

1 SB268
2 148061-6
3 By Senators Scofield, Williams, Glover, Allen, Bedford,
4 Fielding, Whatley and Holley
5 RFD: Governmental Affairs
6 First Read: 28-FEB-13

1 SB268

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4 ENROLLED, An Act,

5 Relating to protection against disclosure of
6 personal identifying information about a state employee; to
7 amend Section 41-13-7, Code of Alabama 1975, by expanding the
8 protection against disclosure to include employees of the
9 criminal justice sector employed at any level of government,
10 in addition to protection for state employees subject to the
11 state Merit System; and to amend Section 36-25-4.3, Code of
12 Alabama 1975, by prohibiting the State Ethics Commission from
13 disclosing to the public personal identifying information that
14 is part of any statement of economic interests submitted to
15 the commission.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 36-25-4.3 and 41-13-7, Code of
18 Alabama 1975, are amended to read as follows:

19 "§36-25-4.3.

20 "(a) The commission, by April 1, 2012, shall
21 implement and maintain each of the following:

22 "(1) A system for electronic filing of all
23 statements, reports, registrations, and notices required by
24 this chapter.

1 "(2) An electronic database accessible to the public
2 through an Internet website which provides at least the
3 following capabilities:

4 "a. Search and retrieval of all statements, reports,
5 and other filings required by this chapter, excluding
6 complaints made confidential by Section 36-25-4(b), by the
7 name of the public official or public employee to which they
8 pertain.

9 "b. Generation of an aggregate list of all things of
10 value provided to each public official or public employee and
11 family member of a public official or public employee as
12 reported pursuant to Section 36-25-19, searchable and
13 retrievable by the name of the public official or public
14 employee.

15 "(b) Notwithstanding subsection (a), the commission
16 shall exclude from any electronic database accessible to the
17 public, identifying information, as defined in Section
18 41-13-7, that is included in any statement of economic
19 interest filed by any public official or public employee."

20 "§41-13-7.

21 "(a) As used in this section, the following terms
22 shall have the following meanings:

23 "(1) EMPLOYEE. Any person who is regularly employed
24 by the state and who is subject to the provisions of the state
25 Merit System or any person who is regularly employed by a

1 criminal justice agency or entity or by a law enforcement
2 agency within the state or any honorably retired employee
3 thereof, to include, but not be limited to, the following: A
4 judge of any position, including a judge of a municipal court;
5 a district attorney; a deputy district attorney; an assistant
6 district attorney; an investigator employed by a district
7 attorney; an attorney, investigator, or special agent of the
8 Office of the Attorney General; a sheriff; a deputy sheriff; a
9 jailor; or a law enforcement officer of a county,
10 municipality, the state, or special district, provided the law
11 enforcement officer is certified by the Alabama Peace
12 Officers' Standards and Training Commission and is not pending
13 decertification.

14 "(2) IDENTIFYING INFORMATION. Any information, not
15 including a person's name, which used either alone or in
16 conjunction with other information specifically identifies a
17 person or a person's property, and includes, but is not
18 limited to, any of the following information related to a
19 person:

20 "a. Date of birth.

21 "b. Social Security number.

22 "c. Driver's license number.

23 "d. Financial services account numbers, including
24 checking and savings accounts.

25 "e. Credit or debit card numbers.

- 1 "f. Personal identification numbers (PIN).
- 2 "g. Electronic identification codes.
- 3 "h. Automated or electronic signatures.
- 4 "i. Biometric data.
- 5 "j. Fingerprints.
- 6 "k. Passwords.
- 7 "l. Parents' legal surname prior to marriage.
- 8 "m. Name or names of any dependent child or
- 9 children.

10 "m-n. Home address or phone number.

11 "n-o. Any other numbers or information that can be
12 used to access a person's financial resources, obtain
13 identification, act as identification, or obtain goods or
14 services.

15 "(b) Notwithstanding any other law to the contrary,
16 a state department, licensing or regulatory board, agency, or
17 commission is prohibited from placing or otherwise revealing
18 the identifying information of an employee including, but not
19 limited to, full- or part-time employees thereof, on any
20 document that is available for public inspection including,
21 but not limited to, state personnel evaluation forms and any
22 other forms related thereto unless otherwise required by law,
23 without the express consent of the person with the identifying
24 information, or the consent of that person's parent,
25 custodian, legal guardian, or legal representative. The

1 foregoing prohibition shall not apply to a bona fide news
2 organization or when a federal or state agency makes a request
3 for or releases identifying information for a legitimate
4 government purpose, or pursuant to a federal or state statute,
5 regulation, or federally funded program or pursuant to an
6 administrative or judicial subpoena or order. Nothing in this
7 section is intended to create or establish a new cause of
8 action for damages in any court. Nothing in this section shall
9 be construed as a waiver of sovereign or qualified immunity.
10 This section shall not be applicable to a document originating
11 with any court or taxing authority, any document that when
12 filed by law constitutes a consensual or nonconsensual lien or
13 security lien or security interest, or any record of judgment,
14 conviction, eviction, or bankruptcy. If express consent to
15 reveal identifying information has not been obtained, a state
16 department or agency shall redact, remove, cover, or otherwise
17 excise the identifying information of any person from any
18 document that is available for public inspection so that the
19 remaining portion of the document may be revealed."

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB268

Senate 18-APR-13

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 30-APR-13

By: Senator Scofield