

**SB59 ENROLLED**



1     O7YEMW-3  
2     By Senator Smitherman  
3     RFD: Judiciary  
4     First Read: 07-Mar-23  
5  
6     2023 Regular Session



## SB59 Enrolled

Enrolled, An Act,

Relating to disclosure of certain personal information; to prohibit public agencies from collecting, disclosing, or releasing certain personal information about members of, volunteers for, and financial and nonfinancial donors to nonprofit organizations, except as required by law; and to provide civil and criminal penalties for violation of these prohibitions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as The Personal Privacy Protection Act.

Section 2. For purposes of this act, the following terms have the following meanings:

(1) NONPROFIT ORGANIZATION. An entity that is exempt from federal income tax under Section 501(c) of the federal Internal Revenue Code, or has submitted an application with the Internal Revenue Service for recognition of an exemption under Section 501(c) of the Internal Revenue Code.

(2) PERSONAL INFORMATION. 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, volunteer, or donor of financial or nonfinancial support to any nonprofit organization.



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(3) PUBLIC AGENCY. Any department, agency, office, commission, board, division, or other entity of this state, or of any political subdivision of this state, including, but not limited to, a county, municipality, or school district; or any state or local court, tribunal, or other judicial or quasi-judicial body, but excluding any public institution of higher education, as defined in Section 16-5-1, Code of Alabama 1975, or any authority, as defined in the University Authority Act of 2016, Chapter 17A of Title 16, Code of Alabama 1975.

Section 3. Notwithstanding any provision of law to the contrary, and subject to Section 4, a public agency shall not do any of the following:

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

(2) Release, publicize, or otherwise publicly disclose personal information in its possession.

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

Section 4. (a) This act does not preclude any of the following:

(1) Any report or disclosure required by The Fair Campaign Practices Act, Chapter 5 of Title 17, Code of Alabama 1975, or any successor provisions thereto.



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57           (2) Any lawful warrant for personal information issued  
58 by a court of competent jurisdiction.

59           (3) Any lawful request for discovery of personal  
60 information in litigation if all of the following conditions  
61 are met:

62           a. The relevant and probative value of the personal  
63 information requested outweighs the prejudicial effect.

64           b. The requestor obtains a protective order barring  
65 disclosure of the personal information to any person not named  
66 in the litigation.

67           (4) Admission of personal information as relevant  
68 evidence before a court of competent jurisdiction; however, no  
69 court shall publicly reveal personal information absent a  
70 specific finding of good cause.

71           (5) A release of personal information by any public  
72 agency if the information has been voluntarily released to the  
73 public either by the person to which it pertains or by a  
74 nonprofit organization to which the person is a donor.

75           (6) The keeping of filings, certificates, and other  
76 public records that disclose the identity of any director,  
77 officer, registered agent, or incorporator of a nonprofit  
78 organization in any report or disclosure required by law to be  
79 filed with the Secretary of State, except that information  
80 that directly identifies a person as a donor of financial  
81 support to a nonprofit organization, shall not be collected or  
82 disclosed.

83           (7) Disclosure of personal information derived from a  
84 donation to a nonprofit organization affiliated with a public



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85 agency as required by law, if the person has not previously  
86 requested anonymity from the nonprofit organization.

87 (8) The compiling, keeping, and disclosure of volunteer  
88 fire department rosters and membership lists by the Alabama  
89 Forestry Commission as required by Section 9-3-17 or Section  
90 32-6-272.

91 (9) Any report or disclosure required by Chapter 5A of  
92 Title 41, Code of Alabama 1975, or any successor provisions  
93 thereto, except that information that directly identifies a  
94 person as a donor of financial support to a nonprofit  
95 organization shall not be collected or disclosed unless  
96 expressly required by law or when required for a legitimate  
97 audit or investigative purpose, provided that such information  
98 shall only be used in connection with the specific audit or  
99 investigation to which the request relates and for any related  
100 proceedings.

101 (b) Nothing in this act shall apply to a national  
102 securities association that is registered pursuant to Section  
103 15A of the Securities Exchange Act of 1934 15 U.S.C. § 780-3,  
104 as amended, or regulations adopted thereunder, or any  
105 information the national securities association provides to  
106 the Alabama Securities Commission as provided in Article 1 of  
107 Chapter 6 of Title 8, Code of Alabama 1975, and the rules  
108 adopted thereunder.

109 Section 5. (a) A person alleging a violation of this  
110 act may bring a civil action for appropriate injunctive  
111 relief, actual damages, or both. Damages awarded under this  
112 section may include one of the following, as appropriate:



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(1) A sum of not less than two thousand five hundred dollars (\$2,500) to compensate for injury or loss caused by each violation of this act.

(2) For an intentional violation of this act, a sum not to exceed three times the sum described in subdivision (1).

(b) A court, in rendering a judgment in an action brought under this act, 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 Class C misdemeanor.

Section 6. Personal information shall be confidential and shall not be considered a public record for purposes of Article 3 of Chapter 12 of Title 36, Code of Alabama 1975.

Section 7. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 8. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

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Senate 13-Apr-23

I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed: 25-Apr-23

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Senate concurred in House amendment 27-Apr-23

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By: Senator Smitherman