

**TO: SOA AIN Representatives/SOA General Counsel**  
**FROM: Robin Forshaw, General Counsel**  
**DATE: March 17, 2014**  
**SUBJECT: Authority to Collect Social Security Numbers as Part of Justice Center Investigation and Staff Exclusion List Submission**

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In order to ensure the positive identification of persons who may be involved in a substantiated Category 1 offense (placement on Staff Exclusion List (SEL)), substantiated Category 2 offense or subject to the State disciplinary process, it is necessary for investigators to collect the Social Security Number (SSN) or Alien Registration Number (ARN) for all suspects associated with an abuse or neglect case that was called into the Justice Center's hotline. This information must be entered directly into the VPCR or included in the Investigations Cover Sheet. Cases submitted with incomplete or missing contact information, including SSN or ARN, will not be able to be closed by the Justice Center until all required information is received.

The collection and use of SSNs and ARNs as part of an abuse or neglect investigation is addressed in 14 NYCRR Part 702. This regulation authorizes the Justice Center or a *delegate investigatory entity* responsible for investigating a reportable incident to obtain the Social Security Number of any *custodian* who is being investigated as a subject of a reportable incident. The Social Security Number may be obtained by consent from the custodian under investigation or from the applicable facility or provider agency, for the purpose of verifying identity. See 14 NYCRR 702.5(a). A delegate investigatory entity includes any State oversight agency or private provider under the jurisdiction of the Justice Center.

Part 702 also authorizes the collection of SSNs for the purpose of verifying a person's identity to determine whether he or she is included on the SEL. See 14 NYCRR 702.5(b). Under this regulation, any person applying for a position that requires a SEL check shall provide the *screening agency* with his or her Social Security Number for submission to the Justice Center during the pre-employment screening process.

By collecting the SSN or ARN both during the investigative phase, and during the SEL screening process, we can be confident that a "match" of a prospective employee with a person on the SEL is accurate. In addition, screening based on a unique identifier, such as an SSN or ARN, can be done virtually instantaneously, assuring that the SEL check process will not unduly delay the pre-employment screening process.

Please be assured that SSN and ARN data is stored securely by the Justice Center in the VPCR and access to this information is strictly controlled. Thank you for your continued cooperation.