

1 SB268
2 148061-2
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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8 SYNOPSIS: Under existing law, the protection against
9 disclosure of certain personal identifying
10 information about a state employee on any document
11 available for public inspection applies only to
12 those state employees who are subject to the state
13 Merit System; this bill would amend Section
14 41-13-7, Code of Alabama 1975, to expand that
15 protection against disclosure to include employees
16 of the criminal justice sector employed at any
17 level of government within the state.

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19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 Relating to protection against disclosure of
24 personal identifying information about a state employee; to
25 amend Section 41-13-7, Code of Alabama 1975, by expanding the
26 protection against disclosure to include employees of the
27 criminal justice sector employed at any level of government,

1 in addition to protection for state employees subject to the
2 state Merit System.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 41-13-7, Code of Alabama 1975, is
5 amended to read as follows:

6 "§41-13-7.

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

9 "(1) EMPLOYEE. Any person who is regularly employed
10 by the state and who is subject to the provisions of the state
11 Merit System or any person who is regularly employed by a
12 criminal justice agency or entity or by a law enforcement
13 agency within the state or any honorably retired employee
14 thereof, to include, but not be limited to, the following: A
15 judge of any position, including a judge of a municipal court;
16 a district attorney; a deputy district attorney; an assistant
17 district attorney; an investigator employed by a district
18 attorney; an attorney, investigator, or special agent of the
19 Office of the Attorney General; a sheriff; a deputy sheriff; a
20 jailor; or a law enforcement officer of a county,
21 municipality, the state, or special district, provided the law
22 enforcement officer is certified by the Alabama Peace
23 Officers' Standards and Training Commission and is not pending
24 decertification.

25 "(2) IDENTIFYING INFORMATION. Any information, not
26 including a person's name, which used either alone or in
27 conjunction with other information specifically identifies a

1 person or a person's property, and includes, but is not
2 limited to, any of the following information related to a
3 person:

4 "a. Date of birth.

5 "b. Social Security number.

6 "c. Driver's license number.

7 "d. Financial services account numbers, including
8 checking and savings accounts.

9 "e. Credit or debit card numbers.

10 "f. Personal identification numbers (PIN).

11 "g. Electronic identification codes.

12 "h. Automated or electronic signatures.

13 "i. Biometric data.

14 "j. Fingerprints.

15 "k. Passwords.

16 "l. Parents' legal surname prior to marriage.

17 "m. Home address or phone number.

18 "n. Any other numbers or information that can be
19 used to access a person's financial resources, obtain
20 identification, act as identification, or obtain goods or
21 services.

22 "(b) Notwithstanding any other law to the contrary,
23 a state department, licensing or regulatory board, agency, or
24 commission is prohibited from placing or otherwise revealing
25 the identifying information of an employee including, but not
26 limited to, full- or part-time employees thereof, on any
27 document that is available for public inspection including,

1 but not limited to, state personnel evaluation forms and any
2 other forms related thereto unless otherwise required by law,
3 without the express consent of the person with the identifying
4 information, or the consent of that person's parent,
5 custodian, legal guardian, or legal representative. The
6 foregoing prohibition shall not apply to a bona fide news
7 organization or when a federal or state agency makes a request
8 for or releases identifying information for a legitimate
9 government purpose, or pursuant to a federal or state statute,
10 regulation, or federally funded program or pursuant to an
11 administrative or judicial subpoena or order. Nothing in this
12 section is intended to create or establish a new cause of
13 action for damages in any court. Nothing in this section shall
14 be construed as a waiver of sovereign or qualified immunity.
15 This section shall not be applicable to a document originating
16 with any court or taxing authority, any document that when
17 filed by law constitutes a consensual or nonconsensual lien or
18 security lien or security interest, or any record of judgment,
19 conviction, eviction, or bankruptcy. If express consent to
20 reveal identifying information has not been obtained, a state
21 department or agency shall redact, remove, cover, or otherwise
22 excise the identifying information of any person from any
23 document that is available for public inspection so that the
24 remaining portion of the document may be revealed."

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

