

HOUSE BILL NO. 1092

Introduced by

Industry, Business and Labor Committee

(At the request of the Attorney General)

1 A BILL for an Act to create and enact two new sections to chapter 44-04 of the North Dakota
2 Century Code, relating to the confidentiality of social security numbers and client files at the
3 University of North Dakota school of law; and to amend and reenact section 20.1-03-35,
4 subsection 8 of section 23-02.1-19, section 43-50-04, subsection 2 of section 44-04-18.1,
5 subsection 6 of section 44-04-20, and subsection 1 of section 44-04-21.1 of the North Dakota
6 Century Code, relating to confidentiality of social security numbers, notice of emergency or
7 special meetings, and release of certain information received by the attorney general when
8 preparing open records and meetings opinions.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. AMENDMENT.** Section 20.1-03-35 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **20.1-03-35. Social security number to be furnished.** The social security number of
13 an applicant for any license or permit issued under this chapter must be recorded on the
14 application unless the applicant is a foreign national to whom no social security number has
15 been issued. A social security number recorded under this section is ~~exempt from section~~
16 ~~44-04-18 and section 6 of article XI of the Constitution of North Dakota~~ confidential.

17 **SECTION 2. AMENDMENT.** Subsection 8 of section 23-02.1-19 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 8. Each death certificate must include the social security number of the decedent, if
20 the information is available. A social security number included on a death
21 certificate is ~~exempt from section 44-04-18 and section 6 of article XI of the~~
22 ~~Constitution of North Dakota~~ confidential.

23 **SECTION 3. AMENDMENT.** Section 43-50-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **43-50-04. Social security number ~~not public record~~ - Confidential.** A social
2 security number provided under this chapter is ~~exempt from section 44-04-18 and section 6 of~~
3 ~~article XI of the Constitution of North Dakota~~ confidential.

4 **SECTION 4. AMENDMENT.** Subsection 2 of section 44-04-18.1 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. Except as otherwise specifically provided by law, personal information regarding a
7 public employee contained in an employee's personnel record or given to the state
8 or a political subdivision by the employee in the course of employment is exempt.
9 As used in this section, "personal information" means a person's home address;
10 home telephone number; photograph; medical information; motor vehicle
11 operator's identification number; ~~social security number~~; payroll deduction
12 information; the name, address, telephone number, and date of birth, ~~and social~~
13 ~~security number of any dependent or emergency contact~~; any credit, debit, or
14 electronic fund transfer card number; and any account number at a bank or other
15 financial institution.

16 **SECTION 5.** A new section to chapter 44-04 of the North Dakota Century Code is
17 created and enacted as follows:

18 **Social security numbers - Confidential.**

- 19 1. Social security numbers in the possession of a public entity are confidential.
20 However, social security numbers may be released as authorized in this section or
21 by other state or federal law.
22 2. A social security number may be released:
23 a. For purposes of participation in retirement or other employment benefits
24 programs; or
25 b. As authorized by the person to whom the social security number is assigned.

26 **SECTION 6.** A new section to chapter 44-04 of the North Dakota Century Code is
27 created and enacted as follows:

28 **Client files at the university of North Dakota school of law - Confidential.**

29 Information in the files of private clients receiving legal services through the clinical education
30 program of the university of North Dakota school of law is confidential unless the information
31 has been requested and is properly obtainable through applicable discovery rules.

1 **SECTION 7. AMENDMENT.** Subsection 6 of section 44-04-20 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 6. In the event of emergency or special meetings of a governing body, the person
4 calling such a meeting shall also notify the public entity's official newspaper, if any,
5 and any representatives of the news media which have requested to be so notified
6 of such special or emergency meetings, of the time, place, date, and topics to be
7 considered at the same time as such governing body's members are notified.
8 Topics that may be considered at an emergency or special meeting are limited to
9 those included in the notice ~~to the media~~.

10 **SECTION 8. AMENDMENT.** Subsection 1 of section 44-04-21.1 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 1. Any interested person may request an attorney general's opinion to review a
13 written denial of a request for records under section 44-04-18, a denial of access to
14 a meeting under section 44-04-19, or other alleged violation of section 44-04-18,
15 44-04-19, 44-04-19.2, 44-04-20, or 44-04-21 by any public entity other than the
16 legislative assembly or any committee thereof. A request made under this section
17 must be made within thirty days of the alleged violation. In preparing an opinion
18 under this section, the attorney general has discretion to obtain and review a
19 recording made under section 44-04-19.2. The attorney general may request and
20 obtain information claimed to be exempt or confidential for the purpose of
21 determining whether the information is exempt or confidential. Any such
22 information may not be released by the attorney general and may be returned to
23 the provider of the information. The attorney general shall issue to the public entity
24 involved an opinion on the alleged violation unless the request is withdrawn by the
25 person requesting the opinion or a civil action has been filed involving the possible
26 violation. If the request pertains to a public entity as defined in subdivision c of
27 subsection 12 of section 44-04-17.1, the opinion must be issued to the public entity
28 providing the public funds. In any opinion issued under this section, the attorney
29 general shall base the opinion on the facts given by the public entity.