Amending the Government Data Collection and Dissemination Practices Act as it Pertains to the Collection of Driver’s License Numbers

The University seeks to amend the Section of the Code of Virginia relating to the Government Data Collection and Dissemination Practices Act (Chapter 38 of Title 2.2). Currently, § 2.2-3808 of the Code of Virginia prohibits agencies, including institutions of higher education, from requiring individuals to disclose social security or driver’s license numbers unless otherwise required by law and essential to an agency’s duties.

While the University does not require persons to furnish social security numbers except as required by law, it is necessary to be able to confirm the identities of faculty, students, and staff prior to issuing identification cards. The University requires all persons to present an official government issued identification (e.g., a driver’s license or passport) as proof of their identity in order to ensure that University identification cards are issued to the correct persons.

The identification number provided is recorded and maintained by the University; the collection of the identification number allows the University to participate in the federal government’s formal e-Authentication Identity Federation Initiative whose regulations require that an agency collect an official government issued identification number. The University – along with other institutions of higher education, governmental agencies, nonprofit organizations, research centers, and other entities across the nation – participates in this initiative, which uses a common set of standards established by the National Institute of Standards and Technology for identity management to enhance security of personal information, increase identity assurance, and increase the portability of identities in and across education, research, government, and other sectors.
Most people provide driver's licenses as proof of their identity; the University of Virginia records the driver's license number as required by the initiative's regulations. Pursuant to the current provisions of the Government Data Collection and Dissemination Practices Act, the University is prohibited from requiring students and employees to furnish driver's license numbers. If the University is unable to collect these identification numbers as part of its identity assurance efforts, it will not be able to participate in the program, thus putting students, faculty, and staff at a great disadvantage. In addition, this restriction may compromise efforts to limit system access to only those persons whose identities have been verified.

Proposed legislation for the 2009 Session of the General Assembly must be sent to the Governor's Office before the next regular Board of Visitors meeting in October, so this is therefore being brought before the Board for consideration at this time.

ACTION REQUIRED: Approval by the Board of Visitors

APPROVAL OF LEGISLATIVE PROPOSAL

RESOLVED, the Board of Visitors approves and endorses the proposed legislation to allow for the collection of driver's license numbers from faculty, staff, and students.

The proposed legislation, which follows, would amend § 2.2-3808 of the Code of Virginia:

§ 2.2-3808. Collection, disclosure, or display of social security number.

A. No agency shall require an individual to furnish or disclose his social security number or driver's license number unless the furnishing or disclosure of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. Nor shall any agency require an individual to disclose or furnish his social security account number not previously disclosed or furnished, for any purpose in connection with any activity, or to refuse any service, privilege or right to an individual wholly or partly
because the individual does not disclose or furnish such number, unless the disclosure or furnishing of such number is specifically required by federal or state law.

B. Agency-issued identification cards, student identification cards, or license certificates issued or replaced on or after July 1, 2003, shall not display an individual's entire social security number except as provided in § 46.2-703.

C. Any agency-issued identification card, student identification card, or license certificate that was issued prior to July 1, 2003, and that displays an individual's entire social security number shall be replaced no later than July 1, 2006, except that voter registration cards issued with a social security number and not previously replaced shall be replaced no later than the December 31st following the completion by the state and all localities of the decennial redistricting following the 2010 census. This subsection shall not apply to (i) driver's licenses and special identification cards issued by the Department of Motor Vehicles pursuant to Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 and (ii) road tax registrations issued pursuant to § 46.2-703.

D. The provisions of subsections A and C shall not be applicable to licenses issued by the State Corporation Commission's Bureau of Insurance until such time as a national insurance producer identification number has been created and implemented in all states. Commencing with the date of such implementation, the licenses issued by the State Corporation Commission's Bureau of Insurance shall be issued in compliance with subsection A of this section. Further, all licenses issued prior to the date of such implementation shall be replaced no later than 12 months following the date of such implementation.