

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.

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

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

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

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

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

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

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

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

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

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

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

36 6. This section shall not apply to:

37 (1) Personal information that a person or entity exempt from federal income taxation under  
38 Section 501(c) of the Internal Revenue Code of 1986, as amended, submits or has previously  
39 submitted to a public agency for the purpose of seeking or obtaining, including acting on behalf of

another to seek or obtain, a contract, grant, permit, license, benefit, tax credit, incentive, status, or any other similar item, including a renewal of the same, provided that a public agency shall not require an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to provide information that directly identifies donors of financial support, but such information may be voluntarily provided to a public agency by the 501(c) entity. If a financial donor is seeking a benefit, tax credit, incentive, or any other similar item from a public agency based upon a donation, confirmation of specific donations by an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, shall be considered personal information voluntarily provided to the public agency by the 501(c) entity;

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

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

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

(5) The collection or publishing of information contained in a financial interest statement, as provided by law.

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

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