



Dear UCC customer:

Inclusion of personal identifying information ("PII") in a document to be filed in the public record can raise privacy concerns. Items which deserve particular attention are an individual's social security number ("SSN") and a business entity's federal employer identification number ("FEIN").

Prior to July 1, 2001, Article 9 of the Kansas Uniform Commercial Code ("UCC") required that a financing statement naming an individual debtor include that individual's SSN and a financing statement naming a business include the FEIN. Forms in use prior to July 1, 2001 provided a field for these two numbers.

Effective July 1, 2001, Kansas' UCC eliminated the requirement to include an SSN or FEIN. The Secretary of State revised its forms to eliminate listing the debtor's SSN or FEIN; however, sample forms in the law, outdated forms, and forms for other liens continued to include SSNs and FEINs. The SOS is required by law to accept and file UCC records with limited exceptions – none of the exceptions allow for rejection of a UCC record based on inclusion of the SSN or FEIN.

The purpose of the UCC is to provide public notice of a creditor's security interest in property of the debtor, and to allow interested persons access to the public records in order to determine priority of competing claims. By law, the SOS has the duty to file and index UCC records, and make copies of the records available to the public. Not only does the SOS provide this information through its office, but also through the SOS Web site. If a record copy includes an SSN or FEIN, a conflict arises between the SOS's statutory requirement to provide access to the record and a debtor's privacy concerns. To mitigate this conflict, the SOS recommends that a document submitted to the SOS for filing pursuant to the UCC or other lien laws not include a debtor's SSN or FEIN.

The SOS removes SSNs and FEINs that are contained in the SSN/FEIN field of old forms submitted to the office, which delays the filing process and also delays access to the record. By omitting unnecessary PII in the record before submission, a secured party helps protect the privacy of the debtor and expedites the secured transaction.

Current UCC forms are available at http://www.kssos.org/forms/forms_results.asp?division=UCC. Please do not use outdated forms.

Thank you,
The Business Services Division