

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 834, Page 1, Section A, Line 5, by inserting after all of said section and line the
3 following:
4

5 "105.1500. 1. This section shall be known and may be cited as "The Personal Privacy
6 Protection Act".

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

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

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

17 3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions
18 listed under subsection 4 of this section, a public agency shall not:

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

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

24 (c) Release, publicize, or otherwise publicly disclose personal information in possession of a
25 public agency, unless consented to by an entity exempt from federal income taxation under Section
26 501(c) of the Internal Revenue Code; or

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

Action Taken _____ Date _____

(2) All personal information in the possession of a public agency may be considered a closed record under chapter 610 unless such information was specifically provided to a public agency by the person it identifies.

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

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

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

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

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

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

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

(5) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law; or

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

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

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

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

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

(3) A person who knowingly violates this section is guilty of a class B misdemeanor."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.