

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**3**

**HOUSE BILL 1248\***  
**Committee Substitute Favorable 5/19/05**  
**Senate Judiciary I Committee Substitute Adopted 7/6/06**

Short Title: Amend Identity Theft Protection Act of 2005.

(Public)

---

Sponsors:

---

Referred to:

---

April 18, 2005

A BILL TO BE ENTITLED

AN ACT AMENDING THE IDENTITY THEFT PROTECTION ACT OF 2005.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 132-1.10 is amended by adding the following new subsection to read:

"(c1) If an agency of the State or its political subdivisions, or any agent or employee of a government agency, experiences a security breach, as defined in Article 2A of Chapter 75 of the General Statutes, the agency shall comply with the requirements of G.S. 75-65."

**SECTION 2.** G.S. 132-1.10 is amended by adding the following new subsection to read:

"(i) Identifying information, as described in subdivision (5) of subsection (b) of this section, shall not be a public record under this Chapter. A record, with identifying information removed or redacted, is a public record if it would otherwise be a public record under this Chapter but for the identifying information."

**SECTION 3.** G.S. 132-1.10(d) reads as rewritten:

"(d) No person preparing or filing a document to be recorded or filed in the official records ~~by~~ of the register of deeds, the Department of the Secretary of State or of the courts may include any person's social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords in that document, unless otherwise expressly required by law or court order, adopted by the State Registrar on records of vital events, or redacted. Any loan closing instruction that requires the inclusion of a person's social security number on a document to be recorded shall be void. Any person who violates this subsection shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation."

**SECTION 4.** G.S. 132-1.10(e) reads as rewritten:

1       "(e) The validity of an instrument as between the parties to the instrument is not  
2 affected by the inclusion of personal information on a document recorded or filed with  
3 the official records of the register of ~~deeds~~ deeds or the Department of the Secretary of  
4 State. The register of deeds or the Department of the Secretary of State may not reject  
5 an instrument presented for recording because the instrument contains an individual's  
6 personal information."

7           **SECTION 5** G.S. 132-1.10(f) reads as rewritten:

8       "(f) Any person has the right to request that the Department of the Secretary of  
9 State, a register of deeds or clerk of court remove, from an image or copy of an official  
10 record placed on the Department of the Secretary of State's, a register of deeds' or  
11 court's Internet Website available to the general public or an Internet Web site available  
12 to the general public used by the Department of the Secretary of State, a register of  
13 deeds or court to display public records by the Department of the Secretary of State, the  
14 register of deeds or clerk of court, the person's social security, employer taxpayer  
15 identification, drivers license, state identification, passport, checking account, savings  
16 account, credit card, or debit card number, or personal identification (PIN) code or  
17 passwords contained in that official record. The request must be made in writing,  
18 legibly signed by the requester, and delivered by mail, facsimile, or electronic  
19 transmission, or delivered in person to the Department of the Secretary of State, the  
20 register of deeds or clerk of court. The request must specify the personal information to  
21 be redacted, information that identifies the document that contains the personal  
22 information and unique information that identifies the location within the document that  
23 contains the social security, employer taxpayer identification, drivers license, state  
24 identification, passport, checking account, savings account, credit card, or debit card  
25 number, or personal identification (PIN) code or passwords to be redacted. The request  
26 for redaction shall be considered a public record with access restricted to the  
27 Department of the Secretary of State, the register of deeds, the clerk of court, their staff,  
28 or upon order of the court. The Department of the Secretary of State, the register of  
29 deeds or clerk of court shall have no duty to inquire beyond the written request to verify  
30 the identity of a person requesting redaction and shall have no duty to remove redaction  
31 for any reason upon subsequent request by an individual or by order of the court, if  
32 impossible to do so. No fee will be charged for the redaction pursuant to such request.  
33 Any person who requests a redaction without proper authority to do so shall be guilty of  
34 an infraction, punishable by a fine not to exceed five hundred dollars (\$500.00) for each  
35 violation."

36           **SECTION 6.** G.S. 132-1.10(g) reads as rewritten:

37       "(g) ~~A~~The Department of the Secretary of State, a register of deeds or clerk of  
38 court shall immediately and conspicuously post signs throughout his or her offices for  
39 public viewing and shall immediately and conspicuously post a notice on any Internet  
40 Web site available to the general public used by the Department of the Secretary of  
41 State, a register of deeds or clerk of court a notice stating, in substantially similar form,  
42 the following:

43           (1) Any person preparing or filing a document for recordation or filing in  
44 the official records may not include a social security, employer

1 taxpayer identification, drivers license, state identification, passport,  
2 checking account, savings account, credit card, or debit card number,  
3 or personal identification (PIN) code or passwords in the document,  
4 unless expressly required by law or court order, adopted by the State  
5 Registrar on records of vital events, or redacted so that no more than  
6 the last four digits of the identification number is included.

- 7 (2) Any person has a right to request the Department of the Secretary of  
8 State, a register of deeds or clerk of court to remove, from an image or  
9 copy of an official record placed on the Department of the Secretary of  
10 State's, a register of deeds' or clerk of court's Internet Web site  
11 available to the general public or on an Internet Web site available to  
12 the general public used by the Department of the Secretary of State, a  
13 register of deeds or clerk of court to display public records, any social  
14 security, employer taxpayer identification, drivers license, state  
15 identification, passport, checking account, savings account, credit card,  
16 or debit card number, or personal identification (PIN) code or  
17 passwords contained in an official record. The request must be made in  
18 writing and delivered by mail, facsimile, or electronic transmission, or  
19 delivered in person, to the Department of the Secretary of State, the  
20 register of deeds or clerk of court. The request must specify the  
21 personal information to be redacted, information that identifies the  
22 document that contains the personal information and unique  
23 information that identifies the location within the document that  
24 contains the social security, employer taxpayer identification, drivers  
25 license, state identification, passport, checking account, savings  
26 account, credit card, or debit card number, or personal identification  
27 (PIN) code or passwords to be redacted. No fee will be charged for the  
28 redaction pursuant to such a request. Any person who requests a  
29 redaction without proper authority to do so shall be guilty of an  
30 infraction, punishable by a fine not to exceed five hundred dollars  
31 (\$500.00) for each violation."

32 **SECTION 7.** G.S. 132-1.10(h) reads as rewritten:

33 "(h) Any affected person may petition the court for an order directing compliance  
34 with this section. No liability shall accrue to the Department of the Secretary of State, a  
35 register of deeds or clerk of court or to ~~his or her agent~~their agents for any action related  
36 to provisions of this section or for any claims or damages that might result from a social  
37 security number or other identifying information on the public record or on the  
38 Department of the Secretary of State's, a register of deeds' or clerk of court's Internet  
39 website available to the general public or an Internet Web site available to the general  
40 public used by the Department of the Secretary of State, a register of deeds or clerk of  
41 court."

42 **SECTION 8.** The provisions of G.S. 132-1.10(b)(5) shall not apply to  
43 identifying information accessible on the Internet Web site of the Department of the  
44 Secretary of State until and after July 1, 2007.

1           **SECTION 9.** The Department of the Secretary of State shall study the  
2 alternatives and costs for redacting identifying information contained in the records of  
3 the Department of the Secretary of State, including the Internet Web site of the  
4 Department, and shall report the results of its study to the Office of State Budget and  
5 Management and to the House and Senate cochairs of the Joint Appropriations  
6 Subcommittee on General Government on or before February 1, 2007. This study shall  
7 focus on the most expeditious, cost-effective method of redacting identifying  
8 information on or before January 1, 2007.

9           **SECTION 10.** Section 1 of this act becomes effective October 1, 2006.  
10 Sections 5 through 7 of this act are effective when the act becomes law and expire on  
11 July 1, 2007. The remainder of this act is effective when the act becomes law.