

## 1999 ASSEMBLY BILL 23

January 14, 1999 – Introduced by Representatives SCHNEIDER, BOYLE, BERCEAU and LASSA, cosponsored by Senators DRZEWIECKI and SCHULTZ. Referred to Committee on Judiciary and Personal Privacy.

- 1 **AN ACT to create** 13.0991 of the statutes; **relating to:** preparation of privacy  
2 impact statements for bills that would impact personal privacy.

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### *Analysis by the Legislative Reference Bureau*

This bill provides that whenever a bill is introduced in either house of the legislature that would have an impact upon personal privacy, any standing committee to which the bill is referred must not hold a public hearing on the bill or report the bill until a privacy impact statement is prepared and received. The statement is prepared by one or more state agencies or authorities, as determined by the department of administration. The statement describes the impact upon personal privacy that would result from enactment of the bill and analyzes the desirability of that impact from the standpoint of public policy. The bill also permits either house of the legislature, under rules of that house or joint rules, to request the department of administration to order the preparation of a privacy impact statement with respect to any bill before that house, either in its original form or as affected by one or more amendments.

Under the bill, a bill has an impact on personal privacy if the bill would:

1. Provide for the creation of additional personally identifiable information that is not readily available to the public at the time the bill is introduced.
2. Create an activity that would constitute an intrusion upon the privacy of an individual, or alter an activity in such a way as to create such an intrusion.
3. Utilize the name, picture or likeness of an individual without the consent of the individual, or the consent of the individual's parent or guardian if the individual is a minor; or

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4. Permit or cause publicity to be given to the private life of an individual.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 13.0991 of the statutes is created to read:

2           **13.0991 Privacy impact statements. (1)** In this section:

3           (a) “Authority” means a body created under ch. 231, 232, 233, 234 or 235.

4           (b) “Impact upon personal privacy” means that a bill would do one or more of  
5 the following:

6           1. Provide for the creation of additional personally identifiable information  
7 that is not readily available to the public at the time the bill is introduced.

8           2. Create an activity that would constitute an intrusion upon the privacy of an  
9 individual, or alter an activity in such a way as to create such an intrusion.

10           3. Utilize the name, picture or likeness of an individual without the consent of  
11 the individual, or the consent of the individual’s parent or guardian if the individual  
12 is a minor.

13           4. Permit or cause publicity to be given to the private life of an individual.

14           (c) “Personally identifiable information” has the meaning given under s. 19.62  
15 (5).

16           (d) “State agency” means an office, department, independent agency,  
17 institution of higher education, association, society or other body in state  
18 government created or authorized to be created by the constitution or any law, which  
19 is entitled to expend moneys appropriated by law, including the legislature and the  
20 courts, but not including an authority.

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1           **(2)** (a) Whenever a bill is introduced in either house of the legislature that  
2 would have an impact upon personal privacy, the legislative reference bureau shall  
3 promptly transmit a copy of the bill to the department of administration.

4           (b) Either house of the legislature may, under rules of that house or joint rules  
5 of the legislature, request the department of administration to order the preparation  
6 of a privacy impact statement with respect to any bill before that house, either in its  
7 original form or as affected by one or more amendments. If a house so requests, the  
8 chief clerk of that house shall thereupon transmit a copy of that bill and any affected  
9 amendments to the department of administration.

10           **(3)** Upon receipt of a bill under sub. (2), the department of administration shall  
11 direct one or more state agencies or authorities to prepare a privacy impact  
12 statement with respect to that bill. Each privacy impact statement shall describe the  
13 impact upon personal privacy that would result from enactment of the bill and  
14 analyze the desirability of that impact from the standpoint of public policy.

15           **(4)** Each state agency or authority receiving a bill under sub. (3) shall provide  
16 the statement required under sub. (3) to the department of administration within 15  
17 days of the department's directive.

18           **(5)** Upon receiving a privacy impact statement under sub. (4), the department  
19 of administration shall provide one copy to the legislative reference bureau, one copy  
20 to the principal author of the bill and one copy to the chief clerk of the house of the  
21 legislature in which the bill originated. The chief clerk shall thereupon print and  
22 distribute the statement in the same manner as amendments to the bill are printed  
23 and distributed.

24           **(6)** Whenever a bill requires preparation of a privacy impact statement under  
25 this section, the legislative reference bureau shall include a notation to that effect

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1 on the jacket of the bill when the jacket is prepared. If the preparation of a privacy  
2 impact statement is requested by a house of the legislature, the chief clerk of that  
3 house shall include a notation to that effect on the jacket of the bill.

4 (7) Whenever a privacy impact statement is required or requested for any bill  
5 under this section, any standing committee to which the bill is referred shall not hold  
6 a public hearing on the bill or report the bill until the statement is received by the  
7 chief clerk of the house in which the bill originated.

8 **SECTION 2. Initial applicability.**

9 (1) This act first applies with respect to bills introduced in the 2001–03  
10 legislative session.

11 (END)