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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: January 25, 2022
Subject: Bill Brief on HB 2495

HB 2495 prohibits the disclosure of personal information about a person's affiliation with an entity that is exempt from federal income taxation under section 501(c) of the federal internal revenue code.

The bill enacts a new section of law that provides that a public agency shall not (1) require an individual to provide personal information or compel the release of personal information; (2) require an entity that is exemption from federal income taxation to provide person information or compel the release of personal information; (3) release or publicly disclose personal information; or (4) request or require a current or prospective contractor or grant recipient to provide a list of entities to which the contractor or grantee has provided financial or nonfinancial support.

Personal information shall be confidential and not subject to the Kansas open records act. Reports or disclosures required by article 41 of chapter 25 (election laws) or article 2 of chapter 46 (state government ethics) of the Kansas statutes annotated, valid warrants issued for personal information, lawful requests for discovery of personal information, admission of personal information as evidence, and the national securities association are exempt from the requirements of this section.

A person alleging a violation of this section may bring a civil action for injunctive relief or damages. Damages shall not be less than \$7,500 of each violation. Reasonable costs and attorney fees may also be awarded. A person who knowingly violates this section is guilty of a class C nonperson misdemeanor.

Subsection (e) provides the definitions for terms used in this section. "Personal information" means any list, record, register, registry, roll, roster or other compilation of data

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that identifies a person as a member, supporter or volunteer of or donor to any entity that is exempt from federal income taxation. “Public agency” means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof.”

Finally, subsection (f) names the act the charitable privacy act.