

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 761, Pages 1-3, Section
2 105.1500, Lines 1-66, by deleting said lines and inserting in lieu thereof the following:
3

4 "105.1500. 1. This section shall be known and may be cited as "The Personal Privacy Protection
5 Act".

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

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

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

15 3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed
16 under subsection 4 of this section, a public agency shall not:

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

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

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

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

28 (2) All personal information in the possession of a public agency shall be considered a closed record
29 under chapter 610 and court operating rules.

30 4. The provisions of this section shall not preclude any individual or entity from being required to

Action Taken _____ Date _____

1 comply with any of the following:

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

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

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

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

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

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

14 (5) Applicable court rules or admitting any personal information as relevant evidence before a court
 15 of competent jurisdiction. However, a submission of personal information to a court shall be made in a
 16 manner that it is not publicly revealed and no court shall publicly reveal personal information absent a
 17 specific finding of good cause;

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

22 (7) Any request from a public agency for a list of the directors and officers of an entity exempt from
 23 federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended.

24 5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate
 25 injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as
 26 appropriate:

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

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

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

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

35
 36 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.