, that is more than ten years old;
- debts that are more than seven years old; and
- if the report has been requested by a prospective or current employer, information about age and marital status may not be included.⁷

Who has access to my report? Anyone with a "legitimate business need" can gain access to your credit history, including those considering granting you credit, landlords, insurance companies, and employers and potential employers.⁸

Some companies known as "super bureaus" buy credit reports in bulk from credit bureaus and then re-sell them. Super bureaus are regulated by credit reporting laws and must identify the ultimate recipient of the file for the credit bureau. This is to make sure the report is used for permissible purposes.⁹

Your credit report is also used for marketing purposes. Credit bureaus frequently release information from individual credit files to companies that offer "pre-approved" credit cards or other lines of credit. They also sell lists of names and addresses to direct marketers.¹⁰

Federal and state laws provide consumers with these privacy rights:

- A new California law (July 1993) requires credit bureaus to allow you to

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"opt out" of pre-approved credit and other marketing offers.¹¹ The credit bureaus must provide a toll-free number you can call to ask to be removed from these lists. You may also notify the credit bureaus in writing. To have your name removed from lists sold to credit grantors and marketers, contact the three major credit reporting companies (TRW, Equifax, and TransUnion) at the addresses listed below.¹²

- If your credit report is used for employment purposes, you must be notified in writing and offered a free copy of your report.¹³

- You have the right to know who has inquired about your credit file or requested your report over the last six months.¹⁴ The names of inquirers are listed on your credit report.

How can I find out what is in my credit report? At your request, credit bureaus must provide you with a copy of your own credit report.¹⁵ You can obtain a copy of your credit report by contacting each of the three major credit bureaus at the addresses listed below.¹⁶ TRW will give you one free copy of your credit report per year. There may be a fee for ordering your report from Equifax and TransUnion. However, California law requires the charge to be no more than \$8.¹⁷ If you have been denied credit based on information in your report, the credit bureau must provide you with a free copy upon request.¹⁸ After the credit bureau receives your request, it must mail a copy of your report to you within five working days.¹⁹

How will I know if there is negative information in my report? In the past, if your credit report contained negative information, you probably would not find out about it until you were turned down for credit or ordered a copy of your report. Now, a new state law requires that creditors tell you before putting negative information into your file.²⁰ After you have been notified, however, the creditor may report additional negative information about that transaction or line of credit without giving you any further warning.

If you disagree with a creditor's report of negative information, the creditor must put a notice of that dispute in your file.²¹

What can I do if there are errors in my report? Credit bureaus are regulated under the California Consumer Credit Reporting Agencies Act²² and the federal Fair Credit Reporting Act.²³ These laws specify that you have a right to have errors corrected. Credit reports list an address and/or a phone number to enable you to request an investigation of inaccurate information.

Once you have notified a credit bureau of your dispute, it has 30 days to investigate.²⁴ The bureau must consider all the relevant evidence you give it, and errors must be corrected. If you ask the credit bureau to do so, it must send a corrected report to anyone who has requested your file in the past six months and to anyone who has requested it in the last two years in relation to employment.²⁵

If you disagree with the result of the credit bureau's investigation, you have the right to submit a 100-word explanation of the discrepancy. The credit bureau must include that information in your file.²⁶

Some consumers who have had errors in their credit report corrected find the incorrect information reappears in their files at a later date. California law now requires credit granting companies and credit bureaus to establish a system to handle this problem.²⁷ However, even if you have had errors in your report corrected, it is wise to periodically check your credit report to make sure the errors do not reappear.

Can I have negative information deleted if the entry is not an error? Negative information in your credit report usually can be removed only by maintaining a good credit record over a number of years. Companies or individuals promising quick fixes are almost always fraudulent.

For help in re-establishing good credit, the Consumer Credit Counseling Service may be able to assist you. This nonprofit group has offices in most cities. To find the office nearest you, call (800) 388-2227. Beware of other credit repair services. Generally they promise a lot, charge a lot, and deliver very little.

What is the difference between a credit report and an investigative consumer report? Some credit bureaus and "super bureaus" provide investigative consumer reports which are much more detailed than credit reports. Among those using these reports are insurance companies, employers, and landlords. Investigative reports can contain information on your character, reputation, personal characteristics, and lifestyle. This information may be gathered through personal interviews with neighbors, friends, associates, or acquaintances, as well as a search of public documents such as property and court records.

Because the information in these reports is so detailed and may be sensitive, both federal and state law require the person who orders the investigative report to inform the subject of the report.²⁸

However, there are times when an employer does not have to tell an employee that he or she is the subject of an investigative report. This includes when the report is to be used to consider promoting or firing an employee or when an employee is being investigated for possible criminal activity.²⁹

You have the same rights to correct and dispute incorrect or incomplete information in an investigative report as you have in a credit report.

For more information on credit and banking, contact the organizations listed below.³⁰ They have developed several informative brochures on these topics. Or contact the Privacy Rights Clearinghouse hotline at (800) 773-7748.

TELEMARKETING: WHATEVER HAPPENED TO A QUIET EVENING AT HOME?

Most people have experienced it—that annoying ring of the phone just as dinner goes on the table. When you answer, you find it's not a call from a friend or family member, or even from work. It's someone calling to sell you something—a telemarketer.

How did they get my number? Telemarketers get your number in several ways:

- If your number is listed in the telephone book, they simply may have looked in the white pages.

- Several companies compile national phone directories. These companies use local phone books from all over the country as well as other sources to compile these databases.

- The phone company and other businesses also publish directories which list people by street address or phone number rather than name. Telemarketers frequently use these "street address directories" when they want to call specific neighborhoods. If you are listed in the phone book, you are almost certainly in street address directories, also referred to as "reverse directories."

- Another common way telemarketers obtain your phone number is when you inadvertently give it to them. If you sign up for a contest or drawing, a phone number is usually requested. Such giveaway promotions may have less to do with gifts than they do with obtaining your number for a sales pitch. If your phone number is printed on your checks, your name, address, and phone number can easily be copied and entered into computerized mailing/telephone lists.

- "800" and "900" numbers are another way for telemarketers to obtain



your phone number. When you call these numbers, your phone number may be captured with a system called "Automatic Number Identification" (ANI). ANI uses equipment which automatically identifies and stores the number from which you are dialing. By matching your phone number with other computerized lists and street directories, your name and address can often be discovered.

- Automatic dialing devices are able to determine all possible phone number combinations—even unlisted numbers—and dial them much more rapidly than any person can. They must be programmed to avoid calling emergency numbers, hospitals, cellular telephones and pagers.

How can I stop sales calls? It is difficult to completely eliminate sales phone calls. However, you can dramatically decrease the number of calls you receive by taking the following steps:

- Screen your calls with an answering machine.

- Get an unlisted phone number. There are advantages to being listed in the phone book. But if you are tired of being called by telemarketers, having an unlisted number can decrease the volume of calls considerably. Phone companies usually charge a small fee for unlisted numbers. To request an unlisted number, call the business office of your local phone company.

- Call the phone company's business office and request that your listing be removed from the phone company's street address directory.

- Write to the major companies that compile street address directories and request that your listing be removed.³¹

- Be aware of ways that you inadvertently release your number. Don't have your phone number printed on your checks. Consider providing your work number when you must give a number. Be sure the requestor has a reasonable need to obtain your number. For example, mail order firms and warranty cards frequently ask for your phone number but have no compelling reason to do so.

- When calling an "800" or "900" number, tell the representative that you do not want your name, address, or phone number rented or sold to others. Also, tell them if you do not want them to call you.

- The major telemarketing firms participate in the Direct Marketing Association's (DMA) Telephone Preference Service. When you sign up for this service, your name will be added to the DMA's "don't call" list. Send your name, address, and phone number (including your area code)

to Telephone Preference Service, Direct Marketing Association, P.O. Box 9014, Farmingdale, NY 11735.

Are there any laws about telemarketing? Yes, both state and federal laws regulate telephone solicitations.³²

- The Federal Communications Commission requires telemarketers to maintain "do not call" lists of all persons who do not want to be contacted, and to take your name off their list if you ask them to do so.³³ If you are called again, after you have asked to be removed from a telemarketer's list, you can lodge a complaint with the Federal Communications Commission and/or file suit in small claims court. Nonprofit and tax-exempt organizations are not required to keep "do not call" lists.³⁴

- Telemarketers may make calls only between 8:00 a.m. and 9:00 p.m., unless you have authorized the business to contact you at another hour.

- California law currently bans tape-recorded sales messages unless a "live" operator first asks permission to play the taped message.³⁵ The operator must state the nature of the call and the name, address, and telephone number of the business; the caller must also inquire if the person consents to hear the pre-recorded message. Companies may use recorded messages when they contact established customers or if you have requested their call.

- Fax machines may not be used for unsolicited ads (also known as "junk fax"), except to established customers, unless the company has established a toll-free number for the recipient to call to request that no more fax messages be sent.³⁶

How can I discourage telemarketers?

We have found it effective to say, "I never buy anything over the phone. Please take me off your list." By emphasizing that as a matter of principle you never make a purchase when contacted by phone, many telemarketers will remove you from their lists. Also, let telemarketers know you are aware of the FCC regulations requiring them to take you off their lists if you request it.

How can I lodge a complaint against a telemarketer? Contact the Public Inquiry Unit of the California Attorney General's Office at P.O. Box 944255, Sacramento, CA 94244-2550 or (800) 952-5225.

Certain categories of telemarketers doing business in California must register with the Attorney General's Office.³⁷ The types of telemarketers covered by this law include companies offering prizes, investments (including metals and coins), office supplies, and items

below normal cost. If you want information on a specific telemarketing company, call the Telemarketing Unit of the state Attorney General's Office at (213) 897-2631. Or mail your complaint to the Attorney General's Office at the address listed above.

JUNK MAIL: HOW DID THEY ALL GET MY ADDRESS?

While your mother may have told you that a person's mail is private, in this day of computerized mailing lists, your name and address certainly aren't. Chances are, your mailbox is overflowing with catalogs, sale notices, prize offers, and other "deals" which you never requested and may not want.

If you do not want others to have access to your name, address, and buying habits, or if you are tired of throwing away unwanted mail, you can take several steps to delete your name from these mailing lists. You must be persistent (because companies are not required to remove your name from their mailing lists simply because you ask them to), and you won't get rid of it all. But you can substantially reduce the amount of junk mail you receive.

How did I get on these lists in the first place? How can I get off? Every time you provide your name and address to receive a product or service, there's a good chance your name is being added to one or more mailing lists. When you buy a car, have a baby, make a purchase from a catalog, give money to a charity, or fill out a product registration card, your name is likely to be entered into a computer database.

- **Public Records.** When you make virtually any major lifestyle change, a government agency records the event. Many such files are open to the public, including birth certificates, marriage licenses, home sales records, and the Post Office's change of address form. Public records are one way companies selling baby items, for example, can mail advertisements to new parents just days after the birth of a child.

You usually cannot have government records about you kept confidential. Therefore, contact companies individually when they put you on a mailing list compiled from public records. For example, if you buy a house and receive home improvement and insurance solicitations you do not want, you can do three things: (1) write to the company and ask to be taken off its mailing list; (2) envelopes with "Address Correction Requested" or "Return Postage Guaranteed" can be returned *unopened* by writing "Refused—Return to



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Sender" on the envelope (the company will have to pay the return postage); and (3) if there is a postage-paid return envelope, put all of the information in the return envelope with a note stating that you wish to have your name removed from the mailing list.

The Post Office makes its change of address file available to major mailing list companies.³⁸ To avoid receiving solicitations aimed at "new movers," contact friends, family, and companies with whom you do business directly and do not fill out the Post Office's change of address form.

• **Mail Order, Credit Cards, and Magazines.** If your name is on the mailing list of one mail order company, it is likely on the lists of several. Most mail order firms "rent" their mailing list to other businesses. Many credit card companies also rent their mailing lists, as do magazines. Therefore, if you subscribe to a cooking magazine, you may find yourself receiving mail order catalogs for kitchen supplies and food specialties.

To remove your name from some of these lists, write to the Direct Marketing Association's (DMA) Mail Preference Service, P.O. Box 9008, Farmingdale, NY 11735. Tell the DMA you do not want to receive catalogs and other promotional material through the mail. They will put your name into the "delete" file which is sent to the DMA's member organizations four times a year.

Companies which are not members of DMA must be contacted directly. Notify the company's customer service department and request that your name and address not be provided to other companies. Be sure to contact magazines to which you subscribe as well as charities, nonprofit organizations, and community groups to which you have either donated money or joined.

Many credit card companies will delete your name from the lists they rent and sometimes even from the list they use to send their own promotional materials to their customers. (They will, however, continue to send you your bill.) Write to the customer service department and request that your name be removed from the lists they rent to others and from their "in-house" mailing list.

Effective July 1, 1994, California law requires credit card issuers to provide written notice to all cardholders prior to disclosing marketing information which identifies individual consumers. Cardholders must be given an option to refuse disclosure of their personal information, either through a written form or a toll-free telephone number.³⁹

• **Credit Bureaus.** Companies with whom you do business provide information to credit bureaus on how much you owe, how promptly you pay your bills, and the types of purchases you make. While many credit bureaus rent lists, they do not disclose specific information such as what you owe or to whom. Rather, they compile lists based on consumer characteristics. An example would be a list of people who have an income of over \$30,000 a year, use credit cards, and pay their bills on time. If you fall into a category such as this, you may receive "pre-approved" credit card offers in the mail.

To reduce mail generated from these sources, contact the three major credit reporting firms and ask them to remove your name from their marketing mailing lists.⁴⁰

• **Registration Cards.** Be aware that warranty or "product registration" cards have less to do with warranties than they do with mailing lists. These cards may ask you what hobbies you have, how many people are in your household, and your household income—information the company obviously does not need to guarantee the product.

Such registration cards are generally not mailed to the company that manufactured the product, but to a post office box of the National Demographics and Lifestyles Company in Denver, Colorado. This company compiles buyer profiles and sells the information to other companies for marketing purposes.

To reduce mail stemming from this source, don't fill out the product registration card when you buy a product. In most cases, your receipt ensures that you are covered by the warranty if the product is defective. If you decide to send the registration card, include only minimal information, such as name, address, date of purchase, and product serial number. (For some products, you may want the company to have a record of your purchase in case there is a safety recall.)

Also, write to National Demographics and Lifestyles and ask them to delete you from their mailing lists.⁴¹

• **Price Scanners.** A new way of compiling mailing lists and buyer profiles is through price scanners. Scanners help businesses keep track of their inventory and speed service at the check-out counter. They can also be used to link your name to your purchases, especially if you are using the store's "buyers' club" card. When this card is "swiped" through the card reader at the check-out stand, your name and address (which are

stored in the card's magnetic strip) are matched against a record of the scanned items. Stores generally offer product discounts as an incentive to use the card.

The store may use this information to mail coupons and other special offers to you and share the information with product manufacturers. So, for example, if you buy one type of soda at the grocery store, you might receive coupons from a rival soft drink company to induce you to switch brands.

If you do not want information compiled about your personal buying habits through the use of price scanners, don't participate in the store's "buyers' club." You may also want to pay cash at businesses which use scanners, since technology may allow the company to store your name and address if you pay by check or credit card.

• **Phone Books.** If you are listed in the white pages of the telephone book, your name, address, and phone number are—for all practical purposes—public record. Mailing list companies collect this information and sell it to mail order companies and marketing firms. In addition to the white pages, the phone company and other companies compile directories organized by address and phone number rather than by name. If you are listed in the white pages, you are also in one or more of these "street address directories."

If you are concerned about keeping your name and address private, consider having an unlisted number. Or request that the local phone company publish just your name and phone number and omit your address. In addition, ask the phone company to remove your listing from its "street address directory." Also, write to the major "street address directory" companies and request that your listing be removed.⁴²

• **Mailing List Companies.** A number of companies purchase and collect information from government records, telephone books, association membership rosters, and other sources. They compile mailing lists and sell them for marketing purposes. To be removed from the lists of the major companies that sell mailing lists, write to the firms listed below.⁴³

• **Fliers and Advertising Supplements.** The most common types of unsolicited mail are the packets of advertising fliers that are delivered to mailboxes each week. They are addressed to "resident" and usually contain ads for local businesses like pizza parlors and auto repair services.

If you do not want to receive these fliers, you can contact the company that



is responsible for delivering them and request to be taken off the distribution list. Here are some tips for reducing this form of "junk mail":

(1) Look for the postcard that accompanies the fliers. It will have your address printed on it. Some postcards contain pictures of missing children. Find the "bulk rate" postage mark above and to the right of your mailing address. You will see the name of the company that distributes the fliers next to this postage mark. Contact the company in writing or by telephone and request that your address be taken off the distribution list. When making a written request, send a copy of your mailing label along with the letter.

(2) If you cannot find a postcard, then look for a mailing label attached directly to the flier. You will see the name of the distribution company near your mailing address. Contact that company to request that your name be removed from the distribution list.

(3) It may take four to eight weeks before you notice that you are no longer receiving the packets of advertising fliers. You may have to notify the distribution company more than once to make sure that your address has been removed from the mailing list.

(4) If the distribution company cannot or will not remove your address from its mailing list, contact the Privacy Rights Clearinghouse. We want to know which companies do not honor consumers' requests.

What if I only want to stop part of my junk mail? Junk mail is only junk when you don't want to receive it. You may want to be on some mailing lists.

If you want to receive some of this mail, *do not* contact the Direct Marketing Association and ask to be taken off all mailing lists. Rather, notify companies individually and tell them you want your name removed from their lists. Also, tell the companies you do business with to keep your name and address private. A growing number of businesses which rent their mailing lists are including statements in their catalogs to let you know you have this option.

For more information, join the Stop Junk Mail Association. The SJMA provides a mailing list name deletion service for its members and lobbies on behalf of postal privacy rights.⁴⁴

MY SOCIAL SECURITY NUMBER: HOW SECURE IS IT?

When Social Security numbers were first issued in 1936, the federal government assured the public that use of the

numbers would be limited to Social Security programs. Today, however, Social Security numbers are used for many purposes, including employee files, medical records, credit reports, and banking information. In fact, the Social Security number (SSN) is now required for dependents over one year of age, and is the most frequently used recordkeeping number in the United States.

Why is my Social Security number used so often as an identification number? Computer records have replaced paper filing systems in most businesses and government agencies. Since more than one person may share the same name, accurate retrieval of information works best if each file is assigned a unique number. Many businesses and government agencies believe the Social Security number is tailor-made for this purpose.

Why is it important to keep the Social Security number private? Banks and credit card companies are reporting an increase in SSN-related fraud. Even though the SSN offers advantages for identification and recordkeeping purposes, the widespread use of SSNs makes invasions of privacy and fraud easier to commit.

With the Social Security number accessible to so many people, it is relatively easy for someone to fraudulently use your SSN to assume your identity and gain access to your bank account, credit services, utility billing information, driving history, and other sources of personal information.

Your Social Security number is also frequently used as your identification number in a wide variety of computer databases, giving access to information you may want kept private and allowing an easy way of linking databases. Therefore, it is wise to limit access to your Social Security number whenever possible.

Why do financial transactions require my Social Security number? In 1961, the Internal Revenue Service began using Social Security numbers as taxpayer identification numbers.⁴⁵ Therefore, SSNs are required on records of transactions in which the IRS is interested. That includes most banking, stock market, property, or other financial transactions as well as employment records. Since your Social Security number must be included on all of these sensitive financial documents, it is important to limit other uses of the number.

Can my employer use my Social Security number as an employee identification number? Yes. However, the So-

cial Security Administration discourages employers from displaying Social Security numbers on documents that are viewed by other people, such as badges, parking permits, or on lists distributed to employees. Employers do, however, need each employee's Social Security number to report earnings and payroll taxes.

Am I required to give my Social Security number to government agencies? It depends upon the agency. Some government agencies, including the Internal Revenue Service, welfare offices, and the Department of Motor Vehicles, can require your Social Security number.⁴⁶ Others may request the SSN in such a manner that you are led to believe you must provide it.

The Privacy Act of 1974 requires all government agencies—federal, state and local—which request Social Security numbers to provide a "disclosure" statement on the form.⁴⁷ This statement tells you if you are required to provide your Social Security number or if it is optional, how the SSN will be used, and what will happen if you refuse to provide it.

If you are asked to give your Social Security number to a government agency and no disclosure statement is included on the form, complain and cite the Privacy Act.

Can my school disclose my Social Security number? Schools that receive federal funding must comply with the Family Educational Rights and Privacy Act (FERPA)⁴⁸ in order to retain their funding. One of FERPA's provisions requires written consent for the release of educational records or personally identifiable information.⁴⁹ The courts have stated that Social Security numbers fall within this provision.⁵⁰

FERPA applies to state colleges, universities, and technical schools that receive federal funding. An argument can be made that if such a school displays students' SSNs on identification cards or distributes class rosters or grades listings containing SSNs, it is violating FERPA. However, many schools and universities have not interpreted the law this way and continue to use SSNs as a student identifier. To succeed in obtaining an alternate number to the SSN, you will probably need to be persistent and cite the law.

When the school is a private institution, your only recourse is to work with the administration to change the policy or at least to let you use an alternate number as your student identification number.



Social Security numbers may be obtained by colleges and universities for students who have university jobs and/or receive federal financial aid.

Public schools, colleges, and universities that ask for your SSN fall within the provisions of another federal law, the Privacy Act of 1974.⁵¹ This act requires such schools to provide a disclosure statement telling students how the Social Security number is used.⁵² If you are required to provide your SSN, be sure to look for the school's disclosure statement. If one is not offered, you may want to file a complaint with the school, citing the Privacy Act.

Do I have to provide my Social Security number to private businesses? Usually, you are not legally compelled to provide your Social Security number to private businesses—including private health care providers and insurers—unless you are involved in a transaction in which the Internal Revenue Service requires notification.⁵³ (Medi-Cal and Medicare are government health plans and can require a Social Security number.)

There is no law, however, which prevents businesses from *requesting* your Social Security number, and there are few restrictions on what businesses can do with it. Also, even though you are not required to disclose your Social Security number, the business does not have to provide you with service if you refuse to release it.

If a business insists on knowing your Social Security number when you cannot see a reason for it, speak to an administrator who may be authorized to make an exception or who may know that company policy does not require it. If the company will not allow you to use an alternate number, you may want to take your business elsewhere.

Credit card applications usually request Social Security numbers. Your number is used primarily to verify your identity in situations where you have the same or a similar name to others. Although most credit grantors will insist on having your SSN, you may be able to find a credit grantor who will provide you credit without knowing your SSN, especially if you are persistent.

How can I avoid releasing my Social Security number? Here are some strategies to protect your Social Security number:

- 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. And do not carry your SSN card in your wallet, which 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 banking fraud if someone were to use your SSN and account number to gain access to your bank account.

- Request a copy of your Social Security file every three years to make certain the information in the file is correct. Contact the Social Security Administration at (800) 772-1213 to request an estimate of your Social Security earnings and benefits. If incorrect information is recorded, contact the Social Security Administration immediately. Someone may be fraudulently using your SSN number.

- If a private business requests your Social Security number:

- (1) Leave the space for the Social Security number on the form blank or write "refused" in that space.

- (2) Speak to someone in authority or write to the business and explain why you do not want your Social Security number used to identify you. If you do not receive satisfaction from the first person you contact, go to a person in the organization with more authority. Sometimes the first person you contacted has been told no more than to be sure the form is filled out completely.

- (3) Insist that the company document its policy of requiring a Social Security number. If a written policy cannot be found or too much time is taken hunting for one, the business may allow you to use an alternate number.

- (4) Ask why your Social Security number is requested and suggest alternatives.

- (5) If the company insists on having your Social Security number, tell it you will take your business elsewhere. If the company persists, follow through on your promise.

- (6) Utilities may not deny you service if you refuse to provide your Social Security number.⁵⁴ However, a deposit may be required if you will not provide the information.

- (7) If your employer releases your Social Security number, you may want to explain why you object to its release. Most employers do not treat Social Security numbers as confidential information. But they may be willing to change their policy when they understand the twin dangers of invasion of privacy and fraud.

- (8) If your bank, credit union, or other financial service provider uses your Social Security number as a per-

sonal identification number (PIN) or as the identifier for banking by phone, write a letter of complaint. Demand to have a different PIN and/or identification number assigned. Explain why the SSN is an extremely poor choice for a banking security or identification code.

For more information, the Social Security Administration can provide information on your Social Security file. Call (800) 772-1213 to learn how to request an estimate of your Social Security earnings and benefits. Or contact your local Social Security Administration office. The phone number is listed in the white pages of the phone book in the U.S. Government section.

You may also wish to contact Computer Professionals for Social Responsibility, a nonprofit organization that is actively involved in efforts to control the misuse of Social Security numbers.⁵⁵

OTHER FACT SHEETS AVAILABLE

The Privacy Rights Clearinghouse has also published informative fact sheets on cordless and cellular telephones, harassing telephone calls, workplace privacy, medical information, wire-tapping, and government records.⁵⁶ For free copies of these fact sheets, contact the PRC at (800) 773-PRIV.

ENDNOTES

1. The PRC's toll-free hotline number is (800) 773-7748 (California only).

2. The PRC offers the following free fact sheets and publications:

- *About the Clearinghouse* (En Referencia Al Centro De Los Derechos De La Privacia);

- *Cordless and Cellular Phones: Is Everybody Listening?* (Los Teléfonos Inalámbricos Y Celulares: ¿Está Todo El Mundo Escuchando?);

- *How to Put an End to Harassing Phone Calls* (Como Acabar Con Las Llamadas Telefónicas Agresivas);

- *Junk Mail: How Did They All Get My Address?* (La Correspondencia Indeseable: ¿Cómo Consiguieron Mi Dirección?);

- *Telemarketing: Whatever Happened to a Quiet Evening at Home?* (El Mercadeo Telefónico: Ah, Qué Tiempos Aquellos Cuando Se Podía Estar Tranquilo En Casa);

- *How Private Is My Credit Report?* (¿Qué Tan Privado Es Mi Reporte De Crédito?);

- *Employee Monitoring: Is There Privacy in the Workplace?* (Monitoreo



De Empleados: ¿Hay Privacía En Los Lugares De Trabajo?);

• **How Private Is My Medical Information?** (¿Qué Tan Privada Es La Información Contendida En Mi Historia Clínica?);

• **Wiretapping and Eavesdropping: Is There Cause for Concern?** (El Espionaje Telefónico: ¿Hay Razón Para Alarmarse?);

• **My Social Security Number: How Secure Is It?** (Su Número De Seguro Social: ¿Qué Tan Seguro Está?);

• **From Cradle to Grave: Government Records and Your Privacy** (De La Cuna A La Tumba: Archivos Gubernamentales Y Su Privacía);

• **The Privacy Computer Bulletin Board: User's Guide** (Boletín Electrónico Computerizado De La Privacía: Guía Para El Usuario);

• **Privacy Reminder "Merchant Card"** (a business-sized card which indicates to merchants their limitations under California law regarding which personal information can be required when you write checks and pay by credit card) (hoja informativa acerca de las limitaciones impuestas a los comerciantes bajo la ley de California con respecto a cual tipo de información personal pueden solicitar cuando usted paga con cheque or tarjeta de crédito).

3. To access the PRC's BBS via direct dialing, dial via modem (619) 260-4670; type 'c teetot' at the "local" prompt; type 'privacy' as the log-in; and follow the prompts.

If you have Internet access, Telnet to the PRC's BBS address at the command line 'telnet teetot.acusd.edu' and then follow the prompts.

4. The First Annual Report of the Privacy Rights Clearinghouse is available from the Center for Public Interest Law, University of San Diego School of Law, 5998 Alcalá Park, San Diego, CA 92110-2492.

5. The Consumer Credit Reporting Agencies Act, Civil Code section 1785.3 *et seq.*, was significantly amended by AB 1629 (Peace) (Chapter 1194, Statutes of 1992), effective July 1, 1993.

6. For example, TRW offers a free credit report once a year. Other meaningful industry initiatives are now required under California law; *see id.*

7. Civil Code §§ 1785.13, 1785.18(c); 15 U.S.C. § 1681c.

8. Civil Code § 1785.11; 15 U.S.C. § 1681b.

9. Civil Code § 1785.22.

10. *See infra* discussion of junk mail. It should be noted that Equifax has voluntarily stopped selling lists of names to

direct marketers; TRW has stopped as part of a settlement with the Federal Trade Commission; and TransUnion is appealing an FTC order requiring it to stop selling names to marketers.

11. Civil Code § 1785.11(c).

12. Contact **TRW's Mail Preference Service** at (800) 353-0809 or 901 N. International Parkway, No. 191, Richardson TX 75081. Contact **Equifax Options' Marketing Decision Systems** at (800) 219-1251 or P.O. Box 740123, Atlanta GA 30374-0123. Contact **TransUnion** at (800) 851-2674 or 555 West Adams St., 8th Floor, Chicago IL 60661.

13. Civil Code § 1785.20.5.

14. *Id.* at § 1785.10(d).

15. *Id.* at § 1785.10.

16. *See supra* note 12 for addresses of the three major credit bureaus.

17. Civil Code § 1785.17(a)(1).

18. *Id.* at § 1785.17(b).

19. *Id.* at § 1785.15(b)(2).

20. *Id.* at § 1785.26.

21. *Id.* at § 1785.25(c).

22. *Id.* at § 1785 *et seq.*

23. 15 U.S.C. § 1681 *et seq.*

24. Civil Code § 1785.16(a).

25. *Id.* at § 1785.16(h).

26. *Id.* at § 1785.16(g).

27. *Id.* at § 1785.16(c). If information deleted from a consumer's file is reinserted, the credit reporting agency must "promptly" notify the consumer of the reinsertion in writing, and provide a toll-free number enabling the consumer to obtain more information about the reinsertion. *Id.*

28. Civil Code § 1786.16(a); 15 U.S.C. § 1681d.

29. Civil Code § 1786.16(b); 15 U.S.C. § 1681d.

30. For brochures on credit and banking, contact **Bankcard Holders of America**, 560 Herndon Parkway, Suite 120, Herndon, VA 22070; (703) 481-1110; **Consumer Action**, 116 New Montgomery St., Suite 223, San Francisco, CA 94105; Complaint Referral Hotline (415) 777-9635; TDD/voice (415) 777-9456; or the **Federal Trade Commission**, Public Reference, Washington D.C. 20580 (request the FTC's publications order form).

31. The major companies which compile street address directories are: **Haines & Company, Inc.**, Criss-Cross Directory, 2382 East Walnut Ave., Fullerton, CA 92631; **R. L. Polk & Co.**, List Compilation & Development, 6400 Monroe Blvd., Taylor, MI 48180-1814; and **Rueben H. Donnelley Corp.**, 287 Bowman Ave., Purchase, NY 10577.

32. *See* 47 U.S.C. § 227; Business and Professions Code § 17511 *et seq.*; Public Utilities Code § 2871 *et seq.*

33. 47 U.S.C. § 227(c)(3).

34. *Id.* at § 227(a).

35. *See* Public Utilities Code §§ 2872-74. However, California may need to reconsider this law. On May 21, 1993, an Oregon federal court permanently enjoined the Federal Communications Commission from enforcing 17 U.S.C. § 227(b)(1)(B), a provision of the Telephone Consumer Protection Act which prohibited telemarketers from using an artificial or prerecorded voice to deliver some commercial messages to residential telephone lines without the consent of the called party. The court found that the restriction violates telemarketers' commercial speech rights protected by the first amendment. Moser, et al. v. Federal Communications Commission, 826 F. Supp. 360 (D. Or. 1993).

36. *See* Business and Professions Code § 17538.4.

37. *Id.* at §§ 17511.1, 17511.3.

38. While Post Office regulations do not allow it to the create mailing lists from addresses, the Post Office releases change of address cards to the National Change of Address (NCOA) system, a group of 25 companies which updates direct marketer, government, and credit bureau mailing lists with the new addresses.

39. Civil Code § 1748.12, added by Assembly Bill 609 (Cannella) (Chapter 622, Statutes of 1993).

40. For the addresses of TRW, Equifax, and TransUnion, *see supra* note 12.

41. National Demographics and Life-styles, List Order Department, 1621 18th Street, Suite 300, Denver, Colorado 80202.

42. *See supra* note 31 for a list of the major companies which compile "street address directories."

43. Write to the following companies which compile mailing lists and ask that your name be removed: **R.L. Polk & Company**, List Compilation & Development, 6400 Monroe Blvd., Taylor, MI 48180-1814; **Donnelley Marketing, Inc.**, Data Base Operations, 1235 "N" Ave., Nevada, IA 50201-1419; **Metro-mail Corp.**, List Maintenance, 901 West Bond, Lincoln, NE 68521; and **Database America**, Compilation Department, 100 Paragon Dr., Montvale, NJ 07645-0419.

44. For information on SJMA services, write to 3020 Bridgeway #150, Sausalito, CA 94965, or call (800) 827-5549.

Also, you can order the informative 16-page booklet "Stop Junk Mail Forever" by sending \$2.00 to Good Advice Press, P.O. Box 78, Elizaville, NY 12523.



The Direct Marketing Association has free brochures on direct marketing practices. Contact the DMA at 11 West 42nd St., New York, NY 10036-8096.

45. 26 C.F.R. Part 31.6011(b)-2(a)(ii).

46. 42 U.S.C. § 405(c).

47. 5 U.S.C. § 552a, note (b).

48. 20 U.S.C. § 1232g (also known as the "Buckley Amendment").

49. *Id.* at § 1232g(b)(1).

50. *Krebs v. Rutgers*, 797 F. Supp. 1246 (D.N.J. 1992).

51. 5 U.S.C. § 552a(a).

52. *Id.* at § 552a, note (b).

53. *See, e.g.*, 26 C.F.R. Part 1.6049-4(b) (reporting of interest earnings via Social Security number).

54. California Public Utilities Commission D.91-05-018 (May 8, 1991).

55. For more information, write CPSR at 666 Pennsylvania Ave., S.E., Suite 303, Washington, D.C. 20003. The Privacy Rights Clearinghouse gratefully acknowledges the assistance of CPSR's Chris Hibbert in preparing its fact sheet on Social Security numbers.

56. *See supra* note 2 for the titles of the PRC's fact sheets.

