SENATE BILL NO. 2788

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

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

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

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

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

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

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

(a) A state agency may disclose personal information concerning an individual to another state agency when such disclosure is relevant to either agency's duties under local, state or federal law.
(b) A business may disclose personal information concerning an individual to any local, state, or federal law enforcement agency pursuant to that agency's lawful request.

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

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

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

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