

AMENDMENTS TO LB297

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 84-920, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 84-920 Sections 84-901 to 84-920 and the Occupational Board Reform
6 Act and the Personal Privacy Protection Act shall be known and may be
7 cited as the Administrative Procedure Act.

8 Sec. 2. Sections 2 to 5 of this act shall be known and may be cited
9 as the Personal Privacy Protection Act.

10 Sec. 3. For purposes of the Personal Privacy Protection Act:

11 (1) Nonprofit organization means a nonprofit organization holding a
12 certificate of exemption under section 501(c) of the Internal Revenue
13 Code;

14 (2) Person means any individual, partnership, limited liability
15 company, corporation, association, firm, or agent or employee of any such
16 individual or business entity;

17 (3) Personal information means any list, record, register, registry,
18 roll, roster, or other compilation of data that directly or indirectly
19 identifies a person as a member, supporter, or volunteer of, or donor of
20 financial or nonfinancial support to, any nonprofit organization; and

21 (4) Public agency means any state or local governmental unit,
22 including, but not limited to:

23 (a) The State of Nebraska;

24 (b) Any agency, department, division, office, commission, board,
25 bureau, committee, council, or other entity of the state;

26 (c) The University of Nebraska or any state college;

27 (d) Any political subdivision of the state, including, but not

1 limited to, any county, city, village, township, school district,
2 community college area, public power district, rural fire district, or
3 other local governmental unit, or agency, authority, council, board, or
4 commission thereof;

5 (e) Any state or local court, tribunal, or other judicial or quasi-
6 judicial body; or

7 (f) Any public corporation whose primary function is to act as an
8 instrumentality or agency of the state or of any other public agency.

9 Sec. 4. (1) Notwithstanding any provision of law to the contrary,
10 and except as otherwise provided in this section, each public agency is
11 prohibited from:

12 (a) Requiring any individual to provide personal information or
13 otherwise compelling the release of personal information;

14 (b) Requiring any nonprofit organization to provide such public
15 agency with personal information or otherwise compelling the release of
16 personal information;

17 (c) Publicizing, or otherwise publicly disclosing personal
18 information in the possession of such public agency without the express
19 permission of every individual who is identifiable from the potential
20 release of such personal information, including individuals identifiable
21 as members, supporters, or volunteers of, or donors to, a nonprofit
22 organization; or

23 (d) Requesting or requiring a current or prospective contractor or
24 grantee to provide such public agency with a list of nonprofit
25 organizations to which such contractor or grantee has provided financial
26 or nonfinancial support.

27 (2) Personal information is exempt from disclosure under public
28 records laws, including, but not limited to, sections 84-712 to 84-712.09
29 and section 84-1413.

30 (3) This section does not prohibit:

31 (a) Any report or disclosure required by the Nebraska Political

1 Accountability and Disclosure Act;

2 (b) Any report or disclosure by a public agency regarding testimony
3 received at a public hearing conducted by such public agency;

4 (c) Any lawful warrant, subpoena, or order issued by a court of
5 competent jurisdiction for the production of personal information;

6 (d) Any 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 such personal
9 information by clear and convincing evidence; and

10 (ii) The requestor obtains an order barring disclosure of such
11 personal information to any person not named in the litigation;

12 (e) Admission of personal information as relevant evidence before a
13 court of competent jurisdiction. However, no court shall publicly reveal
14 personal information absent a specific finding of good cause;

15 (f) Any report or disclosure required by state or federal law or
16 regulation for an employee of the University of Nebraska or any state
17 college. Except as otherwise required by law, no such report or
18 disclosure shall be subject to release under the state public records
19 laws;

20 (g) Any report or disclosure required by conflict of interest,
21 conflict of commitment, or outside income policies for an employee or
22 contractor of the University of Nebraska or any state college. Except as
23 otherwise required by law, no such report or disclosure shall be subject
24 to release under the state public records laws;

25 (h) Any document required or permitted to be filed with the
26 Secretary of State disclosing the identity of any director, officer,
27 incorporator, or registered agent of a nonprofit organization;

28 (i)(A) The Auditor of Public Accounts from accessing personal
29 information during an examination undertaken pursuant to express
30 statutory authority. The auditor may publicly disclose personal
31 information obtained during such examination only if that information:

1 (I) Pertains specifically to a person who has violated or is alleged
2 to have violated a state or federal law, rule, or regulation or an
3 ordinance of a city or village; or

4 (II) Pertains to a person directly associated with a violation
5 described in subdivision (3)(i)(A)(I) of this section.

6 (B) This subdivision (3)(i) shall be strictly construed and only
7 authorizes disclosure of a person who meets the criteria described in
8 subdivision (3)(i)(A) of this section.

9 (C) All other personal information accessed by the Auditor of Public
10 Accounts shall be subject to the restrictions on working papers contained
11 in section 84-311;

12 (j) Any request for information required by the Uniform
13 Credentialing Act or Health Care Facility Licensure Act or by a federal
14 funding agency;

15 (k) A request for information required for a criminal history record
16 information check undertaken pursuant to express statutory authority,
17 except that such information shall only be used in connection with the
18 specific criminal history record information check and for any related
19 proceedings; or

20 (l) Subject to compliance with section 8-112, any request for, or
21 release of, information, a record, or a report, obtained by the
22 Department of Banking and Finance from a nonprofit organization.

23 Sec. 5. Any person aggrieved by a violation of the Personal Privacy
24 Protection Act may bring a civil action for appropriate relief.
25 Appropriate relief includes:

26 (1) The greater of actual damages or two thousand five hundred
27 dollars in liquidated damages per violation; and

28 (2) Such preliminary and other equitable or declaratory relief as
29 may be appropriate.

30 Sec. 6. This act becomes operative on January 1, 2024.

31 Sec. 7. If any section in this act or any part of any section is

1 declared invalid or unconstitutional, the declaration shall not affect
2 the validity or constitutionality of the remaining portions.

3 Sec. 8. Original section 84-920, Revised Statutes Cumulative
4 Supplement, 2022, is repealed.