

MAINE STATE LEGISLATURE

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STATE OF MAINE 29 M.R.S.A. 539-A
Inter-Departmental Memorandum Date August 9, 1976

To George Whalen, Chief, Public Services Dept. Motor Vehicle
From Joseph E. Brennan, Attorney General Dept. Attorney General
Subject Federal Privacy Act; Disclosure of Social Security Numbers

The Bureau of Alcohol, Tobacco and Firearms has asked whether the State Division of Motor Vehicles will disclose social security numbers of licensed drivers on request. Under the present circumstances, such disclosures should not be made.

Act of Dec. 31, 1974, P.L. 93-579 §7(b), 88 Stat. 1905 [hereinafter §7], provides that:

"Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it." (emphasis added)

Prior to July, 1976, any individual applying for a Maine driver's license was requested to disclose his social security number. In compliance with §7, the following Special Instructions accompanied the request on the license application:

"Title 29 M.R.S.A. Section 539A requires that this office obtain a Social Security Number from all applicants for an original or renewal operators license for the purpose of establishing a permanent number to be assigned to the operators license as required by M.R.S.A. 29 Section 540.

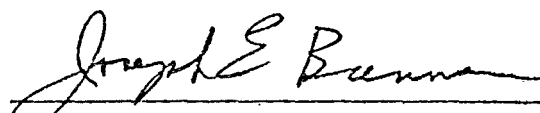
Your Social Security Number may also be used to obtain information about your driving record in other states." (emphasis added)

Social Security numbers now in the State's possession should not be disclosed to the Bureau in light of the fact that such disclosure was not enumerated in the Special Instruction as a possible use. To disclose an individual's number might subject the State to civil action.

It should be added that the issue of disclosure appears to have been mooted as to future applications by the amendment of 29 M.R.S.A. §539-A. Chapter 630, 1976 First Special Session, amended that statute to read:

"The Secretary of State may require the submission of the applicant's social security number. . ."

Submission of the social security numbers is no longer mandatory. Indeed, the application forms presently in use do not request that information, and social security numbers are no longer being used to establish identification numbers for driver's license.



JOSEPH E. BRENNAN
Attorney General