

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 28, Page 1, Section 43.253, Line 13, by inserting after said section and line
2 the following:

3
4 "105.1500. 1. This section shall be known and may be cited as "The Personal Privacy
5 Protection 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
8 compilation of data of any kind that directly or indirectly identifies a person as a member, supporter,
9 or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal
10 income ~~[tax]~~ taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended;

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

16 3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions
17 listed under ~~[subsection]~~ subsections 4 and 6 of this section, a public agency shall not:

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

20 (b) Require any entity exempt from federal income taxation under Section 501(c) of the
21 Internal Revenue Code of 1986, as amended, to provide the public agency with personal information
22 or otherwise compel the release of personal information;

23 (c) Release, publicize, or otherwise publicly disclose personal information in possession of a
24 public agency without the express, written permission of every individual who is identifiable as a
25 financial supporter of an entity exempt from federal income taxation under Section 501(c) of the
26 Internal Revenue Code of 1986, as amended; 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 _____

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

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

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

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

10 (3) The collection or publishing of information contained in a financial interest statement, as
11 provided by law;

12 [~~3~~] (4) Responding to any lawful warrant for personal information issued by a court of
13 competent jurisdiction;

14 [~~4~~] (5) Responding to any lawful request for discovery of personal information in litigation
15 if:

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

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

20 [~~5~~] (6) Applicable court rules or admitting any personal information as relevant evidence
21 before a court of competent jurisdiction. However, a submission of personal information to a court
22 shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal
23 information absent a specific finding of good cause; or

24 [~~6~~] (7) Any report or disclosure required by state law to be filed with the secretary of state,
25 provided that personal information obtained by the secretary of state is otherwise subject to the
26 requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly
27 required to be made public by state law.

28 5. (1) A person or entity alleging a violation of this section may bring a civil action for
29 appropriate injunctive relief, damages, or both. Damages awarded under this section may include
30 one of the following, as appropriate:

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

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

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

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

39 6. This section shall not apply to:

1 (1) Personal information that a person or entity exempt from federal income taxation under
2 Section 501(c) of the Internal Revenue Code of 1986, as amended, submits or has previously
3 submitted to a public agency for the purpose of seeking or obtaining, including acting on behalf of
4 another to seek or obtain, a contract, grant, permit, license, benefit, tax credit, incentive, status, or
5 any other similar item, including a renewal of the same, provided that a public agency shall not
6 require an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue
7 Code of 1986, as amended, to provide information that directly identifies donors of financial
8 support, but such information may be voluntarily provided to a public agency by the 501(c) entity.
9 If a financial donor is seeking a benefit, tax credit, incentive, or any other similar item from a public
10 agency based upon a donation, confirmation of specific donations by an entity exempt from federal
11 income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, shall be
12 considered personal information voluntarily provided to the public agency by the 501(c) entity;

13 (2) A disclosure of personal information among law enforcement agencies or public agency
14 investigators pursuant to an active investigation;

15 (3) A disclosure of personal information voluntarily made as part of public comment, public
16 testimony, pleading, or in a public meeting, or voluntarily provided to a public agency, for the
17 purpose of public outreach, marketing, or education to show appreciation for or in partnership with
18 an entity or the representatives of an entity exempt from federal income taxation under Section
19 501(c) of the Internal Revenue Code of 1986, as amended, provided that no public agency shall
20 disclose information that directly identifies an individual as a donor of financial support to a 501(c)
21 entity without the express, written permission of the individual to which the personal information
22 relates; or

23 (4) A disclosure of personal information to a labor union or employee association regarding
24 employees in a bargaining unit represented by the union or association.

25 Section B. Because immediate action is necessary to protect the ability of nonprofit entities
26 to interact with public agencies and restore transparency to governmental contracts, grant programs,
27 and other similar items, the repeal and reenactment of section 105.1500 of section A of this act is
28 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
29 and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal
30 and reenactment of section 105.1500 of section A of this act shall be in full force and effect upon its
31 passage and approval."; and

32
33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.