

## HOUSE BILL No. 2495

By Committee on Judiciary

1-19

1 AN ACT concerning records; relating to personal information about  
2 affiliation with organizations exempt from federal income taxation  
3 under section 501(c) of the federal internal revenue code; prohibiting a  
4 public agency from disclosing information related to such affiliation  
5 and providing exemptions.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) A public agency shall not:

9 (1) Require an individual to provide the public agency with personal  
10 information or compel the release of personal information;

11 (2) require any entity that is exempt from federal income taxation  
12 under section 501(c) of the federal internal revenue code to provide the  
13 public agency with personal information or compel the release of personal  
14 information;

15 (3) release or publicly disclose personal information in the possession  
16 of such public agency; or

17 (4) request or require a current or prospective contractor or grant  
18 recipient to provide the public agency with a list of entities that are exempt  
19 from federal income taxation under section 501(c) of the federal internal  
20 revenue code to which the contractor or grantee has provided financial or  
21 nonfinancial support.

22 (b) Personal information shall be confidential and shall not be subject  
23 to the open records act, K.S.A. 45-215 et seq., and amendments thereto.  
24 The provisions of this subsection shall expire on July 1, 2027, unless the  
25 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,  
26 and amendments thereto.

27 (c) The provisions of this section shall not apply to:

28 (1) Any report or disclosure required by article 41 of chapter 25 or  
29 article 2 of chapter 46 of the Kansas Statutes Annotated, and amendments  
30 thereto;

31 (2) a valid warrant issued for personal information by a court of  
32 competent jurisdiction;

33 (3) a lawful request for discovery of personal information in litigation  
34 if the person making such request:

35 (A) Demonstrates a compelling need for the personal information by  
36 clear and convincing evidence; and

1 (B) obtains a protective order barring disclosure of the personal  
2 information to any person not named in the litigation;

3 (4) admission of personal information as relevant evidence before a  
4 court of competent jurisdiction, except that no court shall disclose personal  
5 information unless such court makes a finding of good cause; and

6 (5) a national securities association as defined in section 15A of the  
7 securities exchange act of 1934, as in effect on July 1, 2022, or any  
8 regulations adopted thereunder.

9 (d) (1) A person alleging a violation of this section may bring a civil  
10 action for injunctive relief or damages. Damages awarded pursuant to this  
11 section shall be not less than \$7,500 for each violation of this section.

12 (2) The court may award reasonable attorney fees and costs to the  
13 complainant when the court determines such award is appropriate.

14 (3) A person who knowingly violates the provisions of this section is  
15 guilty of a class C nonperson misdemeanor.

16 (e) For the purposes of this section:

17 (1) "Personal information" means any list, record, register, registry,  
18 roll, roster or other compilation of data of any kind that directly or  
19 indirectly identifies a person as a member, supporter or volunteer of or  
20 donor of financial or nonfinancial support to any entity that is exempt from  
21 federal income taxation pursuant to section 501(c) of the federal internal  
22 revenue code; and

23 (2) "public agency" means the state or any political or taxing  
24 subdivision of the state or any office, agency or instrumentality thereof.

25 (f) This section shall be known and may be cited as the charitable  
26 privacy act.

27 Sec. 2. This act shall take effect and be in force from and after its  
28 publication in the statute book.