

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3613

By: O'Donnell

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5  
6 AS INTRODUCED

7 An Act relating to officers; creating the Personal  
8 Privacy Protection Act; defining terms; prohibiting  
9 state agencies or political subdivisions from  
10 disclosing certain personal affiliation information;  
11 exempting certain personal affiliation information  
12 from the Oklahoma Open Records Act; providing  
13 exceptions; providing civil remedies for violations;  
14 creating criminal penalties for violations;  
15 preempting and superceding conflicting county and  
16 municipal laws and ordinances; providing for  
17 codification; and providing an effective date.

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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 260 of Title 51, unless there is  
23 created a duplication in numbering, reads as follows:

24 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           1. "Personal affiliation information" means any list, record,  
2 register, registry, roll, roster or other compilation of data of any  
3 kind that directly or indirectly identifies a person as a member,  
4 supporter, or volunteer of, or donor of financial or nonfinancial  
5 support to, any entity organized pursuant to Section 501(c) of the  
6 United States Internal Revenue Code; and

7           2. "State agency or political subdivision" means any state or  
8 local governmental unit, however designated, including, but not  
9 limited to, the State of Oklahoma; any department, agency, office,  
10 commission, board, division or other entity of the State of  
11 Oklahoma, including those created or established pursuant to  
12 constitutional provisions; any political subdivision of the State of  
13 Oklahoma, including, but not limited to, a county, city, township,  
14 village, school district, community college district or any other  
15 local governmental unit, agency, authority, council, board or  
16 commission; or any state or local court, tribunal or other judicial  
17 or quasi-judicial body.

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

21           A. A state agency or political subdivision shall not do any of  
22 the following:  
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1        1. Require any individual to provide the state agency or  
2 political subdivisions with personal affiliation information or  
3 otherwise compel the release of personal affiliation information;

4        2. Require any entity organized pursuant to Section 501(c) of  
5 the United States Internal Revenue Code to provide the state agency  
6 or political subdivision with personal affiliation information or  
7 otherwise compel the release of personal affiliation information;

8        3. Release, publicize or otherwise publicly disclose any  
9 personal affiliation information in the possession of the state  
10 agency or political subdivision; or

11       4. Request or require a current or prospective contractor or  
12 grantee with the state agency or political subdivision to provide  
13 the state agency or political subdivision with a list of entities  
14 organized pursuant to Section 501(c) of the United States Internal  
15 Revenue Code to which it has provided financial or nonfinancial  
16 support.

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

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

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

23       2. Any lawful warrant for personal affiliation information  
24 issued by a court of competent jurisdiction;

1 3. Any lawful request for discovery of personal affiliation  
2 information in litigation if both of the following conditions are  
3 met:

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

7 b. the requestor obtains a protective order barring  
8 disclosure of personal affiliation information to any  
9 person not directly involved in the litigation; or

10 4. Admission of personal affiliation information as relevant  
11 evidence before a court of competent jurisdiction. However, no  
12 court shall publicly reveal personal affiliation information absent  
13 a specific finding of good cause.

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

17 A. Any person alleging a violation of the Personal Privacy  
18 Protection Act may bring a civil action for appropriate injunctive  
19 relief, damages, or both injunctive relief and damages. Damages  
20 awarded pursuant to this section may include one of the following,  
21 as appropriate:

22 1. A sum of money not less than Two Thousand Five Hundred  
23 Dollars (\$2,500.00) to compensate for injury or loss caused by each  
24 violation of this act; or

1           2. For an intentional violation of this act, a sum of money not  
2 to exceed three times the sum described in paragraph 1 of this  
3 subsection.

4           B. A court, in rendering judgment in an action brought pursuant  
5 to this section, may award all or a portion of the costs of  
6 litigation, including reasonable attorney fees and witness fees, to  
7 the complainant in the action if the court determines that the award  
8 is appropriate.

9           C. A person who knowingly violates this act shall be guilty of  
10 a misdemeanor punishable by imprisonment in the county jail for not  
11 more than ninety (90) days or a fine of not more than One Thousand  
12 Dollars (\$1,000.00) or by both such fine and imprisonment.

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

16           The Personal Privacy Protection Act:

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

21           2. Supersedes any existing regulation or ordinance of a county  
22 or municipality that requires the provision, release or publication  
23 of personal affiliation information protected by this act.

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1 SECTION 6. This act shall become effective November 1, 2020.

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