

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senator Shirkey

ENROLLED SENATE BILL No. 1176

AN ACT 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:

Sec. 1. This act shall be known and may be cited as the “personal privacy protection act”.

Sec. 2. As used in this act:

(a) “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 entity organized under section 501(c) of the internal revenue code.

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

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

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

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

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

(2) Personal information is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

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

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

(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 subparagraph, "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

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

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

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

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

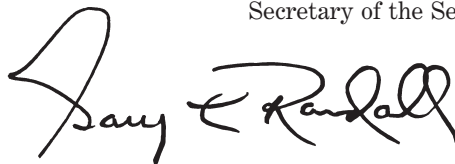
Sec. 5. A person who knowingly violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both.

Sec. 6. The requirements of this act shall not affect any provisions of the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, or 1978 PA 472, MCL 4.411 to 4.431.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor