



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 52.08, **Social Security Number Policy**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSCEP OP) is to provide a framework for compliance with federal and state laws regarding the request for, use, disclosure and maintenance of Social Security Numbers. TTUHSC EP is dedicated to maintaining the privacy and security of Social Security Numbers entrusted to it. This policy is intended to raise awareness of the sensitive nature of Social Security Numbers, and when feasible, minimize the use of and access to, Social Security Numbers obtained by TTUHSC EP. This policy provides guidance on requesting, using, and/or disclosing Social Security Numbers in compliance with federal and state requirements.

REVIEW: This HSCEP OP will be reviewed in October of each even-numbered year (ENY) by the Institutional Compliance Officer, with recommendations for revision forwarded to the Institutional Compliance Committee for the December meeting.

LEGAL BACKGROUND:

Federal and State Privacy Laws

Federal and state laws impose certain obligations on TTUHSC EP, a state agency, when it requests, uses, discloses and/or maintains an individual's Social Security Number.

Federal Privacy Act of 1974 (5 U.S.C. 552a). Subject to certain exceptions, a Federal, state or local government agency is prohibited from denying any right, benefit, or privilege provided by law to an individual who refuses to disclose his Social Security account number. An individual can be required to provide his/her Social Security Number if it is necessary to comply with another Federal law or if it was required for a computer system in place prior to 1975.

See Attachment A, list of Federal laws requiring the collection of an individual's Social Security Number.

Upon requesting a Social Security Number, the Federal Privacy Act of 1974 requires all government agencies (including state agencies) to provide a disclosure statement with the following information:

- whether disclosure of the Social Security Number is voluntary or mandatory,
- the authority or legal statute requiring mandatory disclosure of the Social Security Number,
- what uses will be made of the Social Security Number, and
- the consequences, if any, for failure to provide the Social Security Number.

Texas State Law. In addition to the notice required by the Federal Privacy Act, when a social security number is collected by means of a form completed and filed by an individual, whether the form is printed or electronic, the notice as required by Section 559.003 of the Texas Government Code, must also be provided. That section requires a state agency to state on the paper form, or prominently post on its Internet site in connection with the form that:

- with few exceptions, the individual is entitled upon request to be informed about the information that is being collected about the individual;
- under Sections 552.021 and 552.023 of the Government Code, the individual is entitled to receive and review the information; and

- under Section 559.004 of the Government Code, the individual is entitled to have incorrect information about the individual corrected.

See Attachment A, list of Texas State Laws requiring the collection of an individual's Social Security Number.

POLICY/PROCEDURE:

1. General

When a Social Security Number is required in order to provide services, TTUHSC EP shall provide written notice to the individual, to include the law(s) or statute(s) that requires disclosure of the Social Security Number, the principal purpose(s) and routine use(s) of the Social Security Number, and stating the consequences to the individual if the Social Security Number is not provided.

2. Request for or Collection of Social Security Number.

- a. TTUHSC EP shall request Social Security Numbers only as reasonably necessary for the proper administration of TTUHSC EP business.
- b. Except where it is legally required in order for TTUHSC EP to provide services, individuals will not be required to provide their Social Security Number, verbally or in writing, at any point of service, nor will they be denied access to those services should they refuse to provide a Social Security Number. In the case of student enrollment, however, admission and/or financial aid may be delayed or adversely affected due to a student or parent's refusal to provide a required Social Security Number.

3. Required Notice.

All TTUHSC EP generated forms and documents that request or collect Social Security Numbers will include the following language, as outlined below. TTUHSC EP websites that utilize forms to collect Social Security Number information shall also include these statements, as applicable, on the website.

- a. *Student Enrollment Applications and Financial Aid Documents.* Furnishing Social Security Numbers is voluntary and not required for enrollment at TTUHSC EP. However TTUHSC EP is required by federal law to report to the Internal Revenue Service the name, address and Social Security Number of persons from whom tuition and related expenses are received. Dependent students may be required to disclose a parent's or guardian's Social Security Number for financial aid purposes. Failure to provide Social Security Number information may delay or even prevent your enrollment, or financial aid. An applicant to TTUHSC EP may request the use of a dummy identification number until enrollment. TTUHSC EP will not disclose a Social Security Number for any purpose not required by law without the consent of the individual. The use and disclosure of Social Security Numbers by TTUHSC EP is regulated by the Family Educational Rights and Privacy Act (FERPA).
- b. *Employment Applications.* TTUHSC EP is required by federal law to report income and Social Security Numbers for all employees who receive compensation from TTUHSC EP. Employee Social Security Numbers are maintained and used by TTUHSC EP for payroll, reporting and benefit purposes and are reported to federal and state agencies as required by law. TTUHSC EP will not disclose a Social Security Number for any purpose not required by law without the consent of the employee. Applicants for positions at TTUHSC EP may request a dummy identification number for use during the application process by contacting Human Resources (915-215-4574). TTUHSC EP will

not use or disclose your Social Security Number for any purpose not required by law without the consent of the individual.

- c. *Research Subjects Who Receive Payment – Informed Consent Document.* Payment for participation in this research is considered taxable income. In order for you to receive payment for this research, we will need to collect your name, address, and social security number. If you are not able to provide this information, 30% of the amount being paid for this research study will be automatically deducted and sent to the Internal Revenue Service (IRS). If you receive payments that total more than \$600 in one calendar year, Texas Tech University Health Sciences Center is required to report this information to the IRS. A Miscellaneous Income form (1099-MISC) will be sent to you and to the IRS.
- d. *Patients – Consent to Treatment.* Your Social Security Number may be required for billing and health care coordination purposes when your third-party payer uses it as your identification number for coverage purposes. The use and disclosure of your Social Security Number is regulated by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Your Social Security Number will not be used or disclosed without your consent, except as allowed by law for treatment, payment and health care operations. You may be required to pay for health care services before receiving the services if you fail or refuse to provide your Social Security Number or third-party payer identification/policy number when such information is necessary to bill a third-party payor.
- e. *Provider Credentialing Forms.* Your Social Security Number is required to verify information, including license status, background checks, and for other purposes related to the credentialing process. If you refuse to provide your Social Security Number you will not be credentialed to provide professional services.

Any other area within TTUHSC EP that requests a Social Security Number from an individual (for example, the Purchasing Department), shall give notice of the law requiring disclosure of a Social Security Number.

4. **TTUHSC EP Use of Social Security Number Information.**

A person's nine-digit Social Security Number shall only be used or disclosed when required or authorized by Federal or state law. Each student and employee will be assigned a unique, random number to use in place of their Social Security Number as the primary means of identification within the TTUHSC EP system. This identifying number may be linked to an individual's Social Security Number as long as the Social Security Number remains behind the scenes.

Grades will not be posted or displayed by Social Security Number. Class lists, rosters, student identification cards, and other reports will not display an individual's Social Security Number or his/her Texas Tech University System ID number.

TTUHSC EP patients shall be given a unique medical record number, which shall be used unless a Social Security Number is necessary for treatment, payment or health care operations.

Researchers seeking access to a TTUHSC EP patient's Social Security Number must have either a written HIPAA Authorization or obtain a Waiver of Written HIPAA Authorization from the TTUHSC EP Institutional Review Board/Privacy Board.

- a. *Disclosure.*

An individual's Social Security Number will only be released by TTUHSC EP to outside

entities under the following circumstances:

- as required or allowable by Federal or state law,
- when written permission is given by the individual,
- when the entity is acting as TTUHSC EP's contractor or agent and security measures are in place to prevent unauthorized disclosure to third parties, or
- after consultation with the Office of General Counsel.

b. *Maintenance.*

TTUHSC EP is responsible for protecting the confidentiality of data and information that may relate to students, patients, employees, and others served by TTUHSC EP. Social Security Numbers will be stored securely as a confidential attribute of an individual, both on paper and electronically. Access to this information by TTUHSC EP employees will be required by job function and business necessity. Employees with access to Social Security Numbers will be required to sign a confidentiality statement which will be maintained by Human Resources in the employee's file. Social Security Numbers will be electronically transmitted outside the University only through secure electronic mechanisms. Logical and physical security controls shall be implemented to maintain the confidentiality of Social Security Numbers stored by TTUHSC EP in either paper or electronic format.

5. **Right to Change.** TTUHSC EP reserves the right to interpret, change, modify, amend or rescind this policy in whole or in part at any time.