

# MAINE STATE LEGISLATURE

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*Social Security Numbers: Use  
17 M.R.S.A. § 1226 et seq.*

April 4, 1978

To: Stanley Brown, Department of Agriculture

From: Sarah Redfield, Assistant Attorney General

This is in response to your oral request for an opinion as to the legality of the Department of Agriculture using Social Security numbers on certificates it is planning to issue to persons to be authorized in conjunction with the Department's training program to administer barbituate drugs in relation to the provision of Title 17 M.R.S.A. § 1226, et seq.

The federal law governing the use of Social Security numbers is §7 of the Privacy Act of 1974, P.L. 93-579. This provision states that:

"It shall be unlawful for any Federal, State, or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.\* \* \* Any Federal, State, or local governmental 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."

It is my understanding that the Department has no specific statutory authority to request such Social Security numbers, but is doing so only as a method for assuring that the certification of authorization to administer barbituate drugs is accurate. It appears that pursuant to the Privacy Act, the Department may request an individual to disclose his Social Security number but would be unable to compel him to do so. It would appear that you would have to notify the person that providing the number was voluntary and not required by state law. You would also have to indicate what purpose the number would be used for, e.g., only for departmental record keeping.

I hope this information has been of some help to you. If you need further information, please call.

Sincerely yours,

SARAH REDFIELD  
Assistant Attorney General

SR:jg

cc: Joseph Williams