

## **IC 4-1-8**

### **Chapter 8. State Requests for Social Security Number**

#### **IC 4-1-8-1**

##### **Prohibition against state agencies requiring individual Social Security numbers; exemptions**

Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
  - (A) the division of family resources;
  - (B) the division of mental health and addiction;
  - (C) the division of disability and rehabilitative services;
  - (D) the division of aging; and
  - (E) the office of Medicaid policy and planning;of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of insurance producers.
- (12) The department of child services.
- (13) A pension fund administered by the board of trustees of the Indiana public retirement system.
- (14) The state police benefit system.
- (15) The alcohol and tobacco commission.
- (16) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm,

partnership, or other business entity include its federal tax identification number on an application for registration.

(4) That an individual include the individual's Social Security number on an application for a license, a permit, or an identification card.

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number:

(A) in any application for a riverboat owner's license, supplier's license, or occupational license; or

(B) in any document submitted to the commission in the course of an investigation necessary to ensure that gaming under IC 4-32.2, IC 4-33, and IC 4-35 is conducted with credibility and integrity.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

*As added by Acts 1978, P.L.8, SEC.3. Amended by Acts 1979, P.L.16, SEC.1; Acts 1981, P.L.23, SEC.1; P.L.6-1987, SEC.3; P.L.18-1987, SEC.1; P.L.14-1989, SEC.1; P.L.335-1989(ss), SEC.1; P.L.1-1990, SEC.10; P.L.2-1991, SEC.19; P.L.2-1992, SEC.28; P.L.1-1993, SEC.15; P.L.21-1993, SEC.1; P.L.22-1993, SEC.1; P.L.8-1993, SEC.6; P.L.1-1994, SEC.7; P.L.20-1995, SEC.1; P.L.21-1995, SEC.1; P.L.215-2001, SEC.1; P.L.261-2003, SEC.2; P.L.178-2003, SEC.1; P.L.72-2004, SEC.1; P.L.1-2005, SEC.55; P.L.246-2005, SEC.37; P.L.1-2006, SEC.6; P.L.141-2006, SEC.3; P.L.145-2006, SEC.3; P.L.157-2006, SEC.1; P.L.1-2007, SEC.2; P.L.142-2009, SEC.1; P.L.35-2012, SEC.13; P.L.85-2013, SEC.1.*

#### **IC 4-1-8-2**

**Forms including request; statement and notification; requisite**

**information; posting**

Sec. 2. (a) On any form, application or other writing prepared by or issued under the authority of any state agency, the following information must be included if the individual is requested to provide his social security number:

- (1) a brief statement of the reason why the social security number is requested by the state agency; and
- (2) a notification either:
  - (A) that the state agency is required by federal law to obtain the individual's social security number and that the form or application cannot be processed unless the individual provides the number, if such be the case; or
  - (B) that the individual has the right to refuse to provide his social security number to the agency, if he so desires, and that he will not be penalized therefor.

(b) In any location where a form, application or other writing covered in subsection (a) of this section is taken or filled out, there shall be posted in a conspicuous place a sign in bold print containing information identical to that required on the forms required in subsection (a) of this section.

*As added by Acts 1978, P.L.8, SEC.3.*

**IC 4-1-8-3****Forms including request; requisite statement and notification; printing and appendage**

Sec. 3. There shall be printed on all forms, applications or other writings which include a request for the social security number produced by or for any state agency on and after January 1, 1978, immediately preceding or following such request, the statement and notification required by section 2 of this chapter. To all forms, applications and other writings which include a request for the social security number already in use, but not yet executed, by a state agency on January 1, 1978, there shall be appended, on or before said date, the statement and notification required by section 2 of this chapter.

*As added by Acts 1978, P.L.8, SEC.3.*

**IC 4-1-8-4****Refusal to provide number; obtaining from other source prohibited**

Sec. 4. In any case where an individual shall refuse to provide his social security number to a state agency in accordance with the provisions of section 2(a)(2)(B) of this chapter, the state agency to whom he has made his refusal known is prohibited from obtaining the social security number from any other source.

*As added by Acts 1978, P.L.8, SEC.3.*

**IC 4-1-8-5****Refusal to provide number; penalty prohibited**

Sec. 5. No individual shall be penalized in any manner, such as by the loss or threat of loss of services or assistance or by the denial or

refusal to issue any license or permit, by a state agency for his refusal in accordance with the provisions of section 2(a)(2)(B) of this chapter to provide his social security number to the state agency.  
*As added by Acts 1978, P.L.8, SEC.3.*

#### **IC 4-1-8-6**

##### **Removal of Social Security number from agency records; substitute identification number; notice on forms**

Sec. 6. Each state agency covered by this chapter shall develop a method under which a person who has previously given his or her social security number to the state agency at that person's request may have the number removed from the records of the agency and substitute therefor the new identification number to be used by the person. The notice printed on forms and posted in the office of the agency shall include information on the right of the applicant to remove his or her social security number from existing records.

*As added by Acts 1978, P.L.8, SEC.3.*

#### **IC 4-1-8-7**

##### **Exempt agencies to report**

Sec. 7. Each state agency, which is exempt under the provisions of section 1 of this chapter, shall prepare a report, on or before January 1 annually, to the general assembly setting forth any form, application, or other writing required or maintained by it which contains the social security number of any individual. Such report shall also set forth the reason or rationale for requiring such social security number. The report must be in an electronic format under IC 5-14-6.

*As added by Acts 1978, P.L.8, SEC.3. Amended by P.L.28-2004, SEC.14.*