

Regular Session, 2014

SENATE BILL NO. 295

BY SENATOR CROWE

IDENTITY DATA. Constitutional amendment to protect personal identifiable information.
(2/3-CA13sl(A))

1 A JOINT RESOLUTION

2 Proposing to add Article I, Section 28 of the Constitution of Louisiana, relative to the right
3 of security of personally identifiable information; to prohibit the sharing of
4 personally identifiable information collected by a state agency or a local government
5 agency; to provide for exceptions; to provide for remedies for violations; to provide
6 for standing; and to specify an election for submission of the proposition to electors
7 and provide a ballot proposition.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
9 elected to each house concurring, that there shall be submitted to the electors of the state, for
10 their approval or rejection in the manner provided by law, a proposal to add Article I,
11 Section 28 of the Constitution of Louisiana, to read as follows:

12 **§28. Right to Security of Personally Identifiable Information**

13 **A. No state executive branch agency or local government agency shall**
14 **share any person's personally identifiable information with another agency,**
15 **private company, or anyone else without the express written permission of the**
16 **person or a warrant.**

17 **B. As used in this Subsection, "personally identifiable information" shall**

1 **mean information that can be used to distinguish a person's identity, either**
2 **alone or when combined with other personal or identifying information that is**
3 **linked or linkable to a specific person.**

4 **C. The provisions of this Section shall not prohibit the sharing of**
5 **personally identifiable information by law enforcement personnel or**
6 **corrections' officials for legal or law enforcement purposes.**

7 **D. The provisions of this Section shall not prohibit the sharing of any**
8 **information that is considered by law to be a public record.**

9 **E. Any person adversely affected by the unlawful sharing of personally**
10 **identifiable information in violation of this Section shall have standing to raise**
11 **its illegality in the appropriate court.**

12 Section 2. Be it further resolved that this proposed amendment shall be submitted
13 to the electors of the state of Louisiana at the statewide election to be held on November 4,
14 2014.

15 Section 3. Be it further resolved that on the official ballot to be used at said election
16 there shall be printed a proposition, upon which the electors of the state shall be permitted
17 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
18 follows:

19 Do you support an amendment that would prohibit a state executive branch
20 agency or local government agency from sharing a person's personally
21 identifiable information with any other agency, private company, or anyone
22 else without the express written permission of the person or a warrant and
23 that would allow any person adversely affected by the unlawful sharing of
24 personally identifiable information to be able to raise the issue of its illegality
25 in the appropriate court, but would not prohibit the sharing of personally
26 identifiable information for legal or law enforcement purposes?

27 (Adds Article I, Section 28)

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Crowe (SB 295)

Proposed constitutional amendment provides that no state executive branch agency or local government agency shall share any person's personally identifiable information with another agency, private company, or anyone else without the express written permission of the person or a warrant.

Proposed constitutional amendment provides "personally identifiable information" means information that can be used to distinguish a person's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific person.

Proposed constitutional amendment provides that the provisions of proposed constitutional amendment shall not prohibit the sharing of personally identifiable information between law enforcement personnel for a legal or law enforcement purpose.

Proposed constitutional amendment provides that any person adversely affected by the sharing of personally identifiable information in violation of proposed constitutional amendment shall have standing to raise its illegality in the appropriate court.

Specifies submission of the amendment to the voters at the statewide election to be held on November 4, 2014.

(Adds Const. Art. I, Sec. 28)