

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2120**  
**101ST GENERAL ASSEMBLY**

3691H.02C

DANA RADEMAN MILLER, Chief Clerk

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**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.

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*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  
2 known as section 105.1500, to read as follows:

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

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

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

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

**15 3. (1) Notwithstanding any provision of law to the contrary, but subject to the  
16 exceptions listed under subsection 4 of this section, a public agency shall not:**

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

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.

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;**

45           **(5) Any report or disclosure required by state law to be filed with the secretary**  
46 **of state, provided that personal information obtained by the secretary of state is**  
47 **otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3**  
48 **of this section, unless expressly required to be made public by state law; or**

49           **(6) Admitting any personal information as relevant evidence before a court of**  
50 **competent jurisdiction. However, no court shall publicly reveal personal information**  
51 **absent a specific finding of good cause.**

52           **5. (1) A person or entity alleging a violation of this section may bring a civil**  
53 **action for appropriate injunctive relief, damages, or both. Damages awarded under this**  
54 **section may include one of the following, as appropriate:**

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

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

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

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

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