

**NEW YORK STATE IMPOSES NEW RESTRICTIONS ON EMPLOYERS' USE OF
EMPLOYEE PERSONAL INFORMATION**

Effective January 3, 2009, New York State's new omnibus identity theft law imposes additional restrictions on employers' use of a broad range of personal identifying information, including Social Security numbers.¹ The new restrictions prohibit employers with New York employees from:

- publicly displaying an employee's Social Security number;
- visibly printing a Social Security number on employee identification badges or cards, including time cards, or using it as an identification number for occupational licensing purposes;
- placing employees' Social Security numbers in files with unrestricted access; or
- communicating an employee's personal information to the general public. Such personal information includes, but is not limited to, an employee's Social Security number, home address or telephone number, personal e-mail address, internet ID name or password, parent's surname prior to marriage, and driver's license number.

The New York State labor commission is authorized to impose fines of up to \$500 for each "knowing" violation of the statute. (It is unclear whether fines may be applied per each affected individual whose personal information is violated, or only per violating event.) To avoid incurring penalties, employers with New York employees should review and revise their existing employee policies and procedures to safeguard against prohibited uses of worker Social Security numbers and other personal information, as failure to do so will be considered presumptive evidence of a "knowing" violation of the New York law.

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If you have any questions regarding these new privacy requirements, please contact Francis M. Buono (202-303-1104, fbuono@willkie.com), Karen Henein (202-303-1255, khenein@willkie.com), or the attorney with whom you regularly work.

¹ N.Y. Lab. Law. § 203-d(1) (effective January 3, 2009).

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