HOUSE FILE 309
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 28)

(As Amended and Passed by the House February 23, 2021)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act restricting public agency disclosure of and access to certain personal information related to tax-exempt organizations, and providing penalties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 22.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 74. Personal information as defined in section 22A.1.

Sec. 2. NEW SECTION. **22A.1 Definitions.**

1. *"Personal information"* means any list, record, register, registry, roll, roster, or other compilation of data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code. *"Personal information"* does not include information reportable to the secretary of state pursuant to [chapter 504] or information provided to the attorney general or state auditor pursuant to chapter 504 or 537, or section 714.16.

2. *"Public agency"* means all of the following:

a. A state or municipal governmental unit, including but not limited to the state of Iowa, and a department, agency, office, commission, board, or division of the state.

b. A political subdivision of the state, including but not limited to a county, city, township, village, school district, or community college merged area.

c. An agency, authority, council, board, or commission of a political subdivision of the state.

d. A state or local court, tribunal, or other judicial or quasi-judicial body.

Sec. 3. NEW SECTION. **22A.2 Personal information protected.**

1. A public agency shall not do any of the following:

a. Require an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code to provide the public agency with personal information.

b. Release, publicize, or otherwise disclose personal information in the possession of the public agency without the express, written permission of every member, supporter, volunteer, and donor of the tax-exempt entity identified in the

information and the tax-exempt entity.

c. Request or require a current or prospective contractor with the public agency to provide the public agency with a list of entities exempt from taxation under section 501(c) of the federal Internal Revenue Code to which the contractor has provided financial or nonfinancial support.

2. This section does not prohibit any of the following:

a. Disclosure of personal information pursuant to a lawful warrant issued by a court of competent jurisdiction.

b. Disclosure of personal information pursuant to a lawful request for discovery if all of the following requirements are met:

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

(2) The requestor obtains a protective order barring disclosure of personal information to any person not directly involved in the litigation.

c. Disclosure of personal information pursuant to an agreement between a public agency and an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code.

d. Disclosure of personal information included in judicial proceedings that are public pursuant to section 602.1601. However, upon petition of an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code, the court shall seal a case file that is otherwise public pursuant to section 602.1601 to protect the personal information contained in that file.

Sec. 4. NEW SECTION. **22A.3 Civil penalties.**

1. A person alleging a violation of this chapter, section 504.1604, subsection 5, or section 504.1605, subsection 5, may bring a civil action for injunctive relief, damages, or both. Damages may include either of the following:

a. Not less than two thousand five hundred dollars in compensatory damages for injury and loss for each violation.

b. For an intentional violation, not more than three times the amount described in paragraph *"a"* for each violation.

2. A court may, in its discretion, award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.

Sec. 5. NEW SECTION. **22A.4 Criminal penalties.**

A person who knowingly violates a provision of this chapter, section 504.1604, subsection 5, or section 504.1605, subsection 5, is guilty of a serious misdemeanor punishable by imprisonment for not more than ninety days or a fine of not more than one thousand dollars, or both.

Sec. 6. NEW SECTION. **22A.5 Campaign disclosure Act not affected.**

This chapter shall not affect any provision of chapter 68A.

Sec. 7. Section 504.1604, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If the court orders inspection of records containing personal information as defined in section 22A.1, such inspection shall be made under seal from public disclosure. A person who violates this subsection is subject to civil penalties under section 22A.3. A person who knowingly violates this subsection is subject to criminal penalties under section 22A.4.

Sec. 8. Section 504.1605, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 5. To obtain personal information as defined in section 22A.1. A person who violates this subsection is subject to civil penalties under section 22A.3. A person who knowingly violates this subsection is subject to criminal penalties under section 22A.4.