

By: Senator(s) Jones

To: Fees, Salaries and
Administration; Judiciary,
Division B

SENATE BILL NO. 2788

1 AN ACT TO REQUIRE STATE AGENCIES AND BUSINESSES TO KEEP
2 PERSONAL INFORMATION CONFIDENTIAL; TO PROVIDE EXCEPTIONS; TO
3 PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) (a) As used in this section, "business"
6 means and includes a partnership, limited partnership,
7 corporation, professional firm, limited liability company,
8 nonprofit organization or other business entity.

9 (b) As used in this section, "state agency" means every
10 state institution, board, commission, council, department or unit
11 thereof created by the Mississippi Constitution of 1890 or by law.

12 (c) As used in this section, "personal information"
13 includes, but is not limited to, an individual's name, electronic
14 mail address, telephone number, mailing address, and social
15 security number.

16 (2) All businesses and state agencies shall keep
17 confidential all personal information concerning an individual
18 unless the individual gives permission, in writing or by
19 electronic mail, to the business or state agency to disclose the
20 personal information.

21 (3) Subsection (2) does not apply to the following
22 disclosures of personal information:

23 (a) A state agency may disclose personal information
24 concerning an individual to another state agency when such
25 disclosure is relevant to either agency's duties under local,
26 state or federal law.



27 (b) A business may disclose personal information
28 concerning an individual to any local, state, or federal law
29 enforcement agency pursuant to that agency's lawful request.

30 (4) A business shall provide notice of the requirements of
31 this section to each of its individual customers. The notice must
32 include, without limitation, a conspicuous statement that an
33 individual may request, in writing or by electronic mail, to have
34 the personal information of the individual disclosed to third
35 parties.

36 (5) A state agency shall provide notice of the requirements
37 of this section to the general public by posting a notice on its
38 Web site or at its principal place of business. If a state agency
39 has no Web site or principal place of business, the state agency
40 may provide the required notice in a reasonable manner. The
41 notice must include, without limitation, a conspicuous statement
42 that an individual may request, in writing or by electronic mail,
43 to have the personal information of the individual disclosed to
44 third parties.

45 (6) A business or state agency that violates any provision
46 of this section is guilty of a misdemeanor and shall be punished
47 by a fine of not less than Fifty Dollars (\$50.00) or more than
48 Five Hundred Dollars (\$500.00) for each violation.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2010.

