

SENATE BILL NO. 741

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

3726S.01I

ADRIANE D. CROUSE, Secretary

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 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; or

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.

65 5. (1) A person or entity alleging a violation of
66 this section may bring a civil action for appropriate
67 injunctive relief, damages, or both. Damages awarded under
68 this section may include one of the following, as
69 appropriate:

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

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

76 (2) A court, in rendering a judgment in an action
77 brought under this section, may award all or a portion of
78 the costs of litigation, including reasonable attorney fees
79 and witness fees, to the complainant in the action if the
80 court determines that the award is appropriate.

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

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