

New York – Use of Social Security Numbers

Effective December 12, 2012, New York amended its laws regarding the use of social security numbers (and any number derived therefrom, which probably includes any redacted social security number). The restriction is found in the general business code §399-ddd. The statute is a general prohibition against requiring consumers to disclose their social security numbers. The statute then goes on to list 17 exceptions which will allow the disclosure of social security numbers. The amendment does not affect employment background screening because there are exemptions for general employment purposes and obtaining criminal records. Tenant screening might be affected. The exception for criminal records is still applicable, but there is no general exception for residential use. Landlords often collect eviction records and credit reports, but no exception is listed for those searches. We advise those requesting tenant screening to use exception 1 in the statute which is the “consent of the consumer”. The consent can be very simple, see below:

In connection with my application to rent property, I hereby provide my consent to (“ABC Apartments”) and its consumer reporting agencies to receive, disclose and use my social security number(s), listed below, in obtaining consumer reports on me.

Name (printed)

Name (signature)

Date

Social Security Number

Prior Social Security Numbers