

Amendment to SB 302-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 New Chapter; Personal Privacy Protection Act. Amend RSA by inserting after chapter 91-B
4 the following new chapter:

5 CHAPTER 91-C

6 PERSONAL PRIVACY PROTECTION ACT

7 91-C:1 Public Bodies Prohibited Disclosures.

8 I. Public agencies and public bodies shall not disclose or release any list, record, register,
9 registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a
10 person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity
11 exempt from federal income tax under section 501(c) of the Internal Revenue Code.

12 II. Notwithstanding any law and subject to paragraph III, a public agency or public body
13 shall not:

14 (a) Require any individual or entity exempt from federal income tax under section 501(c)
15 of the Internal Revenue Code to provide the public agency with, or otherwise compel the release of,
16 any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly
17 or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or
18 nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the
19 Internal Revenue Code;

20 (b) Release, publicize, or otherwise publicly disclose any list, record, register, registry,
21 roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a
22 member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt
23 from federal income tax under section 501(c) of the Internal Revenue Code already in possession of
24 the public agency or public body; or

25 (c) Request or require a current or prospective contractor or grantee to provide the
26 public agency or public body with a list of entities exempt from federal income tax under section
27 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

28 (d) Release, publicize, or otherwise publicly disclose any list, record, register, registry,
29 roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a
30 member, supporter, volunteer, or donor of financial or nonfinancial support to any entity exempt
31 from federal income tax under section 501(c) of the Internal Revenue Code for the purposes of
32 responding to a request under New Hampshire's freedom of information act as outlined in RSA 91-A.

Amendment to SB 302-FN
- Page 2 -

1 91-C:2 Exemptions. This section shall not preclude:

2 I. Any report or disclosure required by the following laws or successor provisions thereto:

3 (a) RSA 14-C relative to gifts for legislators and legislative employees;

4 (b) RSA 15 relative to lobbyists;

5 (c) RSA 15-A relative to financial disclosures; and

6 (d) RSA 664 relative to political expenditures and contributions.

7 II. A public body or agency from releasing a person's status as a member, volunteer, or donor
8 of any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code that
9 was voluntarily released by the person during meetings open to the public.

10 III. Any lawful warrant for any list, record, register, registry, roll, roster or other
11 compilation of data of any kind that directly or indirectly identifies a person as a member, supporter,
12 volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax
13 under section 501(c) of the Internal Revenue Code issued by a court of competent jurisdiction;

14 IV. A lawful request for discovery of any list, record, register, registry, roll, roster or other
15 compilation of data of any kind that directly or indirectly identifies a person as a member, supporter,
16 volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax
17 under section 501(c) of the Internal Revenue Code in litigation if both of the following conditions are
18 met:

19 (a) The requestor demonstrates a compelling need for any list, record, register, registry,
20 roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a
21 member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt
22 from federal income tax under section 501(c) of the Internal Revenue Code by clear and convincing
23 evidence; and

24 (b) The requestor obtains a protective order barring disclosure of any list, record,
25 register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly
26 identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support,
27 to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code to
28 any person not named in the litigation.

29 V. Admission of any list, record, register, registry, roll, roster, or other compilation of data of
30 any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of
31 any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code as
32 relevant evidence before a court of competent jurisdiction. Any filing in court that is subject to this
33 section shall be filed under seal by the offering party. Any party who intends to display or produce
34 any record that is subject to this section in a courtroom during a hearing or trial shall notify the
35 court to allow for the courtroom to be cleared prior to discussion or display of the record. No court
36 shall publicly reveal such information that has been filed in accordance with this paragraph absent a
37 specific finding of good cause.

Amendment to SB 302-FN
- Page 3 -

1 91-C:3 Limited Applicability.

2 I. Nothing in this chapter shall apply to a national securities association, as defined in
3 section 15A of the Securities Exchange Act of 1934, 15 U.S.C. Section 78o-3, as amended, or
4 regulations adopted thereunder, and any information such national securities association provides to
5 the relevant public agency or body of this state pursuant to the rules and regulations provided by
6 such agency or body.

7 II. The following activities by the attorney general pursuant to RSA 7:19 through RSA 7:32-
8 a shall be specifically allowed:

9 (a) A request by the attorney general of a list of the members of the governing board of a
10 charitable trust in reports required under RSA 7:28, II;

11 (b) A request by the attorney general for information required for an audit, examination,
12 or investigation pursuant to RSA 7:24, provided that such information shall only be used in
13 connection with the specific audit, examination, or investigation to which the request relates and for
14 any related proceedings, provided further that any information so collected shall otherwise remain
15 subject to the provisions of this chapter; and

16 (c) The voluntary release of information related to volunteers or donors by a charitable
17 trust to the attorney general or to the public.

18 91-C:4 Penalties.

19 I. A person alleging a violation of this chapter may bring a civil action for appropriate
20 injunctive relief, damages, or both. Damages awarded under this section may include one of the
21 following, as appropriate:

22 (a) A sum of money not less than \$2,500 to compensate for injury or loss caused by each
23 violation of this chapter; or

24 (b) For an intentional violation of this chapter, a sum of money not to exceed \$7,500.

25 II. A court, in rendering a judgment in the action brought under this chapter, may award all
26 or a portion of the costs of litigation, including reasonable attorneys and witness fees, to the
27 complainant in the action if the court determines that the award is appropriate.

28 III. A person who knowingly violates this chapter shall be guilty of a misdemeanor
29 punishable by imprisonment for not more than 90 days, a fine of not more than \$1,000, or both.

30 2 Effective Date. This act shall take effect January 1, 2023.