



NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
*of the COURTS*

Office of the Director  
Judge John W. Smith  
Director

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December 18, 2009

**MEMORANDUM**

To: Honorable Marc Basnight  
President Pro Tempore of the Senate

Honorable Joe Hackney  
Speaker of the House of Representatives

Honorable Janet Pruitt  
Senate Principal Clerk

Honorable Denise Weeks  
House Principal Clerk

From: Judge John Smith

A handwritten signature in dark ink, appearing to be "JS", written over the name "Judge John Smith".

Subject: **Judicial Branch Compliance with the Identity Theft Protection Act of 2005**

Pursuant to GS 120-270 (SL 2005-414, Section 5), a copy of which is attached, the Administrative Office of the Courts reports on the measures implemented to minimize the collection and dissemination of Social Security numbers.

In response to the enactment of the Identity Theft Protection Act in December 2005, the AOC reviewed all of its internal forms, identified those that require the provision of a Social Security number, and determined what revisions are necessary in order to comply with the Act. The AOC modified various personnel, security, financial, and contract forms to either omit or truncate the Social Security number.

Since 2005, the AOC has maintained an on-going process of revising current forms as needed and ensuring that any new forms that are created will comply with the Act to the extent appropriate for the maintenance of court records, administration of justice, and protection of individual privacy. Below is a description of the AOC forms that were revised or created in calendar year 2009.

## **A. Personnel Forms**

The AOC Human Resources Division does not have the authority to revise those forms created by third parties pertaining to health insurance, retirement benefits, employment eligibility verification, state and federal taxation, and direct deposit. These forms currently require judicial branch employees to provide a full Social Security number (SSN).

The Human Resources Division did not revise any existing personnel forms. It created seven forms, two of which require only the last four digits of the SSN: License/Certification Acknowledgement (form AOC-A-234) and the Benefits Family/Employment Status Change form.

## **B. Financial Forms**

The AOC Financial Services Division has determined that, in order to accurately process payments to the applicant, a full SSN will continue to be required on various fee applications and forms pertaining to court reporter services, representation of indigents, transcript requests, arbitration costs, expert witness fees, guardian ad litem retainer fees, indemnity bonds, and the Judicial Standards Commission's witness attendance certificates.

The Financial Services Division revised two foreign language interpreter forms to require only the last four digits of the SSN: the Invoice for Hours Worked (AOC-A-215) and the Daily Log (AOC-A-216).

The Application for Educational Assistance Reimbursement/Tuition Reimbursement Program (AOC-A-123) was revised by replacing the SSN with the employee identification number (which does not include any portion of the employee's SSN).

## **C. Contract Forms**

The AOC Purchasing Services Division will continue to require the provision of a federal tax identification number or a full SSN on its standard contract form to ensure proper payment to the vendor and proper reporting of such payment to the Internal Revenue Service. SSNs are redacted from copies of contracts that are distributed outside of the AOC Purchasing Services or Financial Services divisions.

The Purchasing Services Division did not revise or create any contract forms this year.

## **D. Technology Forms**

The AOC Technology Services Division did not revise any existing forms but created two security administration forms, both of which require the last four digits of the SSN. The external form is submitted by attorneys who want access to selected production systems, while the internal form provides developers with access to various development environments.

## **E. Civil, Criminal, and Motor Vehicle Forms**

The provision of a SSN exists on many civil, criminal, and motor vehicle forms pertaining to warrants, magistrate orders, assignment of counsel, child support payments, and driver license forfeiture because it is required by law or it is needed to identify people with like names, intercept tax returns, or track defendants. The AOC has deleted the SSN requirement from those forms on which it is neither required by law nor imperative to the work of the courts.

No civil, criminal, or motor vehicle forms were revised by truncating or omitting the SSN field. Two new criminal forms require a full SSN: Railroad Offenses Citation (AOC-CR-504) and Misdemeanor Larceny Expungement (AOC-CR-267). Like the other expungement forms, the AOC-CR-267 form would be destroyed upon conclusion of the expungement process.

Two new civil forms also require a full SSN. The Certification of Identity and/or Notice of Deposit (AOC-G-120) enables the clerks to collect a party's full SSN when they are required to do so by law, such as in cases involving condemnations, disputed funds, minor's trust, and monies due to incompetent adults. This form is included in the bookkeeping records only and is not included in the case file as a public record.

The Certification of Identity in Child Support Cases (AOC-CV-645) contains the names and SSN of all parties in a child support case, including the minor children. This form is not placed in the public file but maintained in the bookkeeping records until all information on the form has been verified and entered in the Child Support Enforcement System, as required by federal law. The bookkeeper destroys the form once the verification and data entry is completed.

Article 31.  
Miscellaneous.

**§ 120-270. Report by State agencies to the General Assembly on ways to reduce incidence of identity theft.**

Agencies of the State shall evaluate and report annually by January 1 to the General Assembly about the agency's efforts to reduce the dissemination of personal identifying information, as defined in G.S. 14-113.20(b). The evaluation shall include the review of public forms, the use of random personal identification numbers, restriction of access to personal identifying information, and reduction of use of personal identifying information when it is not necessary. Special attention shall be given to the use, collection, and dissemination of social security numbers. If the collection of a social security number is found to be unwarranted, the State agency shall immediately discontinue the collection of social security numbers for that purpose. (2005-414, s. 5.)