



House Judiciary Reported Substitute for SB272

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A BILL
TO BE ENTITLED
AN ACT

Relating to public records requests; to require redaction from requested public records information that could be used to initiate a financial transaction; to prohibit the use of public records requested from a local board of education, which contain lists of names and addresses of individuals or entities, for the purpose of soliciting those individuals or entities; to authorize the Attorney General to impose civil penalties for violations; and to authorize the State Board of Education to adopt rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. When any records relating to a public contract for goods or services are requested pursuant to Article 3 of Chapter 12 of Title 36, Code of Alabama 1975, the public officer having custody of the records shall redact account numbers, tax identification numbers, routing numbers, employee identification numbers, sensitive personally identifying information as defined in Section 8-38-2, Code of Alabama 1975, and similar information that may be used to initiate a financial transaction.

Section 2. (a) No person shall knowingly sell, give, or



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29 receive any list of names and addresses contained in or
30 derived from public records requested from a local board of
31 education for the purpose of selling or offering for sale any
32 property or service to those individuals or entities listed
33 therein.

34 (b) Any person subject to this section who knowingly
35 violates subsection (a) shall be liable for the payment of a
36 civil penalty in an action brought by the Attorney General not
37 to exceed five hundred dollars (\$500) for each violation.

38 (c) If a request is made for public records that
39 contain the names or addresses of individuals or entities
40 which the public officer having custody of the records has
41 reasonable cause to believe may be used in violation of
42 subsection (a), prior to responding to the request, the public
43 officer may require the person requesting the records or
44 information therein to provide, in addition to the
45 certification described in Section 36-12-45(b)(3), Code of
46 Alabama 1975, a written certification that the requester does
47 not intend to, and will not:

48 (1) Use any list of names or addresses contained in or
49 derived from the records or information for the purpose of
50 selling or offering for sale any property or service to any
51 individual or entity listed or to any individual who resides
52 at any address listed; or

53 (2) Sell, give, or otherwise make available to any
54 person any list of names or addresses contained in or derived
55 from the records or information for the purpose of allowing
56 that person to sell or offer for sale any property or service



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57 to any individual or entity listed or to any individual who
58 resides at any address listed.

59 (d) This section shall not impose any liability on a
60 public officer having custody of a record for granting access
61 to or providing copies of public records or information
62 containing names and addresses, in good faith compliance with
63 subsection (c), to a person who has made a written request for
64 access to such information and has executed a written
65 certification pursuant to subsection (c).

66 (e) The State Board of Education, by rule, may provide
67 guidance and a model certification form for custodians of
68 public records to implement this section.

69 Section 3. This act shall become effective immediately.