

SECOND REGULAR SESSION

HOUSE BILL NO. 2492

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BIVINS.

Read 1st time March 27, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5583L.01I

AN ACT

To amend chapter 37, RSMo, by adding thereto one new section relating to the disclosure of personal information by state agencies.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 37, RSMo, is amended by adding thereto one new section, to be known as section 37.030, to read as follows:

37.030. 1. No agency of the state of Missouri or any officer, employee, or contractor thereof shall disclose or otherwise make available to any other person or entity personal information including but not limited to the name, address, telephone number, electronic mail address, Social Security number, medical or disability information, or other identification or contact information of any individual interacting with such agency or officer, employee, or contractor thereof for any reason whatsoever except that personal information may be disclosed:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person acting on behalf of a federal, state, or local agency in carrying out its functions;

(2) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors;

(3) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency or before any self-regulatory

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.

16 body, including the service of process, investigation in anticipation of litigation, and the
17 execution or enforcement of judgments and orders, or under an order by a federal, state,
18 or local court;

19 (4) For use in research activities so long as the personal information is not
20 published, redisclosed, or used to contact individuals;

21 (5) For use in the investigation and prevention of criminal or civil fraud;

22 (6) For any purpose related to the preservation of public safety and welfare; and

23 (7) For any purpose whatsoever if the individual has provided written consent to
24 the state agency or to any person requesting the release of personal information allowing
25 for the release of such information for a specified purpose.

26 2. Any agency of the state of Missouri may promulgate rules to implement the
27 provisions of this section. Any rule or portion of a rule, as that term is defined in section
28 536.010, RSMo, that is created under the authority delegated in this section shall become
29 effective only if it complies with and is subject to all of the provisions of chapter 536,
30 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
31 nonseverable and if any of the powers vested with the general assembly under chapter 536,
32 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are
33 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
34 proposed or adopted after August 28, 2008, shall be invalid and void.

35 3. Any person may bring suit in a court of appropriate jurisdiction to enforce the
36 provisions of this section by injunctive remedy. Any individual whose personal
37 information has been released in violation of the provisions of this section may bring suit
38 in a court of proper jurisdiction for monetary damages. An agency of the state of Missouri
39 or any officer, employee, or contractor thereof who violates the provisions of this section
40 shall be liable for monetary damages not to exceed one thousand dollars for each
41 illegitimate transfer of personal information and for attorney fees and litigation expenses
42 provided that such agency is ultimately held liable, after a bench or jury trial, for a
43 violation of this section.

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