

HOUSE BILL 2396

By Todd

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to the protection of personal information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 7, Part 5, is amended by adding the following as a new section:

(a) As used in this section:

(1) "501(c) organization" means an organization exempt from federal income taxation under § 501(a) of the Internal Revenue Code as an organization described in § 501(c);

(2) "Personal information" means 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, or volunteer of, or donor of financial or nonfinancial support to, any 501(c) organization. Personal information does not include information reportable to the secretary of state pursuant to § 48-101-504; and

(2) "Public agency" means any state or local governmental entity.

(b)

(1) Notwithstanding any law to the contrary, and subject to subdivision

(b)(3), a public agency shall not:

(A) Require a 501(c) organization to provide the public agency with personal information;

(B) If in the possession of personal information, release, publicize, or otherwise disclose that personal information without the express written permission of every identified member, supporter, volunteer, or donor of the 501(c) organization as well as the 501(c) organization that received their membership, support, volunteer time, or donations; or

(C) Request or require a current or prospective contractor with the public agency to provide the public agency with a list of 501(c) organizations to which it has provided financial or nonfinancial support.

(2) Personal information held by a public agency is not a public record under § 10-7-503.

(3) This section does not preclude disclosure of personal information pursuant to:

(A) Any lawful warrant for personal information issued by a court of competent jurisdiction; or

(B) A lawful request for discovery of personal information in litigation if:

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

(ii) The requestor obtains a protective order barring disclosure of personal information to any person not directly involved in the litigation. As used in this subdivision (b)(3)(B), "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(c)

(1) A person alleging a violation of this section may bring a civil action for appropriate injunctive relief.

(2) A court, in rendering a judgment in an action brought under this section, shall 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.

(d) This section does not affect the campaign finance disclosure requirements under title 2, chapter 10.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.