

**SUBSTITUTE FOR
SENATE BILL NO. 1176**

A bill to prohibit public agencies from requiring certain nonprofit entities to disclose personal information of their members, supporters, volunteers, and donors in certain circumstances; to limit the release of that personal information if it is obtained by a public agency; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "personal privacy protection act".

3 Sec. 2. As used in this act:

4 (a) "Personal information" means any list, record, register,
5 registry, roll, roster, or other compilation of data of any kind
6 that directly or indirectly identifies a person as a member,
7 supporter, or volunteer of, or donor of financial or nonfinancial

1 support to, any entity organized under section 501(c) of the
2 internal revenue code.

3 (b) "Public agency" means any state or local governmental
4 unit, however designated, including, but not limited to, this
5 state; any department, agency, office, commission, board, division,
6 or other entity of this state; any political subdivision of this
7 state, including, but not limited to, a county, city, township,
8 village, school district, community college district, or any other
9 local governmental unit, agency, authority, council, board, or
10 commission; or any state or local court, tribunal, or other
11 judicial or quasi-judicial body.

12 Sec. 3. (1) Notwithstanding any law to the contrary, and
13 subject to subsection (3), a public agency shall not do any of the
14 following:

15 (a) Require any entity organized under section 501(c) of the
16 internal revenue code to provide the public agency with personal
17 information.

18 (b) If in the possession of personal information, a public
19 agency shall not release, publicize, or otherwise disclose that
20 personal information without the express written permission of
21 every identified member, supporter, volunteer, or donor and the
22 section 501(c) entity that received their membership, support,
23 volunteer time, or donations.

24 (c) Request or require a current or prospective contractor
25 with the public agency to provide the public agency with a list of
26 entities organized under section 501(c) of the internal revenue
27 code to which it has provided financial or nonfinancial support.

1 (2) Personal information is exempt from disclosure under the
2 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

3 (3) This act does not preclude either of the following:

4 (a) Any lawful warrant for personal information issued by a
5 court of competent jurisdiction.

6 (b) A lawful request for discovery of personal information in
7 litigation if both of the following conditions are met:

8 (i) The requestor demonstrates a compelling need for the
9 personal information by clear and convincing evidence.

10 (ii) The requestor obtains a protective order barring
11 disclosure of personal information to any person not directly
12 involved in the litigation. As used in this subparagraph, "person"
13 means an individual, partnership, corporation, association,
14 governmental entity, or other legal entity.

15 Sec. 4. (1) A person alleging a violation of this act may
16 bring a civil action for appropriate injunctive relief, damages, or
17 both. Damages awarded under this section may include 1 of the
18 following, as appropriate:

19 (a) A sum of money not less than \$2,500.00 to compensate for
20 injury or loss caused by each violation of this act.

21 (b) For an intentional violation of this act, a sum of money
22 not to exceed 3 times the sum described in subdivision (a).

23 (2) A court, in rendering a judgment in an action brought
24 under this act, may award all or a portion of the costs of
25 litigation, including reasonable attorney fees and witness fees, to
26 the complainant in the action if the court determines that the
27 award is appropriate.

1 Sec. 5. A person who knowingly violates this act is guilty of
2 a misdemeanor punishable by imprisonment for not more than 90 days
3 or a fine of not more than \$1,000.00, or both.

4 Sec. 6. The requirements of this act shall not affect any
5 provisions of the Michigan campaign finance act, 1976 PA 388, MCL
6 169.201 to 169.282, or 1978 PA 472, MCL 4.411 to 4.431.