

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/22/99**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - bldg codes**
Environment - water quality

Extra Copies:

Pre Topic:

SDC:.....Walter - # 3816,

Topic:

Disposal of documents containing personal information

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 06/22/99	chanaman 06/24/99	ismith 06/27/99	_____	lrb_docadmin 06/27/99		

FE Sent For:

<END>

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1?	rmarchan	cmh vhl H	IS 4/27	RSJF 4/27			

FE Sent For:

<END>

SDC

yes

caucus number 2736

duplicate flag:
duplicate with: 6/21/99

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Add to the Dane County Lake and Watershed Commission a member of the Yahara Lakes Association, appointed by the Dane County Executive.

other notes
drafting instructions: See above.
more instructions:

caucus number 2764

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 2945	LRB P-draft:

description: Adopt the provisions of LRB 2945 which would prohibit contracts that restrict the free distribution of bona fide newspapers in public places of accommodation.

other notes
drafting instructions: See above.
more instructions:

caucus number 3816

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number: SB46, Senate Substitute Amendment 1	
LRB draft #	LRB P-draft:

description: Disposal of document containing personal information. Sen. Sub amendment 1 to SB 46

other notes
drafting instructions: See above.
more instructions:

caucus number 3827

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 2984/1	LRB P-draft:

description: LRB 2984/1. Prohibit the inclusion of an individuals social security number on certain documents issued or used by the state.

other notes
drafting instructions: Include LRB 2984/1. See above.
more instructions:

+



Privacy

CN 3816

Disposal of Documents containing personal information.

Fiscal \$0

LRBs0020/2

MISC.



State of Wisconsin
1999 - 2000 LEGISLATURE

1
LRBb0909/10
RJM:.....
cmj

5000

SDC:.....Walter - # 3816, Disposal of documents containing personal information

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

CMR

DATE

INSERT 1-2

1

At the locations indicated, amend the substitute amendment as follows:

2

1. Page 1431, line 11: after that line insert:

3

2. Page 1617, line 16: after that line insert:

4

(END)

INSERT 1-3



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0020/2
RJM:kmg:lp

SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 46

March 18, 1999 - Offered by COMMITTEE ON PRIVACY, ELECTRONIC COMMERCE AND
FINANCIAL INSTITUTIONS.

1 AN ACT to create 895.505 of the statutes; relating to: disposal of documents
2 containing personal information.

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

3 ^{315m} SECTION 895.505 of the statutes is created to read:

INSERT
1-2

4 895.505 Disposal of records containing personal information. (1)

5 DEFINITIONS. In this section:

6 (a) "Credit card" has the meaning given in s. 421.301 (15).

7 (b) "Financial institution" means any bank, savings bank, savings and loan
8 association or credit union that is authorized to do business under state or federal
9 laws relating to financial institutions, any issuer of a credit card or any investment
10 company.

11 (c) "Investment company" has the meaning given in s. 180.0103 (11e).

1 (d) "Medical business" means any organization or enterprise operated for profit
2 or not for profit, including a sole proprietorship, partnership, firm, business trust,
3 joint venture, syndicate, corporation, limited liability company or association, that
4 possesses information, other than personnel records, relating to a person's physical
5 or mental health, medical history or medical treatment.

6 (e) "Personal information" means any of the following:

7 1. Personally identifiable data about an individual's medical condition, if the
8 data ^{is} ~~is~~ not generally considered to be public knowledge.

9 2. Personally identifiable data that contains ^{of} an individual's account or
10 customer number, account balance, balance owing, credit balance or credit limit, if
11 the data relates ^{to} to an individual's account or transaction with a financial institution.

12 3. Personally identifiable data provided by an individual to a financial
13 institution upon opening an account or applying for a loan or credit.

14 4. Personally identifiable data about an individual's insurance, if the insurance
15 is related to a transaction with a financial institution.

16 5. Personally identifiable data about an individual's federal, state or local tax
17 filings.

18 (f) "Personally identifiable" means capable of being associated with a particular
19 individual through one or more identifiers or other information or circumstances.

20 (g) "Record" means any material on which written, drawn, printed, spoken,
21 visual or electromagnetic information is recorded or preserved, regardless of
22 physical form or characteristics.

23 (h) "Tax preparation business" means any organization or enterprise operated
24 for profit, including a sole proprietorship, partnership, firm, business trust, joint
25 venture, syndicate, corporation, limited liability company or association, that

1 prepares a person's federal, state or local tax filings or counsels a person regarding
2 the person's federal, state or local tax filings.

3 (2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION. A financial
4 institution, medical business or tax preparation business may not dispose of a record
5 containing personal information unless the financial institution, medical business,
6 tax preparation business or other person under contract with the financial
7 institution, medical business or tax preparation business does any of the following:

8 (a) Shreds the record before the disposal of the record.

9 (b) Erases the personal information contained in the record before the disposal
10 of the record.

11 (c) Modifies the record to make the personal information unreadable before the
12 disposal of the record.

13 (d) Takes actions that it reasonably believes will ensure that no unauthorized
14 person will have access to the personal information contained in the record for the
15 period between the record's disposal and the record's destruction.

16 (3) CAUSE OF ACTION. A financial institution, medical business or tax
17 preparation business is liable to a person whose personal information is improperly
18 disposed of in violation of sub. (2) for the amount of damages resulting from the
19 violation ~~and for reasonable attorney fees.~~

INSERT 1-3

~~SECTION 3. Effective date~~

The creation of section 895.505 of the statutes

Effective Date

20
21 ~~§ 3. (1) This act~~ takes effect on the first day of the 4th month beginning after
22 publication. ”.

23

~~SECTION 3~~

DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION, ← §§

(END OF INSERT 1-3)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0909/1dn

RJM:.....

cmj

Attached is the amendment you requested regarding the disposal of documents containing personal information. It was unclear whether you intended to include only senate substitute amendment 1 to senate bill 46 or whether you also intended to include senate amendment 1 to the senate substitute amendment. This draft includes senate amendment 1, which was adopted during the senate floor debate on senate bill 46 and which eliminates the ability for a plaintiff under proposed s. 895.505 to recover attorneys fees. If you did not intend to include senate amendment 1, please let me know.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0909/1dn
RJM:cmh:ijs

June 27, 1999

Attached is the amendment you requested regarding the disposal of documents containing personal information. It was unclear whether you intended to include only senate substitute amendment 1 to senate bill 46 or whether you also intended to include senate amendment 1 to the senate substitute amendment. This draft includes senate amendment 1, which was adopted during the senate floor debate on senate bill 46 and which eliminates the ability for a plaintiff under proposed s. 895.505 to recover attorneys fees. If you did not intend to include senate amendment 1, please let me know.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0909/1
RJM:cmh:ijs

SDC:.....Walter - # 3816, Disposal of documents containing personal information

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1431, line 11: after that line insert:

3 “SECTION 3113m. 895.505 of the statutes is created to read:

4 **895.505 Disposal of records containing personal information. (1)**

5 DEFINITIONS. In this section:

6 (a) “Credit card” has the meaning given in s. 421.301 (15).

7 (b) “Financial institution” means any bank, savings bank, savings and loan
8 association or credit union that is authorized to do business under state or federal
9 laws relating to financial institutions, any issuer of a credit card or any investment
10 company.

1 (c) “Investment company” has the meaning given in s. 180.0103 (11e).

2 (d) “Medical business” means any organization or enterprise operated for profit
3 or not for profit, including a sole proprietorship, partnership, firm, business trust,
4 joint venture, syndicate, corporation, limited liability company or association, that
5 possesses information, other than personnel records, relating to a person’s physical
6 or mental health, medical history or medical treatment.

7 (e) “Personal information” means any of the following:

8 1. Personally identifiable data about an individual’s medical condition, if the
9 data are not generally considered to be public knowledge.

10 2. Personally identifiable data that contain an individual’s account or customer
11 number, account balance, balance owing, credit balance or credit limit, if the data
12 relate to an individual’s account or transaction with a financial institution.

13 3. Personally identifiable data provided by an individual to a financial
14 institution upon opening an account or applying for a loan or credit.

15 4. Personally identifiable data about an individual’s insurance, if the insurance
16 is related to a transaction with a financial institution.

17 5. Personally identifiable data about an individual’s federal, state or local tax
18 filings.

19 (f) “Personally identifiable” means capable of being associated with a particular
20 individual through one or more identifiers or other information or circumstances.

21 (g) “Record” means any material on which written, drawn, printed, spoken,
22 visual or electromagnetic information is recorded or preserved, regardless of
23 physical form or characteristics.

24 (h) “Tax preparation business” means any organization or enterprise operated
25 for profit, including a sole proprietorship, partnership, firm, business trust, joint

1 venture, syndicate, corporation, limited liability company or association, that
2 prepares a person's federal, state or local tax filings or counsels a person regarding
3 the person's federal, state or local tax filings.

4 (2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION. A financial
5 institution, medical business or tax preparation business may not dispose of a record
6 containing personal information unless the financial institution, medical business,
7 tax preparation business or other person under contract with the financial
8 institution, medical business or tax preparation business does any of the following:

9 (a) Shreds the record before the disposal of the record.

10 (b) Erases the personal information contained in the record before the disposal
11 of the record.

12 (c) Modifies the record to make the personal information unreadable before the
13 disposal of the record.

14 (d) Takes actions that it reasonably believes will ensure that no unauthorized
15 person will have access to the personal information contained in the record for the
16 period between the record's disposal and the record's destruction.

17 (3) CAUSE OF ACTION. A financial institution, medical business or tax
18 preparation business is liable to a person whose personal information is improperly
19 disposed of in violation of sub. (2) for the amount of damages resulting from the
20 violation.”.

21 **2.** Page 1617, line 16: after that line insert:

