

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/House Bill No. 2400, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "105.1500. 1. This section shall be known and may be
 4 cited as "The Personal Privacy Protection Act".

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

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

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

21 3. (1) Notwithstanding any provision of law to the
 22 contrary, but subject to the exceptions listed under
 23 subsection 4 of this section, a public agency shall not:

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

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

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

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

39 (2) All personal information in the possession of a
40 public agency shall be considered a closed record under
41 chapter 610 and court operating rules.

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

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

47 (2) Responding to any lawful request or subpoena for
48 personal information from the Missouri ethics commission as
49 a part of an investigation, or publicly disclosing personal
50 information as a result of an enforcement action from the
51 Missouri ethics commission pursuant to its authority in
52 sections 105.955 to 105.966;

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

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

57 (a) The requestor demonstrates a compelling need for
58 the personal information by clear and convincing evidence;
59 and

60 (b) The requestor obtains a protective order barring
61 disclosure of personal information to any person not named
62 in the litigation;

63 (5) Applicable court rules or admitting any personal
64 information as relevant evidence before a court of competent
65 jurisdiction. However, a submission of personal information
66 to a court shall be made in a manner that it is not publicly
67 revealed and no court shall publicly reveal personal
68 information absent a specific finding of good cause; or

69 (6) Any report or disclosure required by state law to
70 be filed with the secretary of state, provided that personal
71 information obtained by the secretary of state is otherwise
72 subject to the requirements of paragraph (c) of subdivision
73 (1) of subsection 3 of this section, unless expressly
74 required to be made public by state law.

75 5. (1) A person or entity alleging a violation of
76 this section may bring a civil action for appropriate
77 injunctive relief, damages, or both. Damages awarded under
78 this section may include one of the following, as
79 appropriate:

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

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

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

91 (3) A person who knowingly violates this section is
92 guilty of a class B misdemeanor."; and

93 Further amend the title and enacting clause accordingly.