

Amendment No. 2 to HB0159

Ragan
Signature of Sponsor

AMEND Senate Bill No. 1608

House Bill No. 159*

by deleting the language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following as a new section:

- (a) This section shall be known and may be cited as the "Personal Privacy Protection Act."
- (b) As used in this section:
 - (1) "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws;
 - (2) "Nonfinancial support" means gifts of securities, real property, services, or other in-kind donations;
 - (3) "Personal information" means the name and 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 exempt from federal income tax under § 501(c) of the Internal Revenue Code; and
 - (4) "Public agency" means any state or local governmental unit, department, or agency, however designated, which requires an entity exempt from federal income tax under § 501(c) of the Internal Revenue Code to provide the public agency with the names and other personal information of its members, supporters, volunteers, or donors.

(c) Notwithstanding any law to the contrary, and subject to subsections (e), (g), and (h), a public agency shall not:

(1) Release, publicize, or otherwise publicly disclose personal information in possession of that public agency; and

(2) Require an entity exempt from federal income tax under § 501 (c) of the Internal Revenue Code to provide the names or other personal information of persons who have provided financial or nonfinancial support to the exempt entity.

(d) A public agency may share personal information with a federal agency as required by federal law. However, personal information shared pursuant to this subsection (d) is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7.

(e) This section does not preclude:

(1) A report or disclosure required by title 2, chapter 10;

(2) A report or disclosure required by title 3, chapter 6;

(3) The disclosure of personal information amongst law enforcement agencies pursuant to an active investigation;

(4) A lawful warrant for personal information issued by a court of competent jurisdiction;

(5) A lawful request for discovery of personal information in litigation if the following conditions are met:

(A) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(B) The requestor obtains a protective order barring disclosure of the personal information to any person not named in the litigation;

(6) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, the court shall issue a protective order

barring disclosure of the personal information to any person not named in the litigation;

(7) A state agency from requesting or disclosing personal information as required by federal or state law;

(8) A lawful request for discovery of personal information in litigation to demonstrate that a party has standing to bring or appeal any action; or

(9) The enforcement of title 48, chapter 101, part 5, by the appropriate state officials.

(f) A person who knowingly violates this section commits a Class B misdemeanor.

(g) The comptroller of the treasury or the comptroller's designated representative shall have access to personal information for purposes of audit or investigation, but that personal information is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7.

(h) A state agency or the agency's designated representative shall have access to personal information for purposes of conducting an audit, monitoring, verifying eligibility for benefits, conducting a background check, or conducting an investigation, but that personal information is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7.

(i) An institution of higher education is not subject to this section.

(j) This section does not apply to a national securities association that is registered pursuant to Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. § 78o-3), as amended, or regulations adopted under the Act, or any information such national securities association provides to the commissioner of commerce and insurance pursuant to title 48, chapter 1, and rules promulgated pursuant to that chapter.

SECTION 2. This act takes effect October 1, 2021, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.