

# Fact Sheet

## Senate Bill 682 (Simitian)

### **The Identity Information Protection Act of 2005: *Safeguarding the Privacy, Safety, and Financial Security of Californians***

#### **Summary:**

Senate Bill 682 restricts the use of government-issued identification documents that, using a contactless integrated circuit, can remotely transmit sensitive personal information or enable personal information to be scanned remotely. SB 682 also makes it a crime to remotely scan a person's identification document without the knowledge of that person.

SB 682 recognizes there are some legitimate uses for identification documents containing contactless integrated circuits and makes exceptions for automatic roadway toll-collection systems, the corrections system, and medical facilities. These exemptions are permitted as long as the identification document does not transmit or enable the remote scanning of any personal information other than a unique personal identifier number. SB 682 also exempts all systems currently in use by state, county, or municipal governments.

#### **Need for the Bill:**

Contactless integrated circuits are tiny devices connected to miniature antennae. When a circuit reader emits a radio signal, the devices in the vicinity respond by transmitting their stored information to the reader. When the devices are used to encode a person's personal information, the devices do not alert that person that his or her personal information, such as a birth date, home address, or digital picture, is being transmitted.

California has long-recognized the importance of protecting the confidentiality and privacy of an individual's personal information contained in identification documents. Current law prohibits the disclosure of personal information about an individual unless that disclosure complies with the Driver's Privacy Protection Act of 1994. It also provides for the confidentiality of driver's license information and prohibits the embedding of social security numbers on identification documents.

Existing legislation, however, does not adequately guard against the threats posed by recent developments in contactless integrated circuit technology and its new applications. The inclusion of contactless integrated circuits containing personal data in government-issued identification documents, such as a driver's license, a school identification card, an employee identification badge, or a library card, is one of the most worrisome new applications, as it puts an individual's privacy, safety, and financial security seriously at risk.

It endangers a person's privacy and safety because it enables the movements of Californians to be tracked on an unprecedented scale as they move through their daily lives. Any person or entity with a reader, purchasable on the market, can scan and collect the personal information or data on the movements of Californians without their knowledge. Individuals carrying identification documents containing contactless integrated circuits are thus highly vulnerable to unauthorized tracking and surveillance by either the government or a stalker, even if the document contains nothing more than a unique identifier number. The unknown disclosure of personal information such as names and addresses could cause particular threats to the safety of Californians who are vulnerable to abduction or assault.

Storing personal information on contactless circuits or other devices also threatens the financial security of Californians by further facilitating the crime of identity theft. California has the third highest per capita rate of identity theft in the nation—more than 39,000 Californians reported being victims of this crime in 2003. Providing identity thieves with the opportunity to secretly scan and collect sensitive personal information from the contactless circuits embedded in state identification documents promises to make this problem even worse.

**Supporters:**

- ACLU
- Electronic Frontier Foundation (EFF)
- Privacy Rights Clearinghouse
- Consumer Action
- California Alliance for Consumer Protection
- Consumer Federation of California
- California Commission on the Status of Women
- California National Organization for Women
- Statewide California Coalition for Battered Women
- California Alliance Against Domestic Violence
- Liberty Coalition

- AARP
- Association of American Physicians and Surgeons
- SEIU
- Freedom Congress Foundation
- University of California Students Association (UCSA)