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February 18, 2020

By: Daniels and Bergstrom

An Act relating to disclosure of personal information; creating the Personal Privacy Protection Act; providing short title; defining terms; prohibiting certain agencies from disclosure or requiring disclosure of certain information; providing certain exemption; establishing exceptions to prohibited disclosure; authorizing civil action for certain violation; specifying permissible damages; authorizing award of costs and attorney fees; creating misdemeanor offense; providing punishment; and providing for codification.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50 of Title 51, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Personal Privacy Protection Act".

B. As used in this act:

1. "Personal affiliation information" means 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

1 support to, any entity organized under Section 501(c) of the
2 Internal Revenue Code; and

3 2. "Public agency" means any state or local governmental unit,
4 however designated, including, but not limited to, this state, any
5 department, agency, office, commission, board, division, or other
6 entity of this state, including those created or established
7 pursuant to constitutional provisions, any political subdivision of
8 this state, including, but not limited to, a county, city, township,
9 village, school district, community college district, or any other
10 local governmental unit, agency, authority, council, board, or
11 commission, or any state or local court, tribunal, or other judicial
12 or quasi-judicial body.

13 C. Notwithstanding any other provision of law, a public agency
14 shall not:

15 1. Require any individual to provide the public agency with
16 personal affiliation information or otherwise compel the release of
17 personal affiliation information;

18 2. Require any entity organized under Section 501(c) of the
19 Internal Revenue Code to provide the public agency with personal
20 affiliation information or otherwise compel the release of personal
21 affiliation information;

22 3. If in the possession of personal affiliation information,
23 release, publicize, or otherwise publicly disclose that personal
24 affiliation information; or

1 4. Request or require a current or prospective contractor or
2 grantee with the public agency to provide the public agency with a
3 list of entities organized under Section 501(c) of the Internal
4 Revenue Code to which it has provided financial or nonfinancial
5 support.

6 D. Personal affiliation information is exempt from disclosure
7 under the Oklahoma Open Records Act, Section 24A.1 et seq. of Title
8 51 of the Oklahoma Statutes.

9 E. This act does not preclude:

10 1. Any report or disclosure required at the effective date of
11 this act by the Oklahoma Ethics Commission;

12 2. Any lawful warrant for personal affiliation information
13 issued by a court of competent jurisdiction;

14 3. A lawful request for discovery of personal affiliation
15 information in litigation if:

16 a. the requestor demonstrates a compelling need for the
17 personal affiliation information by clear and
18 convincing evidence, and

19 b. the requestor obtains a protective order barring
20 disclosure of personal affiliation information to any
21 person not directly involved in the litigation; or

22 4. Admission of personal affiliation information as relevant
23 evidence before a court of competent jurisdiction. However, no
24

1 court shall publicly reveal personal affiliation information absent
2 a specific finding of good cause.

3 F. A person alleging a violation of this act may bring a civil
4 action for appropriate injunctive relief, damages, or both. Damages
5 awarded under this section may include one of the following, as
6 appropriate:

7 1. A sum of money not less than Two Thousand Five Hundred
8 Dollars (\$2,500.00) to compensate for injury or loss caused by each
9 violation of this act; or

10 2. For an intentional violation of this act, a sum of money not
11 to exceed three times the sum described in paragraph 1 of this
12 subsection.

13 G. A court, in rendering a judgment in an action brought under
14 this act, may award all or a portion of the costs of litigation,
15 including reasonable attorney fees and witness fees, to the
16 complainant in the action if the court determines that the award is
17 appropriate.

18 H. A person who knowingly violates this act is guilty of a
19 misdemeanor punishable by a fine not to exceed One Thousand Dollars
20 (\$1,000.00), imprisonment for not more than ninety (90) days, or
21 both such fine and imprisonment.

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
23 February 18, 2020 - DO PASS
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