

Legal Update

Brought to you by: Employco USA, Inc.

Virginia Prohibits Using Social Security Numbers on Employee Badges

On March 21, 2023, Virginia adopted a [new law](#) that strengthens personal information protection by prohibiting employers from using Social Security numbers (or any numbers derived from Social Security numbers) as employee identification numbers.

The new law becomes effective on July 1, 2023.

Identification Cards

The new law also prohibits employers in the state from using Social Security numbers (or any numbers derived from Social Security numbers) on employee identification cards. "Identification cards" include identification badges and access cards or badges.

Enforcement

Employers that knowingly violate this requirement are subject to a civil penalty of up to \$100 for each violation. In addition, depending on the severity of the violation, the Virginia Department of Labor may ask state courts to issue injunctions and order employers to adopt specific behaviors in order to protect the privacy of employees in the state.

Impact on Employers

Employers in Virginia should become familiar with this requirement and update their HR processes and procedures to ensure employee identification numbers are neither the employees' Social Security numbers nor any number derived from their Social Security numbers. It is possible that for some employers, this update may require assigning new identification numbers to several employees. Employers should also ensure that no Social Security numbers (or any numbers derived from Social Security numbers) are used on employee identification or access cards. Employers should prepare to comply with these requirements by July 1, 2023.

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2023 Zywave, Inc. All rights reserved.



Important Dates

March 21, 2023

Virginia adopted a new law that restricts the use of Social Security numbers (and derivative numbers) as employee identification numbers.

July 1, 2023

In the absence of a specified effective date, new laws in Virginia become effective on July 1, after the regular legislative session is adjourned.

Employers cannot use Social Security numbers as employee identification numbers or include them on employee identification cards.