

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/HCS/House Bill No. 2587, Page 7, Section 89.500, Line 28,

2 by inserting after all of said line the following:

3 "105.1500. 1. This section shall be known and may be
4 cited as "The Personal Privacy Protection Act".

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

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

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

21 3. (1) Notwithstanding any provision of law to the
22 contrary, but subject to the exceptions listed under
23 subsection 4 of this section, a public agency shall not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83 5. (1) A person or entity alleging a violation of
84 this section may bring a civil action for appropriate
85 injunctive relief, damages, or both. Damages awarded under
86 this section may include one of the following, as
87 appropriate:

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

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

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

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

101 Further amend the title and enacting clause accordingly.