

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 741
AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to the 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
2 one new section, to be known as section 105.1500, to read as
3 follows:

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

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

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

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

19 3. (1) Notwithstanding any provision of law to the
20 contrary, but subject to the exceptions listed under
21 subsection 4 of this section, a public agency shall not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

73 5. (1) A person or entity alleging a violation of
74 this section may bring a civil action for appropriate
75 injunctive relief, damages, or both. Damages awarded under
76 this section may include one of the following, as
77 appropriate:

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

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

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

89 (3) A person who knowingly violates this section is
90 guilty of a class B misdemeanor.