

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3613

By: O'Donnell and **Steagall**

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8 COMMITTEE SUBSTITUTE

9 An Act relating to officers; creating the Personal
10 Privacy Protection Act; defining terms; prohibiting
11 public agencies from disclosing certain personal
12 affiliation information; exempting certain personal
13 affiliation information from the Oklahoma Open
14 Records Act; providing exceptions; providing civil
15 remedies for violations; creating criminal penalties
16 for violations; providing for codification; and
17 providing an effective date.

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

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

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

24 B. As used in the Personal Privacy Protection Act:

 1. "Personal affiliation information" means any list, record,
register, registry, roll, roster or other compilation of data of any

1 kind that directly or indirectly identifies a person as a member,
2 supporter, or volunteer of, or donor of financial or nonfinancial
3 support to, any entity organized pursuant to Section 501(c) of the
4 United States Internal Revenue Code; and

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

15 C. A public agency shall not do any of the following:

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 pursuant to Section 501(c) of
20 the United States Internal Revenue Code to provide the state agency
21 or political subdivision with personal affiliation information or
22 otherwise compel the release of personal affiliation information;

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1 3. Release, publicize or otherwise publicly disclose any
2 personal affiliation information in the possession of the public
3 agency; 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 pursuant to Section 501(c) of the United
7 States Internal Revenue Code to which it has provided financial or
8 nonfinancial support.

9 D. Personal affiliation information is exempt from the
10 disclosure requirements of the Oklahoma Open Records Act.

11 E. The Personal Privacy Protection Act shall not preclude any
12 of the following:

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

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

17 3. Any lawful request for discovery of personal affiliation
18 information in litigation if both of the following conditions are
19 met:

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

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

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

8 F. Any person alleging a violation of the Personal Privacy
9 Protection Act may bring a civil action for appropriate injunctive
10 relief, damages, or both injunctive relief and damages. Damages
11 awarded pursuant to this section may include one of the following,
12 as appropriate:

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

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

19 G. A court, in rendering judgment in an action brought pursuant
20 to this section, may award all or a portion of the costs of
21 litigation, including reasonable attorney fees and witness fees, to
22 the complainant in the action if the court determines that the award
23 is appropriate.

1 H. A person who knowingly violates this act shall be guilty of
2 a misdemeanor punishable by imprisonment in the county jail for not
3 more than ninety (90) days or a fine of not more than One Thousand
4 Dollars (\$1,000.00) or by both such fine and imprisonment.

5 SECTION 2. This act shall become effective November 1, 2020.

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7 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT EFFICIENCY, dated
8 02/19/2020 - DO PASS, As Amended and Coauthored.

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