

By: Representatives Lott, Cameron, Formby,
Jennings, Robertson, Wells-Smith, Whittington

To: Judiciary B

HOUSE BILL NO. 1529

1 AN ACT TO PROVIDE THAT PERSONAL INFORMATION ABOUT AN
2 INDIVIDUAL IN THE POSSESSION OF ANY STATE OFFICER, AGENCY,
3 DEPARTMENT OR INSTITUTION IS CONFIDENTIAL AND SHALL NOT BE SOLD,
4 PROVIDED OR OTHERWISE DISCLOSED TO ANY THIRD PARTY, EXCEPT AS
5 AUTHORIZED BY THIS ACT; TO PROVIDE THAT PERSONAL INFORMATION ABOUT
6 AN INDIVIDUAL CONTAINED IN ANY DOCUMENT OR RECORD IN THE
7 POSSESSION OF AN AGENCY IS EXEMPT FROM THE PUBLIC RECORDS ACT; TO
8 SPECIFY THE CASES IN WHICH PERSONAL INFORMATION ABOUT AN
9 INDIVIDUAL IN THE POSSESSION OF AN AGENCY MAY BE SOLD, PROVIDED OR
10 OTHERWISE DISCLOSED TO THIRD PARTIES; TO AMEND SECTION 25-61-5,
11 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;
12 AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** (1) As used in this section:

15 (a) "Agency" means an agency, department, institution,
16 officer or employee of the State of Mississippi. This term
17 includes the state institutions of higher learning.

18 (b) "Personal information" means a residence address,
19 residence telephone number, Social Security number, date of birth,
20 financial information, credit information, medical information or
21 other similar information that is generally considered to be
22 personal and private about an individual.

23 (2) Personal information in the possession of an agency in
24 any format is confidential and shall not be sold, provided or
25 otherwise disclosed to any third party, except as authorized by
26 subsection (4) of this section.

27 (3) Personal information contained in any document or record
28 in the possession of an agency in any format is exempt from the
29 provisions of the Mississippi Public Records Act of 1983 (Section
30 25-61-1 et seq.).



31 (4) Personal information in the possession of an agency may
32 be sold, provided or otherwise disclosed to third parties only in
33 the following cases:

34 (a) An agency may provide or disclose personal
35 information in its possession to a state, federal or local
36 governmental entity if state or federal law requires that personal
37 information to be provided or disclosed to that governmental
38 entity.

39 (b) An agency may provide or disclose personal
40 information in its possession to another agency if that
41 information is needed by the recipient agency for the performance
42 of its official duties.

43 (c) An agency may sell, provide or otherwise disclose
44 personal information in its possession to any third party if the
45 individual to whom the personal information pertains has given his
46 or her consent in writing for the personal information to be sold,
47 provided or otherwise disclosed to that third party.

48 **SECTION 2.** Section 25-61-5, Mississippi Code of 1972, is
49 amended as follows:

50 25-61-5. (1) Except as otherwise provided by Sections
51 25-65-9, 25-65-11 and Section 1 of this act, all public records
52 are * * * declared to be public property, and any person shall
53 have the right to inspect, copy or mechanically reproduce or
54 obtain a reproduction of any public record of a public body in
55 accordance with reasonable written procedures adopted by the
56 public body concerning the cost, time, place and method of access,
57 and public notice of the procedures shall be given by the public
58 body, or, if a public body has not adopted those written
59 procedures, the right to inspect, copy or mechanically reproduce
60 or obtain a reproduction of a public record of the public body
61 shall be provided within one (1) working day after a written
62 request for a public record is made. No public body shall adopt
63 procedures that will authorize the public body to produce or deny



64 production of a public record later than fourteen (14) working
65 days from the date of request for the production of the record.

66 (2) Denial by a public body of a request for access to or
67 copies of public records under this chapter shall be in writing
68 and shall contain a statement of the specific reasons for the
69 denial. Each public body shall maintain a file of all denials of
70 requests for public records. Public bodies shall be required to
71 preserve those denials on file for not less than three (3) years
72 from the date that the denials are made. This file shall be made
73 available for inspection and/or copying during regular office
74 hours to any person upon written request.

75 **SECTION 3.** This act shall take effect and be in force from
76 and after July 1, 2002.

