STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3613

By: O'Donnell

AS INTRODUCED

An Act relating to officers; creating the Personal Privacy Protection Act; defining terms; prohibiting state agencies or political subdivisions 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; preempting and superceding conflicting county and municipal laws and ordinances; providing for codification; and providing an effective date.

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 260 of Title 51, unless there is created a duplication in numbering, reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 261 of Title 51, unless there is created a duplication in numbering, reads as follows:

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. "State agency or political subdivision" 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.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 262 of Title 51, unless there is created a duplication in numbering, reads as follows:

A. A state agency or political subdivision shall not do any of the following:
1. Require any individual to provide the state agency or political subdivisions 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 state agency or political subdivision; or

4. Request or require a current or prospective contractor or grantee with the state agency or political subdivision to provide the state agency or political subdivision 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.

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

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

1. Any report or disclosure required by the Oklahoma Ethics Commission on or after November 1, 2020;

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 263 of Title 51, unless there is created a duplication in numbering, reads as follows:

A. 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.

B. 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.

C. 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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 264 of Title 51, unless there is created a duplication in numbering, reads as follows:

The Personal Privacy Protection Act:

1. Preempts the authority of a county or municipality to require the provision, release or publication of personal affiliation information protected by the Personal Privacy Protection Act; and

2. Supersedes any existing regulation or ordinance of a county or municipality that requires the provision, release or publication of personal affiliation information protected by this act.
SECTION 6. This act shall become effective November 1, 2020.

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