

ORDINANCE NO. \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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AN ORDINANCE AMENDING CHAPTER 5.140 OF TITLE 5 OF THE SAN MATEO COUNTY ORDINANCE CODE REGULATING THE DISCLOSURE OF CONFIDENTIAL CONSUMER INFORMATION BY FINANCIAL INSTITUTIONS

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

**SECTION 1.** A title is hereby added to Chapter 5.140 of Title 5 of the San Mateo County Ordinance code as follows:

“Chapter 5.140. Disclosure of Confidential Consumer Information by Financial Institutions.”

**SECTION 2.** Subsection (a)(8) is hereby added to Section 5.140.020 (Definitions) of Chapter 5.140 of Title 5 of the San Mateo County Ordinance Code to read as follows:

“(8) a consumer’s Social Security number.”

**SECTION 3.** Subsection (f) of Section 5.140.020 (Definitions) of Chapter 5.140 of Title 5 of the San Mateo County Ordinance Code is hereby amended to read as follows:

“(f) “Consumer” means a natural person residing in unincorporated San Mateo County, or that person’s legal representative, who obtains or has obtained, from a financial institution as defined in subsection (c) above, a financial product or service. For purposes of this ordinance, an individual is not a consumer of a financial institution solely because he or she is (1) a participant or beneficiary of an employee benefit plan that a financial institution administers or sponsors, or for which the financial institution acts as a trustee, insurer, or fiduciary, (2) covered under a group or blanket insurance policy or group annuity contract issue by the financial institution, or

(3) a beneficiary in a workers' compensation plan provided that (A) the financial institution provides all required notices and rights required by this ordinance to the plan sponsor, group or blanket insurance policyholder, or group annuity contract holder and (B) the financial institution does not disclose to any affiliate or any nonaffiliated third-party confidential consumer information about the individual except as authorized in Section 5.140.050.”

**SECTION 4.** Subsection (l) is hereby added to Section 5.140.020 (Definitions) of Chapter 5.140 of Title 5 of the San Mateo County Ordinance Code to read as follows:

“(l) “Disclose” or “share” means the provision of confidential consumer information to an affiliate or to a nonaffiliated third party by a financial institution located within unincorporated San Mateo County.”

**SECTION 5.** Subsection (b) of Section 5.140.040 (Notice and Consent) of Chapter 5.140 of Title 5 of the San Mateo County Ordinance Code is hereby amended to read as follows:

“(b) A financial institution shall provide written or electronic notices and consent acknowledgements required by this ordinance to consumers as separate documents that are easily identifiable and distinguishable from other documents that otherwise may be provided to a consumer. A notice provided to a member of a household pursuant to Section 5.140.030 shall be considered notice to all members of that household unless that household contains another individual who also has a separate account with the financial institution. Such notices may be sent to the consumer with other notices required under the federal Gramm-Leach-Bliley Act.”

**SECTION 6.** Subsection (d) is hereby added to Section 5.140.040 (Notice and Consent) of Chapter 5.140 of Title 5 of the San Mateo County Ordinance Code to read as follows:

“(d) The notice required by this section should be issued to the consumer as frequently as is required by the federal Gramm-Leach-Bliley Act, 15 USC Section 6803 (a). Unless revoked

by the consumer, consent received from a consumer shall, as described in the notice, be deemed valid until such time as another notice is required to be sent to the consumer.”

**SECTION 7.** Section 5.140.100 (Effective Date) is hereby added to Chapter 5.140 of Title 5 of the San Mateo County Ordinance Code to read as follows:”

“5.140.100. Effective Date.

This chapter, and all the provisions thereof, shall become effective on September 1, 2003.”

**SECTION 8.** This ordinance shall be effective thirty (30) days after the passage thereof.

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