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Subject: [External] Proposed Amendments to Appendix II - Item 2

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There is a proposal to remove the requirement that a personal injury plaintiff disclose their social security number. The commentary states:

The Committee determined the uniform request for a plaintiff's Social Security number does not serve a legitimate court-related need and should be removed from the form interrogatories. If a party determines that it is relevant to the matter, the inquiry can be posed in supplemental interrogatories, subject to a plaintiff's right to move for a protective order, if appropriate.

There is, however, a legitimate need for social security number in personal injury cases. In particular, the social security number is needed to obtain medical records, report injuries to Medicare as required under the SCHIPP act and to run a claims match search regarding the plaintiff. If a defendant is required to use one of their supplemental interrogatories to obtain the social security number, it will reduce the number of supplemental interrogatories available to defendant in every case, since the social security number is required in every case.

I do understand that when the social security number ends up in interrogatory responses, practitioners sometimes forget to redact it before filing a set of interrogatory responses with on eCourts. What you might want to do is to have a separate rule for disclosure of social security number in cases where the plaintiff seeks to recover for personal injuries. That would generate the plaintiff disclosing the social security number in a separate letter or document which would have much less likelihood of being accidentally filed or disclosed. New York does not have a limitation on interrogatories, so does not have a social security requirement, but has in its basic discovery rule a requirement that parties disclose certain standard information such as witnesses and insurance information. These tend to generate separate documents.

Please feel free to call if you have any questions.

Thank you for your consideration of this issue.

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