

SB59 ENGROSSED



1 O7YEMW-2
2 By Senator Smitherman
3 RFD: Judiciary
4 First Read: 07-Mar-23
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A BILL
TO BE ENTITLED
AN ACT

Relating to disclosure of certain personal information; to prohibit public agencies from collecting, disclosing, or releasing certain personal information about members of, volunteers for, and financial and nonfinancial donors to nonprofit organizations, except as required by law; and to provide civil and criminal penalties for violation of these prohibitions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as The Personal Privacy Protection Act.

Section 2. For purposes of this act, the following terms have the following meanings:

(1) NONPROFIT ORGANIZATION. An entity that is exempt from federal income tax under Section 501(c) of the federal Internal Revenue Code, or has submitted an application with the Internal Revenue Service for recognition of an exemption



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29 under Section 501(c) of the Internal Revenue Code.

30 (2) PERSONAL INFORMATION. Any list, record, register,
31 registry, roll, roster, or other compilation of data of any
32 kind that directly or indirectly identifies a person as a
33 member, supporter, volunteer, or donor of financial or
34 nonfinancial support to any nonprofit organization.

35 (3) PUBLIC AGENCY. Any department, agency, office,
36 commission, board, division, or other entity of this state, or
37 of any political subdivision of this state, including, but not
38 limited to, a county, municipality, or school district; or any
39 state or local court, tribunal, or other judicial or
40 quasi-judicial body, but excluding any public institution of
41 higher education, as defined in Section 16-5-1, Code of
42 Alabama 1975, or any authority, as defined in the University
43 Authority Act of 2016, Chapter 17A of Title 16, Code of
44 Alabama 1975.

45 Section 3. Notwithstanding any provision of law to the
46 contrary, and subject to Section 4, a public agency shall not
47 do any of the following:

48 (1) Require any person or nonprofit organization to
49 provide the public agency with personal information or
50 otherwise compel the release of personal information.

51 (2) Release, publicize, or otherwise publicly disclose
52 personal information in its possession.

53 (3) Request or require a current or prospective
54 contractor or grantee of the public agency to provide a list
55 of nonprofit organizations to which the current or prospective
56 contractor or grantee has provided financial or nonfinancial



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57 support.

58 Section 4. (a) This act does not preclude any of the
59 following:

60 (1) Any report or disclosure required by The Fair
61 Campaign Practices Act, Chapter 5 of Title 17, Code of Alabama
62 1975, or any successor provisions thereto.

63 (2) Any lawful warrant for personal information issued
64 by a court of competent jurisdiction.

65 (3) Any lawful request for discovery of personal
66 information in litigation if all of the following conditions
67 are met:

68 a. The relevant and probative value of the personal
69 information requested outweighs the prejudicial effect.

70 b. The requestor obtains a protective order barring
71 disclosure of the personal information to any person not named
72 in the litigation.

73 (4) Admission of personal information as relevant
74 evidence before a court of competent jurisdiction; however, no
75 court shall publicly reveal personal information absent a
76 specific finding of good cause.

77 (5) A release of personal information by any public
78 agency if the information has been voluntarily released to the
79 public either by the person to which it pertains or by a
80 nonprofit organization to which the person is a donor.

81 (6) The keeping of filings, certificates, and other
82 public records that disclose the identity of any director,
83 officer, registered agent, or incorporator of a nonprofit
84 organization in any report or disclosure required by law to be



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85 filed with the Secretary of State, except that information
86 that directly identifies a person as a donor of financial
87 support to a nonprofit organization, shall not be collected or
88 disclosed.

89 (7) Disclosure of personal information derived from a
90 donation to a nonprofit organization affiliated with a public
91 agency as required by law, if the person has not previously
92 requested anonymity from the nonprofit organization.

93 (8) The compiling, keeping, and disclosure of volunteer
94 fire department rosters and membership lists by the Alabama
95 Forestry Commission as required by Section 9-3-17 or Section
96 32-6-272.

97 (9) Any report or disclosure required by Chapter 5A of
98 Title 41, Code of Alabama 1975, or any successor provisions
99 thereto.

100 (b) Nothing in this act shall apply to a national
101 securities association that is registered pursuant to Section
102 15A of the Securities Exchange Act of 1934 15 U.S.C. § 780-3,
103 as amended, or regulations adopted thereunder, or any
104 information the national securities association provides to
105 the Alabama Securities Commission as provided in Article 1 of
106 Chapter 6 of Title 8, Code of Alabama 1975, and the rules
107 adopted thereunder.

108 Section 5. (a) A person alleging a violation of this
109 act may bring a civil action for appropriate injunctive
110 relief, actual damages, or both. Damages awarded under this
111 section may include one of the following, as appropriate:

112 (1) A sum of not less than two thousand five hundred



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113 dollars (\$2,500) to compensate for injury or loss caused by
114 each violation of this act.

115 (2) For an intentional violation of this act, a sum not
116 to exceed three times the sum described in subdivision (1).

117 (b) A court, in rendering a judgment in an action
118 brought under this act, may award all or a portion of the
119 costs of litigation, including reasonable attorney fees and
120 witness fees, to the complainant in the action if the court
121 determines that the award is appropriate.

122 (c) A person who knowingly violates this act shall be
123 guilty of a Class C misdemeanor.

124 Section 6. Personal information shall be confidential
125 and shall not be considered a public record for purposes of
126 Article 3 of Chapter 12 of Title 36, Code of Alabama 1975.

127 Section 7. Although this bill would have as its purpose
128 or effect the requirement of a new or increased expenditure of
129 local funds, the bill is excluded from further requirements
130 and application under Section 111.05 of the Constitution of
131 Alabama of 2022, because the bill defines a new crime or
132 amends the definition of an existing crime.

133 Section 8. This act shall become effective on the first
134 day of the third month following its passage and approval by
135 the Governor, or its otherwise becoming law.



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138 Senate

139 Read for the first time and referred07-Mar-23
140 to the Senate committee on Judiciary
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142 Read for the second time and placed05-Apr-23
143 on the calendar:
144 3 amendments
145
146 Read for the third time and passed13-Apr-23
147 as amended
148 Yeas 31
149 Nays 0
150 Abstains 0
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153 Patrick Harris,
154 Secretary.
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