

HOUSE AMENDMENT NO. ____
TO
HOUSE AMENDMENT NO. ____

Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 3, Line 14, by inserting after said line the following:

"Further amend said bill, Page 24, Section 105.145, Line 88, by inserting after all of said section and line the following:

"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 under 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;

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

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

Action Taken _____ Date _____

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

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

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

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

10 (2) Responding to any lawful request or subpoena for personal information from the
11 Missouri ethics commission or the Missouri state highway patrol as a part of an investigation, or
12 publicly disclosing personal information as a result of an enforcement action from the Missouri state
13 highway patrol or the Missouri ethics commission pursuant to its authority in sections 105.955 to
14 105.966;

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

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

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

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

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

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

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

33 5. (1) A person or entity alleging a violation of this section may bring a civil action for
34 appropriate injunctive relief, damages, or both. Damages awarded under this section may include
35 one of the following, as appropriate:

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

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

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

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

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.

9
10 THIS AMENDMENT AMENDS 4303H05.25H.