
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 821 Session of
2023

INTRODUCED BY GEBHARD, PENNYCUICK, ROTHMAN, BARTOLOTTA AND DUSH,
JUNE 29, 2023

REFERRED TO STATE GOVERNMENT, JUNE 29, 2023

AN ACT

1 Providing for protection of personal information from public
2 agencies; and imposing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Personal
7 Privacy Protection Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Nonprofit organization." An entity that is exempt from
13 Federal income tax under 26 U.S.C. § 501(c) (relating to
14 exemption from tax on corporations, certain trusts, etc.), has
15 submitted an application with the Internal Revenue Service for
16 recognition of an exemption under 26 U.S.C. § 501(c) or is a
17 nonprofit corporation as defined in 15 Pa.C.S. § 102 (relating
18 to definitions).

1 "Person." Any corporation, partnership, limited liability
2 company, business trust, other association, government entity
3 other than the Commonwealth, estate, trust, foundation or
4 natural person.

5 "Personal information." A list, record, register, registry,
6 roll, roster or any other compilation of data of any kind that
7 directly or indirectly identifies a person as a member,
8 supporter, volunteer or donor of financial or nonfinancial
9 support to a nonprofit organization.

10 "Public agency." A State or local governmental unit,
11 including an employee of a State or local government unit. The
12 term includes any of the following:

13 (1) Any department, agency, office, commission, board,
14 division or other entity of the Commonwealth.

15 (2) Any court of the Commonwealth, entity or office of
16 the unified judicial system or judicial or quasi-judicial
17 body.

18 (3) An institution of higher education as defined in
19 section 118(c) of the act of March 10, 1949 (P.L.30, No.14),
20 known as the Public School Code of 1949.

21 (4) Any political subdivision, school district,
22 intermediate unit or area career and technical school.

23 (5) Any local, intergovernmental, regional, county or
24 municipal agency, authority, council, board, commission or
25 similar governmental entity.

26 Section 3. Protection of personal information from public
27 agencies.

28 (a) Prohibition.--Notwithstanding any other provision of law
29 and subject to section 4, a public agency may not do any of the
30 following:

1 (1) Require a person or nonprofit organization to
2 provide the public agency with personal information or
3 otherwise compel the release of personal information.

4 (2) Release, publicize or otherwise publicly disclose
5 personal information in the possession of the public agency
6 without the express, written permission of the nonprofit
7 organization and each member, supporter, volunteer and
8 financial or nonfinancial donor identified in the personal
9 information.

10 (3) Request or require a current or prospective
11 contractor or grantee with the public agency to provide a
12 list of nonprofit organizations to which the current or
13 prospective contractor or grantee has provided financial or
14 nonfinancial support.

15 (b) Right-to-Know Law.--Personal information shall be exempt
16 from access under section 708 of the act of February 14, 2008
17 (P.L.6, No.3), known as the Right-to-Know Law.

18 Section 4. Nonapplicability.

19 Section 3 shall not apply to any of the following:

20 (1) A lawful warrant for personal information issued by
21 a court of competent jurisdiction.

22 (2) A lawful request for discovery of personal
23 information in litigation if all of the following conditions
24 are met:

25 (i) The requester demonstrates a compelling need for
26 the personal information by clear and convincing
27 evidence.

28 (ii) The requester obtains a protective order
29 barring disclosure of personal information to a person
30 not named in the litigation.

1 (3) Admission of personal information as relevant
2 evidence before a court of competent jurisdiction. A court
3 may not publicly disclose personal information absent a
4 specific finding of good cause.

5 (4) The release of personal information by a public
6 agency that was voluntarily released by a person or nonprofit
7 organization to the public.

8 (5) The collection of information disclosing the
9 identity of any director, officer, registered agent or
10 incorporator of a nonprofit organization in a report or
11 disclosure required by Federal or State law to be filed with
12 the Secretary of the Commonwealth, except information that
13 directly identifies a person as a donor of financial support
14 to a nonprofit organization shall be subject to section 3.

15 (6) The disclosure of personal information derived from
16 a donation to a nonprofit organization that is affiliated
17 with a public agency and required by Federal or State law if
18 the donor has not previously requested anonymity from the
19 nonprofit organization.

20 (7) A national securities association that is registered
21 under 15 U.S.C. § 78o-3 (relating to registered securities
22 associations) or any information the national
23 securities association provides to the Department of Banking
24 and Securities under the act of December 5, 1972 (P.L.1280,
25 No.284), known as the Pennsylvania Securities Act of 1972.

26 (8) A report or disclosure required under Article XVI of
27 the act of June 3, 1937 (P.L.1333, No.320), known as the
28 Pennsylvania Election Code, or 65 Pa.C.S. Ch. 13A (relating
29 to lobbying disclosure).

30 Section 5. Penalties.

1 (a) Civil action.--A person alleging a violation of section
2 3 may bring a civil action for appropriate injunctive relief or
3 damages in a court of competent jurisdiction. Damages awarded
4 under this subsection may include any of the following, as
5 appropriate:

6 (1) An amount of not less than \$2,500 to compensate for
7 injury or loss caused by each violation of section 3.

8 (2) For an intentional violation of section 3, an amount
9 not to exceed three times the amount specified under
10 paragraph (1).

11 (b) Court costs.--A court, in rendering a judgment in a
12 civil action brought under subsection (a), may award all or a
13 portion of the costs of litigation, including reasonable
14 attorney fees and witness fees, to the plaintiff in the action
15 if the court determines that the award is appropriate.

16 (c) Criminal liability.--A person who knowingly violates
17 section 3 is guilty of a summary offense, which shall be
18 punishable by imprisonment for not more than 90 days or a fine
19 of not more than \$300.

20 Section 6. Severability.

21 The provisions of this act are severable. If any provision of
22 this act or its application to any person or circumstance is
23 held invalid, the invalidity shall not affect other provisions
24 or applications of this act which can be given effect without
25 the invalid provision or application.

26 Section 7. Effective date.

27 This act shall take effect in 60 days.