

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1030**  
**101ST GENERAL ASSEMBLY**

2171H.02P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

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

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

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

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

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

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

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

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.

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

21           **(c) Release, publicize, or otherwise publicly disclose personal information in**  
22 **possession of a public agency; or**

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

27           **(2) All personal information in the possession of a public agency shall be considered**  
28 **a closed record under chapter 610.**

29           **4. The provisions of this section shall not preclude any individual or entity from**  
30 **being required to comply with any of the following:**

31           **(1) Submitting any report or disclosure required by this chapter or chapter 130;**

32           **(2) Responding to any lawful request or subpoena for personal information from**  
33 **the Missouri Ethics Commission as a part of an investigation, or publicly disclosing**  
34 **personal information as a result of an enforcement action from the Missouri Ethics**  
35 **Commission pursuant to its authority in sections 105.955 to 105.966;**

36           **(3) Responding to any lawful warrant for personal information issued by a court**  
37 **of competent jurisdiction;**

38           **(4) Responding to any lawful request for discovery of personal information in**  
39 **litigation if:**

40           **(a) The requestor demonstrates a compelling need for the personal information by**  
41 **clear and convincing evidence; and**

42           **(b) The requestor obtains a protective order barring disclosure of personal**  
43 **information to any person not named in the litigation; or**

44           **(5) Admitting any personal information as relevant evidence before a court of**  
45 **competent jurisdiction. However, no court shall publicly reveal personal information**  
46 **absent a specific finding of good cause.**

47           **5. (1) A person or entity alleging a violation of this section may bring a civil action**  
48 **for appropriate injunctive relief, damages, or both. Damages awarded under this section**  
49 **may include one of the following, as appropriate:**

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

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

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

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

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