

**SB59 ENROLLED**



1      07YEMW-3  
2      By Senator Smitherman  
3      RFD: Judiciary  
4      First Read: 07-Mar-23  
5  
6      2023 Regular Session



Enrolled, An Act,

3

Relating to disclosure of certain personal information; prohibit public agencies from collecting, disclosing, or using certain personal information about members of, volunteers for, and financial and nonfinancial donors to profit organizations, except as required by law; and to impose civil and criminal penalties for violation of these provisions; and in connection therewith would have as its sole or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 201 of the Constitution of Alabama of 2022.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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



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

39                   Section 3. Notwithstanding any provision of law to the  
40 contrary, and subject to Section 4, a public agency shall not  
41 do any of the following:

42 (1) Require any person or nonprofit organization to  
43 provide the public agency with personal information or  
44 otherwise compel the release of personal information.

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

54 (1) Any report or disclosure required by The Fair  
55 Campaign Practices Act, Chapter 5 of Title 17, Code of Alabama  
56 1975, or any successor provisions thereto.



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

59 (3) Any lawful request for discovery of personal  
60 information in litigation if all of the following conditions  
61 are met:

62 a. The relevant and probative value of the personal  
63 information requested outweighs the prejudicial effect.

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

67 (4) Admission of personal information as relevant  
68 evidence before a court of competent jurisdiction; however, no  
69 court shall publicly reveal personal information absent a  
70 specific finding of good cause.

71 (5) A release of personal information by any public  
72 agency if the information has been voluntarily released to the  
73 public either by the person to which it pertains or by a  
74 nonprofit organization to which the person is a donor.

83 (7) Disclosure of personal information derived from a  
84 donation to a nonprofit organization affiliated with a public



85 agency as required by law, if the person has not previously  
86 requested anonymity from the nonprofit organization.

87 (8) The compiling, keeping, and disclosure of volunteer  
88 fire department rosters and membership lists by the Alabama  
89 Forestry Commission as required by Section 9-3-17 or Section  
90 32-6-272.

91 (9) Any report or disclosure required by Chapter 5A of  
92 Title 41, Code of Alabama 1975, or any successor provisions  
93 thereto, except that information that directly identifies a  
94 person as a donor of financial support to a nonprofit  
95 organization shall not be collected or disclosed unless  
96 expressly required by law or when required for a legitimate  
97 audit or investigative purpose, provided that such information  
98 shall only be used in connection with the specific audit or  
99 investigation to which the request relates and for any related  
100 proceedings.

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

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



113                   (1) A sum of not less than two thousand five hundred  
114                   dollars (\$2,500) to compensate for injury or loss caused by  
115                   each violation of this act.

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

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

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

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

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

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

