

Memorandum Number 02-43

September 5, 2002

MEMORANDUM

TO: Community College Presidents
FROM: J. David Armstrong Jr.
SUBJECT: Collection of Social Security Numbers

During the 2002 Legislative Session, Committee Substitute for House Bill 1673 was passed by the Legislature and became law as Chapter 2002-256, Laws of Florida. The law restricts the agency collection of Social Security Numbers (SSNs) and creates a public exemption for all such numbers when held by an agency. It stipulates that "An agency shall not collect an individual's social security number unless authorized by law to do so or unless the collection of the social security numbers is otherwise imperative for the performance of that agency's duties and responsibilities as prescribed by law."

The law specifically requires that agencies clearly document the need to collect SSNs and provide adequate justification for such collection in writing. It further stipulates that agencies collecting SSNs must provide individuals, upon their request, with a statement of the purposes for which the SSN is collected and used. Agencies are also required to ensure that SSNs collected for one purpose are not used for another purpose.

Federal legislation relating to the Hope Tax Credit (Federal Register, June 16 2000) requires that all postsecondary institutions report student SSNs to the Internal Revenue Service. This IRS requirement makes it necessary for community colleges to collect the SSN of every student. A student may refuse to disclose his or her SSN to the college, but the IRS is then authorized to fine the student in the amount of \$50.

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In addition to the federal reporting requirements, the public school system in Florida uses SSNs as a student identifier (Section 229.559, Florida Statutes – new school code section 1008.386). In a seamless K-20 system, it is beneficial for postsecondary institutions to have access to the same information for purposes of tracking and assisting students in the smooth transition from one education level to the next. All SSNs are protected by federal regulations Family Educational Rights and Privacy Act (FERPA) and are never released to unauthorized parties. In addition, many colleges and universities provide students with a unique identification number so that the SSN will not be used as the sole identifier. Therefore, it is the opinion of the Division of Community Colleges, in consultation with legal counsel, that colleges have a legitimate need to collect SSN data and the above information provides sufficient justification for doing so.

JDA/hsj

c: Community College Admissions Officers
Community College Registrars