

New York State
Seal

**STATE OF NEW YORK
INSURANCE DEPARTMENT**
25 BEAVER STREET
NEW YORK, NEW YORK 10004

George E. Pataki
Governor

Gregory V. Serio
Superintendent

The Office of General Counsel issued the following opinion on August 17, 2004, representing the position of the New York State Insurance Department.

RE: NO-FAULT CLAIM DOCUMENTS AND SOCIAL SECURITY NUMBERS

QUESTION PRESENTED:

May an insurer require a claimant to provide his/her social security number on no-fault claim forms?

CONCLUSION:

Yes. Such requirement does not violate federal or state law.

FACTS:

The inquirer was asked to provide his social security number on a no-fault claim form and refused to do so.

ANALYSIS:

The Department has previously considered whether an insurer may require an insured to provide his/her social security number on insurance applications and for identification purposes. Enclosed are copies of two Office of General Counsel opinion letters in which it was concluded that this requirement does not violate federal or state law. See General Counsel Opinion 10-10-2001 (#2) and 6-16-94.

With respect to claim forms, the Department has prescribed various forms, including the application for motor vehicle no-fault benefits, that are to be used by all insurers and not altered. See N.Y. Comp. Codes R. & Regs. tit. 11, § 65.15(c)(3) and Appendix 13-A (Reg. 68) (2001). The prescribed application form (N-F 2) requires the applicant's social security number.

It should be noted that insurers, as licensees of this Department, are subject to the provisions of N.Y. Comp. Codes R. & Regs. tit. 11, §§ 420.0-420.25 (Reg. 169) (2002), entitled Privacy of Consumer Financial & Health Information. A copy of this regulation together with relevant Office of General Counsel opinions interpreting the

requirements of the regulation may be found on the Department's web site, <http://www.ins.state.ny.us/>.

For further information you may contact Supervising Attorney Joan Siegel at the New York City Office.