

REPRINT

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5230**

(As Passed the Senate May 11, 2000)

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations,"

by amending section 10 (MCL 28.300), as added by 1997 PA 99.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) Upon request, the secretary of state may fur-
2 nish a list of information from the records of the department
3 maintained under this act to a federal, state, or local govern-
4 mental agency for use in carrying out the agency's functions, or
5 to a private person or entity acting on behalf of a governmental
6 agency for use in carrying out the agency's functions. Unless
7 otherwise prohibited by law, the secretary of state may charge
8 the requesting agency a preparation fee to cover the cost of
9 preparing and furnishing a list provided under this subsection if

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1 the cost of preparation exceeds \$25.00, and use the revenues
2 received from the service to defray necessary expenses. IF THE
3 SECRETARY OF STATE SELLS A LIST OF INFORMATION UNDER THIS SUBSEC-
4 TION TO A MEMBER OF THE STATE LEGISLATURE, THE SECRETARY OF STATE
5 SHALL CHARGE THE SAME FEE AS THE FEE FOR THE SALE OF INFORMATION
6 UNDER SUBSECTION (2) UNLESS THE LIST OF INFORMATION IS REQUESTED
7 BY THE MEMBER OF THE LEGISLATURE TO CARRY OUT A LEGISLATIVE
8 FUNCTION. The secretary of state may require the requesting
9 agency to furnish 1 or more blank computer tapes, cartridges, or
10 other electronic media and may require the agency to execute a
11 written memorandum of agreement as a condition of obtaining a
12 list of information under this subsection.

13 (2) The secretary of state may contract for the sale of
14 lists of records maintained under this act in bulk, in addition
15 to those lists distributed at cost or at no cost under this sec-
16 tion, for any of the purposes permitted under section 8(3). ~~as~~
17 ~~well as for purposes of surveys, marketing, and solicitations.~~
18 The secretary of state shall require each purchaser of informa-
19 tion in bulk to execute a written purchase contract. The secre-
20 tary of state shall fix a market-based price for the sale of
21 lists of bulk information, which may include personal
22 information. The proceeds from each sale shall be used by the
23 secretary of state to defray the costs of list preparation and
24 for other necessary or related expenses.

25 (3) ~~Before selling and furnishing~~ THE SECRETARY OF STATE
26 OR ANY OTHER STATE AGENCY SHALL NOT SELL OR FURNISH any list of
information
27 under subsection (2) for THE PURPOSE OF surveys, marketing, and

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1 solicitations. —,

2 ~~the secretary of state shall implement methods and procedures~~
3 ~~that accomplish all of the following:~~

4 ~~(a) Furnish individuals with a conspicuous opportunity to be~~
5 ~~informed of their right to prohibit the disclosure of personal~~
6 ~~information about them for purposes of surveys, marketing, and~~
7 ~~solicitations through an ongoing public information campaign~~
8 ~~which shall include the use of printed signs in branch offices~~
9 ~~and notices included with application and renewal forms to the~~
10 ~~extent that the secretary of state continues to use paper forms~~
11 ~~for those purposes, and may include periodic press releases,~~
12 ~~public service announcements, advertisements, pamphlets, notices~~
13 ~~in electronic media, and other types of notice. Each printed~~
14 ~~sign shall be not less than 8-1/2 inches wide by 11 inches high~~
15 ~~and contain a caption in not less than 46-point type. If the~~
16 ~~secretary of state furnishes notice on forms, the information~~
17 ~~printed on the forms shall be similar to the information printed~~
18 ~~on branch office signs. The secretary of state shall review the~~
19 ~~public information campaign on an annual basis in order to update~~
20 ~~notice content and furnish notice by more effective means.~~

21 ~~(b) Provide individuals with a conspicuous opportunity,~~
22 ~~through a telephonic, automated, or other efficient system, to~~
23 ~~notify the secretary of state of their desire to prohibit the~~
24 ~~disclosure of personal information about them, for purposes of~~
25 ~~surveys, marketing, and solicitations. The secretary of state~~
26 ~~may contract with another public or private person or agency to~~
27 ~~implement this subdivision.~~

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1 ~~(c) Ensure~~ THE SECRETARY OF STATE SHALL ENSURE that
2 personal information disclosed in bulk will be used, rented, or
3 sold solely for uses permitted under this act. ~~—, and that sur-~~
4 ~~veys, marketing, and solicitations will not be directed at those~~
5 ~~individuals who in a timely fashion have notified the secretary~~
6 ~~of state that surveys, marketing, and solicitations should not be~~
7 ~~directed at them.~~

8 (4) The secretary of state may insert any safeguard the sec-
9 retary considers reasonable or necessary, including a bond
10 requirement, in a memorandum of agreement or purchase contract
11 executed under this section, to ensure that the information pro-
12 vided or sold is used only for a permissible use and that the
13 rights of individuals and of the department are protected.

14 (5) An authorized recipient of personal information dis-
15 closed under this section who resells or rediscloses the informa-
16 tion for ~~survey, marketing, and solicitations~~ ANY OF THE PER-
17 MISSIBLE PURPOSES DESCRIBED IN SECTION 8(3) shall do both of the
18 following:

19 (a) Make and keep for a period of not less than 5 years
20 records identifying each person who received personal information
21 from the authorized recipient and the permitted purpose for which
22 it was obtained.

23 (b) Allow a representative of the secretary of state, upon
24 request, to inspect and copy records identifying each person who
25 received personal information from the authorized recipient and
26 the permitted purpose for which it was obtained.

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Sub. H.B. 5230 (S-1) as amended June 7, 2000

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1 (6) The secretary of state shall not disclose a list based
2 on driving behavior or sanctions to a nongovernmental agency,
3 including an individual.

4 Enacting section 1. This amendatory act takes effect [January
5 1, 2001].