

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 370

Introduced by Sanders, 45; Lindstrom, 18; Morfeld, 46.

Read first time January 13, 2021

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to public records; to adopt the Personal
- 2 Privacy Protection Act; to provide an operative date; and to provide
- 3 severability.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 4 of this act shall be known and may be
2 cited as the Personal Privacy Protection Act.

3 Sec. 2. For purposes of the Personal Privacy Protection Act:

4 (1) Person means any individual, partnership, limited liability
5 company, corporation, association, firm, or agent or employee of any such
6 individual or business entity;

7 (2) Personal information means any list, record, register, registry,
8 roll, roster, or other compilation of data that directly or indirectly
9 identifies a person as a member, supporter, or volunteer of, or donor of
10 financial or nonfinancial support to, any nonprofit organization holding
11 a certificate of exemption under section 501(c) of the Internal Revenue
12 Code; and

13 (3) Public agency means any state or local governmental unit,
14 including, but not limited to:

15 (a) The State of Nebraska;

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

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

19 (d) Any political subdivision of the state, including, but not
20 limited to, any county, city, village, township, school district,
21 community college area, public power district, rural fire district, or
22 other local governmental unit, or agency, authority, council, board, or
23 commission thereof;

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

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

28 Sec. 3. (1) Notwithstanding any provision of law to the contrary
29 except as otherwise provided in this section, each public agency is
30 prohibited from:

31 (a) Requiring any individual to provide personal information or

1 otherwise compelling the release of personal information;

2 (b) Requiring any nonprofit organization holding a certificate of
3 exemption under section 501(c) of the Internal Revenue Code to provide
4 such public agency with personal information or otherwise compelling the
5 release of personal information;

6 (c) If in the possession of personal information, releasing,
7 publicizing, or otherwise publicly disclosing such personal information;
8 or

9 (d) Requesting or requiring a current or prospective contractor or
10 grantee to provide such public agency with a list of nonprofit
11 organizations holding certificates of exemption under section 501(c) of
12 the Internal Revenue Code to which such contractor or grantee has
13 provided financial or nonfinancial support.

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

17 (3) This section does not prohibit:

18 (a) Any report or disclosure required by the Nebraska Political
19 Accountability and Disclosure Act;

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

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

24 (d) Any lawful request for discovery of personal information in
25 litigation if both of the following conditions are met:

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

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

30 (e) Admission of personal information as relevant evidence before a
31 court of competent jurisdiction. However, no court shall publicly reveal

1 personal information absent a specific finding of good cause.

2 Sec. 4. A person alleging a violation of the Personal Privacy
3 Protection Act may be entitled to appropriate injunctive relief and
4 damages, including a reasonable attorney's fee.

5 Sec. 5. This act becomes operative on January 1, 2022.

6 Sec. 6. If any section in this act or any part of any section is
7 declared invalid or unconstitutional, the declaration shall not affect
8 the validity or constitutionality of the remaining portions.