

SECOND REGULAR SESSION

HOUSE BILL NO. 2120

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR (139).

3691H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to disclosure of personal information to public agencies, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be known as section 105.1500, to read as follows:

105.1500. 1. This section shall be known and may be cited as "The Personal Privacy Protection Act".

2. As used in this section, the following terms mean:

(1) "Personal information", any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;

(2) "Public agency", the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.

3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 of this section, a public agency shall not:

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (a) Require any individual to provide the public agency with personal
18 information or otherwise compel the release of personal information;

19 (b) Require any entity exempt from federal income taxation under Section 501(c)
20 of the Internal Revenue Code to provide the public agency with personal information or
21 otherwise compel the release of personal information;

22 (c) Release, publicize, or otherwise publicly disclose personal information in
23 possession of a public agency; or

24 (d) Request or require a current or prospective contractor or grantee with the
25 public agency to provide the public agency with a list of entities exempt from federal
26 income taxation under Section 501(c) of the Internal Revenue Code of 1986, as
27 amended, to which it has provided financial or nonfinancial support.

28 (2) All personal information in the possession of a public agency shall be
29 considered a closed record under chapter 610.

30 4. The provisions of this section shall not preclude any individual or entity from
31 being required to comply with any of the following:

32 (1) Submitting any report or disclosure required by this chapter or chapter 130;

33 (2) Responding to any lawful request or subpoena for personal information from
34 the Missouri ethics commission as a part of an investigation, or publicly disclosing
35 personal information as a result of an enforcement action from the Missouri ethics
36 commission pursuant to its authority in sections 105.955 to 105.966;

37 (3) Responding to any lawful warrant for personal information issued by a court
38 of competent jurisdiction;

39 (4) Responding to any lawful request for discovery of personal information in
40 litigation if:

41 (a) The requestor demonstrates a compelling need for the personal information
42 by clear and convincing evidence; and

43 (b) The requestor obtains a protective order barring disclosure of personal
44 information to any person not named in the litigation; or

45 (5) Admitting any personal information as relevant evidence before a court of
46 competent jurisdiction. However, no court shall publicly reveal personal information
47 absent a specific finding of good cause.

48 5. (1) A person or entity alleging a violation of this section may bring a civil
49 action for appropriate injunctive relief, damages, or both. Damages awarded under this
50 section may include one of the following, as appropriate:

51 (a) A sum of moneys not less than two thousand five hundred dollars to
52 compensate for injury or loss caused by each violation of this section; or

53 **(b) For an intentional violation of this section, a sum of moneys not to exceed**
54 **three times the sum described in paragraph (a) of this subdivision.**

55 **(2) A court, in rendering a judgment in an action brought under this section,**
56 **may award all or a portion of the costs of litigation, including reasonable attorney's fees**
57 **and witness fees, to the complainant in the action if the court determines that the award**
58 **is appropriate.**

59 **(3) A person who knowingly violates this section is guilty of a class B**
60 **misdemeanor.**

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