

1 SB268  
2 148061-5  
3 By Senators Scofield, Williams, Glover, Allen, Bedford,  
4 Fielding, Whatley and Holley  
5 RFD: Governmental Affairs  
6 First Read: 28-FEB-13

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 Relating to protection against disclosure of  
12 personal identifying information about a state employee; to  
13 amend Section 41-13-7, Code of Alabama 1975, by expanding the  
14 protection against disclosure to include employees of the  
15 criminal justice sector employed at any level of government,  
16 in addition to protection for state employees subject to the  
17 state Merit System; and to amend Section 36-25-4.3, Code of  
18 Alabama 1975, by prohibiting the State Ethics Commission from  
19 disclosing to the public personal identifying information that  
20 is part of any statement of economic interests submitted to  
21 the commission.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 36-25-4.3 and 41-13-7, Code of  
24 Alabama 1975, are amended to read as follows:

25 "§36-25-4.3.

26 "(a) The commission, by April 1, 2012, shall  
27 implement and maintain each of the following:

1           "(1) A system for electronic filing of all  
2 statements, reports, registrations, and notices required by  
3 this chapter.

4           "(2) An electronic database accessible to the public  
5 through an Internet website which provides at least the  
6 following capabilities:

7           "a. Search and retrieval of all statements, reports,  
8 and other filings required by this chapter, excluding  
9 complaints made confidential by Section 36-25-4(b), by the  
10 name of the public official or public employee to which they  
11 pertain.

12           "b. Generation of an aggregate list of all things of  
13 value provided to each public official or public employee and  
14 family member of a public official or public employee as  
15 reported pursuant to Section 36-25-19, searchable and  
16 retrievable by the name of the public official or public  
17 employee.

18           "(b) Notwithstanding subsection (a), the commission  
19 shall exclude from any electronic database accessible to the  
20 public, identifying information, as defined in Section  
21 41-13-7, that is included in any statement of economic  
22 interest filed by any public official or public employee."

23           "§41-13-7.

24           "(a) As used in this section, the following terms  
25 shall have the following meanings:

26           "(1) EMPLOYEE. Any person who is regularly employed  
27 by the state and who is subject to the provisions of the state

1        Merit System or any person who is regularly employed by a  
2        criminal justice agency or entity or by a law enforcement  
3        agency within the state or any honorably retired employee  
4        thereof, to include, but not be limited to, the following: A  
5        judge of any position, including a judge of a municipal court;  
6        a district attorney; a deputy district attorney; an assistant  
7        district attorney; an investigator employed by a district  
8        attorney; an attorney, investigator, or special agent of the  
9        Office of the Attorney General; a sheriff; a deputy sheriff; a  
10       jailor; or a law enforcement officer of a county,  
11       municipality, the state, or special district, provided the law  
12       enforcement officer is certified by the Alabama Peace  
13       Officers' Standards and Training Commission and is not pending  
14       decertification.

15                "(2) IDENTIFYING INFORMATION. Any information, not  
16        including a person's name, which used either alone or in  
17        conjunction with other information specifically identifies a  
18        person or a person's property, and includes, but is not  
19        limited to, any of the following information related to a  
20        person:

21                "a. Date of birth.

22                "b. Social Security number.

23                "c. Driver's license number.

24                "d. Financial services account numbers, including  
25        checking and savings accounts.

26                "e. Credit or debit card numbers.

27                "f. Personal identification numbers (PIN).

- 1 "g. Electronic identification codes.
- 2 "h. Automated or electronic signatures.
- 3 "i. Biometric data.
- 4 "j. Fingerprints.
- 5 "k. Passwords.
- 6 "l. Parents' legal surname prior to marriage.

7 "m. Name or names of any dependent child or  
8 children.

9 "m.n. Home address or phone number.

10 "n.o. Any other numbers or information that can be  
11 used to access a person's financial resources, obtain  
12 identification, act as identification, or obtain goods or  
13 services.

14 "(b) Notwithstanding any other law to the contrary,  
15 a state department, licensing or regulatory board, agency, or  
16 commission is prohibited from placing or otherwise revealing  
17 the identifying information of an employee including, but not  
18 limited to, full- or part-time employees thereof, on any  
19 document that is available for public inspection including,  
20 but not limited to, state personnel evaluation forms and any  
21 other forms related thereto unless otherwise required by law,  
22 without the express consent of the person with the identifying  
23 information, or the consent of that person's parent,  
24 custodian, legal guardian, or legal representative. The  
25 foregoing prohibition shall not apply to a bona fide news  
26 organization or when a federal or state agency makes a request  
27 for or releases identifying information for a legitimate

1 government purpose, or pursuant to a federal or state statute,  
2 regulation, or federally funded program or pursuant to an  
3 administrative or judicial subpoena or order. Nothing in this  
4 section is intended to create or establish a new cause of  
5 action for damages in any court. Nothing in this section shall  
6 be construed as a waiver of sovereign or qualified immunity.  
7 This section shall not be applicable to a document originating  
8 with any court or taxing authority, any document that when  
9 filed by law constitutes a consensual or nonconsensual lien or  
10 security lien or security interest, or any record of judgment,  
11 conviction, eviction, or bankruptcy. If express consent to  
12 reveal identifying information has not been obtained, a state  
13 department or agency shall redact, remove, cover, or otherwise  
14 excise the identifying information of any person from any  
15 document that is available for public inspection so that the  
16 remaining portion of the document may be revealed."

17 Section 2. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Governmental Affairs..... 28-FEB-13

Read for the second time and placed on the calen-  
dar 1 amendment..... 05-MAR-13

Read for the third time and passed as amended .... 18-APR-13

Yeas 25  
Nays 0  
Abstaining 1

Patrick Harris  
Secretary