

An Act

ENROLLED HOUSE
BILL NO. 3613

By: O'Donnell, Steagall, Lepak
and Moore of the House

and

David and Bergstrom of the
Senate

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

SUBJECT: Personal privacy

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 the Personal Privacy Protection 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, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity organized pursuant to Section 501(c) of the United States Internal Revenue Code; and

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

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

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

2. Require any entity organized pursuant to Section 501(c) of the United States Internal Revenue Code to provide the state agency or political subdivision with personal affiliation information or otherwise compel the release of personal affiliation information;

3. Release, publicize or otherwise publicly disclose any personal affiliation information in the possession of the public agency; or

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

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

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

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

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

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

- a. the requester demonstrates a compelling need for the personal affiliation information requested by clear and convincing evidence, and
- b. the requester obtains a protective order barring disclosure of personal affiliation information to any person not directly involved in the litigation; or

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

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

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

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

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

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

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

Passed the House of Representatives the 5th day of March, 2020.

Presiding Officer of the House
of Representatives

Passed the Senate the 12th day of May, 2020.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____