

1999 DRAFTING REQUEST

Bill

Received: 01/21/99

Received By: rmarchan

Wanted: As time permits

Identical to LRB:

For: Jon Erpenbach

By/Representing: julie

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Alt. Drafters:

Subject: Fin. Inst. - miscellaneous

Extra Copies: KSH

Topic:

Prohibit tax preparers, financial institutions, and medical records personnel from disposing of personal information without first making the information unreadable.

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>
/?	rmarchan 01/21/99	wjackson 01/22/99		_____			
/1			lpaasch 01/22/99	_____	lrb_docadmin 01/22/99	lrb_docadmin 01/27/99	

FE Sent For:

Not Needed

<END>

**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:** 1/22/99

**To:** Senator Erpenbach

**Relating to LRB drafting number:** LRB-1900

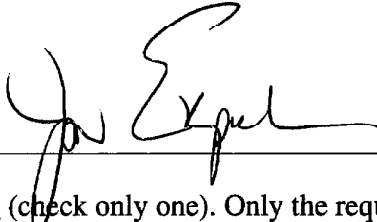
**Topic**

Prohibit tax preparers, financial institutions, and medical records personnel from disposing of personal information without first making the information unreadable.

**Subject(s)**

Fin. Inst. - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_



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.

Robert J. Marchant, Legislative Attorney  
Telephone: (608) 261-4454

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1/2	rmarchan	1 WLj 1/21	1/22 LP	1/23 <del>LP</del> S			

FE Sent For:

<END>

1-20-99

Julie - Eschenbach

AB 546 - redraft

LRB 3713 KSH

only { apply to  
financial institutions  
institutions that handle medical  
information and tax preparers

"Dumpster Diving"

lksh  
1900/1

LRB 9713/4  
KSH:MM::km  
RSM:WLj

~~1997-1998~~ LEGISLATURE

1999 BILL

1997 ASSEMBLY BILL 546

ReDraft  
maker not  
run

September 30, 1997 - Introduced by Representatives Schneider, Notestein, Gronemus, Musser, L. Young, Sykora, Boyle, La Fave, R. Young, F. Lasee, Skinderud, Hasenohrl, R. Potter, Kreuser, Otte and Kaufert, cosponsored by Senator Roessler. Referred to Committee on Mandates.

~~Pg 1 Ln 1  
Pg 7 Ln 2~~

<sup>CAPS</sup> <sup>Regen</sup> <sup>(B)</sup>  
An Act to create 895.505 of the statutes relating to: disposal of documents containing personal information.

← Regen. cat.  
+ rel. clause  
in Bill format

businesses

financial institutions, tax preparers, and individuals who possess ~~medical information~~ records

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, ~~businesses~~ may dispose of records containing personal information if the ~~businesses~~ take actions that ~~they~~ reasonably believe ~~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. ~~The~~ ~~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.

businesses shred

These ~~businesses~~

these

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

~~Pg 1 Ln 3~~

Section ~~1.~~ <sup>#</sup> 895.505 <sup>✓</sup> of the statutes is created to read:

Capo & Small

Bold

see Insert A

Pg1Ln4  
Pg1Ln5  
Pg2Ln1  
Pg2Ln2  
Pg2Ln3  
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Pg2Ln22  
Pg2Ln23  
Pg3Ln1  
Pg3Ln2  
Pg3Ln3

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

**Definitions.** In this section:

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

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

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

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

(2) **Disposal of records containing personal information.** A business may not dispose of a record containing personal information unless ~~the business~~ <sup>financial institution, medical business, or tax preparation business</sup> ~~the financial institution, medical business or tax preparation business~~ <sup>business</sup> does all of the following:

(a) ~~Prior to the disposal of the record, the business~~ <sup>financial institution, medical business, or tax preparation business</sup> ~~erases, erases or otherwise~~ <sup>business</sup> modifies the record to make the personal information unreadable <sup>before the disposal of the record.</sup>

(b) ~~the business~~ <sup>financial institution, medical business, or tax preparation business</sup> takes actions that it reasonably believes will ensure that no unauthorized person will have access to the personal information contained in the record for the period between the record's disposal and the record's destruction.

(3) **Cause of action.** Notwithstanding s. 814.04 (1), a ~~business~~ <sup>financial institution, medical business, or tax preparation business</sup> that violates sub. (2) is liable to any person damaged by the violation for the amount of damages and for reasonable attorney fees.

**Section #** Effective date

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

(End)

insert B

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1900/lins  
RJM:.....

Insert A:

~~At Section 1 of bill, insert the following in the proper location under 895.505(1)~~

(a) "Financial institution" means any bank, savings bank, savings and loan association or credit union that is authorized to do business under state or federal laws relating to financial institutions.

(b) "Medical business" means any organization or enterprise operated for profit, including a sole proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, limited liability company or association, that possesses information relating to a person's physical or mental health, medical history or medical treatment.

(c) "Tax preparation business" means any organization or enterprise operated for profit, including a sole proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, limited liability company or association, that possesses information relating to a person's federal, state or local tax filings.

Insert B: