

SENATE BILL No. 1176

November 8, 2018, Introduced by Senator SHIRKEY and referred to the Committee on Michigan Competitiveness.

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
8 support to, any entity organized under section 501(c) of the

1 internal revenue code.

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

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

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

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

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

27 (2) Personal information is exempt from disclosure under the

1 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

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

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

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

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

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

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

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

27 Sec. 5. A person who knowingly violates this act is guilty of

- 1 a misdemeanor punishable by imprisonment for not more than 90 days
- 2 or a fine of not more than \$1,000.00, or both.