

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 741

101ST GENERAL ASSEMBLY

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3726S.03C

ADRIANE D. CROUSE, Secretary

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## 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.

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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  
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 in subsection  
21 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.

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) Admitting any personal information as relevant  
62 evidence before a court of competent jurisdiction. However,  
63 no court shall publicly reveal personal information absent a  
64 specific finding of good cause; or

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

71 5. (1) A person or entity alleging a violation of  
72 this section may bring a civil action for appropriate  
73 injunctive relief, damages, or both. Damages awarded under  
74 this section may include one of the following, as  
75 appropriate:

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

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

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

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

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