

1999 DRAFTING REQUEST

Bill

Received: 10/26/98

Received By: hubliks

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: hubliks

May Contact:

Alt. Drafters:

Subject: Fin. Inst. - miscellaneous

Extra Copies:

Topic:

Disposal of documents containing personal information.

Instructions:

Redraft AB-546 from last session

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>
/?	hubliks 12/9/98	chanaman 12/9/98		_____			
/1			martykr 12/9/98	_____	gretskl 12/9/98	lrb_docadmin 12/10/98	

FE Sent For:

Not Needed

<END>

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1?	hubliks	CMH 12/9 1	km 12/9	Q J W km 9			

FE Sent For:

1 12/9 JLG

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MMJ + JLG

-066775

1997 ASSEMBLY BILL 546

September 30, 1997 - Introduced by Representatives SCHNEIDER, NOTESTEIN, GRONEMUS, MUSSER, L. YOUNG, SYKORA, BOYLE, LA FAVE, R. YOUNG, F. LASEE, SKINDRUD, HASENOHRL, R. POTTER, KREUSER, OTTE and KAUFERT, cosponsored by Senator ROESSLER. Referred to Committee on Mandates.

D-NOTE

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

Analysis by the Legislative Reference Bureau

This bill prohibits businesses from disposing of records containing certain personal information unless certain requirements are met. A business may dispose of records containing personal information if, prior to the disposal of the record, the business shreds, erases or otherwise modifies the record to make the personal information unreadable. Alternatively, a business may dispose of records containing personal information if the business takes actions that it reasonably believes will ensure that no unauthorized person will have access to the records for the period of time between the records' disposal and the records' destruction. The bill defines "record" to include any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of its physical form. It defines "personal information" to mean information about an individual's medical or financial condition that is not generally considered to be public knowledge. The information must be capable of being associated with a particular individual. A business that violates the provisions of the bill is liable to any person damaged by the violation for the amount of damages and for reasonable attorney fees.

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

- 3 SECTION 1. 895.505 of the statutes is created to read:
- 4 **895.505 Disposal of records containing personal information. (1)**
- 5 DEFINITIONS. In this section:

Handwritten marks and scribbles in the top right corner.



A small vertical mark or tick at the bottom left corner.

1 (a) "Business" means an organization or enterprise operated for profit,
2 including a sole proprietorship, partnership, firm, business trust, joint venture,
3 syndicate, corporation, limited liability company or association.

4 (b) "Personal information" means personally identifiable data about an
5 individual's medical or financial condition that is not generally considered to be
6 public knowledge.

7 (c) "Personally identifiable" means capable of being associated with a
8 particular individual through one or more identifiers or other information or
9 circumstances.

10 (d) "Record" means any material on which written, drawn, printed, spoken,
11 visual or electromagnetic information is recorded or preserved, regardless of
12 physical form or characteristics.

13 **(2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION.** A business may not
14 dispose of a record containing personal information unless:

15 (a) Prior to the disposal of the record, the business shreds, erases or otherwise
16 modifies the record to make the personal information unreadable.

17 (b) The business takes actions that it reasonably believes will ensure that no
18 unauthorized person will have access to the personal information contained in the
19 record for the period between the record's disposal and the record's destruction.

20 **(3) CAUSE OF ACTION.** Notwithstanding s. 814.04 (1), a business that violates
21 sub. (2) is liable to any person damaged by the violation for the amount of damages
22 and for reasonable attorney fees.

23 **SECTION 2. Effective date.**

1 (1) This act takes effect on the first day of the 4th month beginning after
2 publication.

3

(END)✓

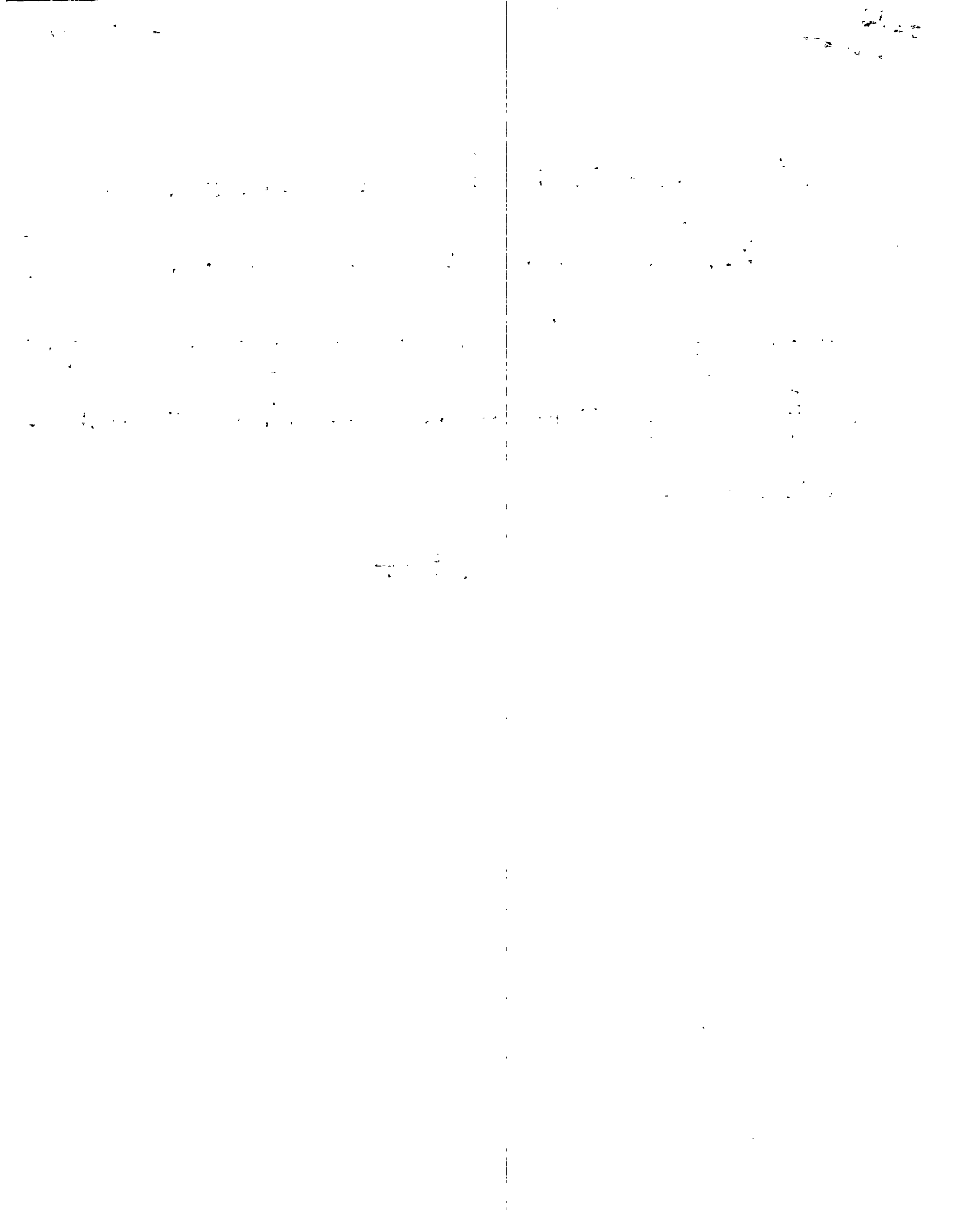
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D-NOTE

-0667/1du

This draft is identical to 1997 Assembly Bill 546. ✓ Please let me know if you have any questions regarding the draft or if any part of it is inconsistent with your intent.

KSH



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

LRB-0667/1dn
KSH:cmh&jlg:km

December 9, 1998

This draft is identical to 1997 Assembly Bill 546. Please let me know if you have any questions regarding the draft or if any part of it is inconsistent with your intent.

K. Scott Hubli
Legislative Attorney
266-0135

10-20-2020

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/9/98

To: Representative Schneider

Relating to LRB drafting number: LRB-0667

Topic

Disposal of documents containing personal information.

Subject(s)

Fin. Inst. - miscellaneous

1. **JACKET** the draft for introduction _____

MS

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

K. Scott Hubli, Administrative Services Manager
Telephone: (608) 266-0135