



FAQ'S ABOUT PROVIDING YOUR SSN (SOCIAL SECURITY NUMBER)

These are some of the most Frequently Asked Questions (FAQ's) about the RMV's requirement that applicants provide a valid SSN (Social Security Number) for a Learner's Permit, Driver's License or ID Card.

Q #1. Why do I have to give my SSN to the Registry of Motor Vehicles (RMV)?

A Because it's the law. The Child Support Enforcement law, Massachusetts General Laws, Chapter 119A, Section 16 (2) [signed into law on March 31, 1998], requires the RMV "to collect and maintain certain information, including the name, date of birth, address and social security number, for each applicant for a license and each individual to whom a license is granted or renewed." **The definition of 'license' in the statute includes a driver's license, a learner's permit and a right to operate a motor vehicle.**

The RMV's SSN policy for licenses and permits has also been legally established by **Regulation, at 540 CMR 2.06 (3)**, which states: (b) An applicant for a license or learner's permit shall submit satisfactory proof of age, signature and residency within the Commonwealth, in a form acceptable to the Registrar. For purposes of establishing proper identity, an applicant shall also provide his or her **social security number**, the validity of which the Registrar may confirm with the U.S. Social Security Administration.

Court Decisions: The Supreme Judicial Court of Massachusetts has upheld the right of the Registrar to require the SSN as part of the application process in its decision in **Ostric v. Board of Appeal on Motor Vehicle Liability Policies and Bonds, 361 Mass. 459 (1972)**. The Court held that the Registrar can reasonably require disclosure of an applicant's SSN "so that the applicant's identity and information concerning his motor vehicle record and history may be conveniently ascertained in the interests of sound motor vehicle regulation and public safety."

Q #2. Why doesn't the Registry let people know about this SSN requirement?

A We do. The current Driver's Manual discloses the RMV's SSN policy in regard to any permit, driver's license or ID Card in the section on **Social Security and License Numbers**. The Driver's Manual is also available on the RMV website at: www.state.ma.us/rmv.

Q #3. How long has the Registry required a person to provide the SSN?

A The RMV has been requiring an applicant for a learner's permit or driver's license to produce his or her SSN since at least 1969, the year in which the **Ostric** case began by a refusal to provide the SSN during license renewal. SSN's have been required for IDs since 1986.

Q #4. I have had a license for years and have renewed it several times. The Registry never asked me for my SSN until my latest renewal. Why?

A There have been times when the SSN was not obtained upon initial application, or even later at renewal time due to such reasons as poor communication of the policy to RMV staff or clerical oversight. Nevertheless, the RMV policy has been, and remains, that an applicant for a learner's permit, driver's license or ID Card must produce his or her SSN when applying for the initial document, or upon renewal, if the RMV had not obtained the SSN previously.

A non-U.S. citizen who does not have a SSN and who is not eligible for a SSN under current federal regulations or policies, may still be issued a learner's permit, driver's license or ID Card.



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Q # 5. I do not want my SSN on my license. How do I know the RMV won't put my SSN on my license?

A The SSN is not used as the driver license number, and will not be printed on the face of the license/permit, unless you specifically request that your SSN be used as the license/permit number. If a check through the Social Security Administration indicates that the SSN that you have provided is not assigned to you, the RMV will investigate and may refuse to issue a permit, license or ID Card and may revoke any permit, license or ID Card that has been issued.

Q # 6. I was born and raised here but I have never applied for a SSN. Can I get a license?

A No. The SSN requirement **applies to any person who is eligible to obtain a SSN** even if he or she has not applied for it. As an American citizen you are eligible for and must obtain an SSN to be licensed.

Q # 7. I am not a US citizen and do not have a SSN. Can I obtain a driver's license?

A Maybe. A non-US citizen who does not have a SSN and who is not eligible for a SSN under current federal regulations or policies, may still be issued a learner's permit, driver's license or ID Card. The person must provide acceptable identification documents, acceptable evidence that he or she has applied for a SSN but has been denied by the Social Security Administration, and must otherwise qualify for the permit, license or ID Card being sought.

Q # 8. What does the RMV do with my SSN?

A The SSN helps the RMV to track the driving history of licensed drivers by ensuring a proper identification match to maintain your driving record properly. It is also a helpful identifier in determining whether an applicant is currently suspended or revoked in this or other jurisdictions. As indicated in the section on **Background Checks** in the **Driver's Manual**, the name, birth date, **social security number** and

any out-of-state driver's license number is checked through the Problem Driver Pointer System (PDPS), which stores information about license suspensions and revocations for drivers in all 50 states. PDPS is under the control of the National Highway Traffic Safety Administration (NHTSA).

Q #9. My friend says the Registry cannot legally require me to provide my SSN because it violates my right to privacy. Is this true?

A No. Section 7 of the **federal Privacy Act of 1974**, 5 USCA (United States Code Annotated) 552a note, which became effective January 1, 1975, allows the Massachusetts RMV to require an applicant to provide a SSN, since Massachusetts required the SSN prior to the Act becoming law. The Privacy Act specifically exempts a state that required disclosure of the SSN for identification purposes prior to January 1, 1975. In the **Ostric** decision (noted above), the Massachusetts Supreme Judicial Court found that requiring disclosure of the SSN did not constitute any invasion of the applicant's right to privacy under state law. The **Driver Privacy Protection Act**, effective September 13, 1997, a federal law at 18 USCA §2721, generally prohibits a state motor vehicle department, its officers, employees, or contractors from knowingly disclosing or otherwise making available to any person or entity, personal information about any individual obtained by the RMV in connection with a motor vehicle record. **A SSN is considered personal information.** (The Driver Privacy Protection Act does authorize state motor vehicle departments to disclose personal information from its motor vehicle records for certain specified uses and to certain specified users).

Q #10. My friend also says the Registry cannot legally require me to provide my SSN because it violates federal Social Security Law. Is this true?

A No. An amendment to the federal Social Security Act authorizes any state to require disclosure of a SSN for the administration of a driver license or motor vehicle registration law. See 42 USCA (United States Code Annotated) § 405 (c)(2)(C)(i) (as amended).