

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1491

By: Daniels

AS INTRODUCED

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,

1 supporter or volunteer of, or donor of financial or nonfinancial
2 support to, any entity organized under Section 501(c) of the
3 Internal Revenue Code; and

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

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

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

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

1 3. If in the possession of personal affiliation information,
2 release, publicize, or otherwise publicly disclose that personal
3 affiliation information; or

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

9 D. Personal affiliation information is exempt from disclosure
10 under the Oklahoma Open Records Act, Section 24A.1 et seq. of Title
11 51 of the Oklahoma Statutes.

12 E. This act does not preclude:

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

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

17 3. A lawful request for discovery of personal affiliation
18 information in litigation if:

19 a. the requestor demonstrates a compelling need for the
20 personal affiliation information by clear and
21 convincing evidence, and

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

1 4. Admission of personal affiliation information as relevant
2 evidence before a court of competent jurisdiction. However, no
3 court shall publicly reveal personal affiliation information absent
4 a specific finding of good cause.

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

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

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

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

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