

**Assembly Bill NO. 6309**  
**(First Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 6309 (First Reprint) with my recommendations for reconsideration.

This bill would prohibit government entities and health care facilities from requesting or collecting information relating to a person's immigration status, place of birth, social security number, and individual taxpayer identification number unless it is necessary to assess eligibility for, or to administer, a requested public service, benefit, or program.

I commend the sponsors for their commitment to protecting the privacy rights of all people present in this State, who might otherwise be deterred from applying for government benefits and services, or seeking needed health care or other assistance out of fear that this information could be used against them and their families by the federal government. This bill appropriately recognizes that there are situations when this information will be needed, and places appropriate limitations to ensure that the collection of this information by government entities and health care facilities is commensurate with the legitimate purpose for which it is sought. Toward that end, I have been made aware that government entities such as professional or occupational boards may require some of this information for individuals to qualify to receive professional qualifications or licensures. It is unclear whether the bill's provision permitting government entities is sufficiently expansive to allow this use, as it authorizes government entities to request and collect this information when it is necessary to assess eligibility for, or to administer, a requested public service, benefit, or program. To foreclose possible ambiguity over whether the issuance of professional

qualifications or occupational licenses would be included within this formulation, I recommend amending the bill to make clear that collecting information required for this purpose is permissible.

I also recommend amending the bill to impose liability on government agencies and health care facilities that violate these privacy protections, rather than on individual employees. I believe that making these entities responsible for relief will ensure greater compliance, without targeting individual employees personally. Consistent with this change, I also recommend subjecting health care facilities that violate the privacy protections provided under this bill to enforcement by the Department of Health ("DOH"), rather than by requiring individuals aggrieved by such violations to file a complaint in the Superior Court. With respect to health care facilities, privacy compliance is already subject to extensive State and federal oversight, including through the DOH and established federal enforcement frameworks. Providing for enforcement through a centralized regulatory agency will promote uniform interpretation, proportional remedies, and more timely resolution of complaints. It will also ensure that individuals whose information may have been improperly obtained, disclosed, or used have a clear and accessible avenue to seek review and corrective action without the need to initiate formal court proceedings.

Therefore, I herewith return Assembly Bill No. 6309 (First Reprint) and recommend that it be amended as follows:

<u>Page 3, Section 4, Line 24:</u>	Delete "or"
<u>Page 3, Section 4, Line 24:</u>	After "program" insert ", or professional qualifications and licensure"
<u>Page 3, Section 5, Line 36:</u>	Before "program" delete "or"
<u>Page 3, Section 5, Line 36:</u>	After "program" insert ", or professional qualifications and licensure"

- Page 3, Section 5, Line 40: After "services," delete "or"
- Page 3, Section 5, Line 40: After "programs" insert ", or professional qualifications and licensure"
- Page 5, Section 5, Line 3: Delete "person who" and insert "government entity that"
- Page 7, Section 6, Line 3: After "f." insert "(1)"
- Page 7, Section 6, Line 3: Delete "person who" and insert "health care facility that"
- Page 7, Section 6, Lines 6-7: Delete "injunctive relief and civilly liable for damages to the" and insert "penalties and enforcement by the Department of Health consistent with the department's authority pursuant to Title 26 of the Revised Statutes and as a condition of licensure. Any"
- Page 7, Section 6, Line 8: After "guardian," delete "who"
- Page 7, Section 6, Lines 8-9: Delete "bring an action in the Superior Court" and insert "file a complaint with the Department of Health in a form, manner, and medium prescribed thereby alleging such violation.  
(2) The Department of Health may adopt any policies, guidelines, or, pursuant to the Administrative Procedure Act, P.L.1991, c.410 (C.52:14B-1), rules and regulations necessary to effectuate or enforce the provisions of this subsection"

[seal]

Respectfully,  
 /s/ Philip D. Murphy  
 Governor

Attest:  
 /s/ Kate E. McDonnell  
 Chief Counsel to the Governor