

**1999 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB46)**

Received: **03/11/99**

Received By: **rmarchan**

Wanted: **03/12/99**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Julie**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Fin. Inst. - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Amend SB 46 to be identical to 1999 LRB-2347/2, with minor changes

**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 03/11/99	jgeller 03/11/99		_____			
/1			jfrantze 03/11/99	_____	lrb_docadmin 03/11/99	lrb_docadmin 03/11/99	
/2	rmarchan 03/15/99	gilfokm 03/15/99	lpaasch 03/15/99	_____	lrb_docadmin 03/15/99	lrb_docadmin 03/15/99	

FE Sent For:

<END>

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/?	rmarchan 03/11/99	jgeller 03/11/99		_____ _____			
/1		12-3-15-99 Kmg	jfrantze 03/11/99 3-15 L.P.	_____ _____ 3-15 L.P.	lrb_docadmin 03/11/99	lrb_docadmin 03/11/99	
FE Sent For:				SS <END>			

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1?	rmarchan	1-3-11-99 Kmg	3/11	3/11			
FE Sent For:		3-15 L.P.		3-15 L.P. i.R. <END>			

10-11-99

T of Julie @ Sen. Esperlach's office

Request a sub. to SB 46

Same as 1999 LRB 2347/2, except  
provide for recovery of atty fees and regulate  
hospitals operated not for profit.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBS002011

MBB  
RJM/ktg/abn  
STET

Friday, March 12

1999 BILL

RMNIR

S. Sub. Ammt.  
to SB 46

WPO:  
Please correct  
request sheet

3/11 - 1 p.m.  
This draft is  
in RJM's inbox  
KG

- 1 AN ACT <sup>Leg. Cat.</sup> 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 certain financial institutions, tax preparers and certain businesses that possess medical records from disposing of records containing personal information unless certain requirements are met. These businesses may dispose of records containing personal information if, prior to the disposal of the record, these businesses shred, erase or otherwise modify the record to make the personal information unreadable. Alternatively, these 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 tax information, information about an individual's medical condition that is not generally considered to be public knowledge and certain financial information. The information must be capable of being associated with a particular individual. The businesses that improperly dispose of a person's personal information in violation of the provisions of the bill are liable to the person for damages caused by the violation.

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

**BILL**

1           **SECTION 1.** 895.505 of the statutes is created to read:

2           **895.505 Disposal of records containing personal information. (1)**

3           **DEFINITIONS.** In this section:

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

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

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

10          (d) “Medical business” means any organization or enterprise operated for  
11          profit, <sup>or not for profit</sup> including a sole proprietorship, partnership, firm, business trust, joint  
12          venture, syndicate, corporation, limited liability company or association, that  
13          possesses information, other than personnel records, relating to a person’s physical  
14          or mental health, medical history or medical treatment.

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

16           1. Personally identifiable data about an individual’s medical condition, if the  
17          data is not generally considered to be public knowledge.

18           2. Personally identifiable data that contains an individual’s account or  
19          customer number, account balance, balance owing, credit balance or credit limit, if  
20          the data relates to an individual’s account or transaction with a financial institution.

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

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

**BILL**

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

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

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

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

12           (2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION. A financial  
13 institution, medical business or tax preparation business may not dispose of a record  
14 containing personal information unless the financial institution, medical business  
15 or tax preparation business does any of the following:

16           (a) Shreds the record to make the personal information unreadable before the  
17 disposal of the record.

18           (b) Erases the personal information contained in the record before the disposal  
19 of the record.

20           (c) Modifies the record to make the personal information unreadable before the  
21 disposal of the record.

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







State of Wisconsin  
1999 - 2000 LEGISLATURE

TODAY

2  
LRBs00201  
RJM  
STET

EMR

SENATE SUBSTITUTE AMENDMENT,  
TO 1999 SENATE BILL 46

JACKET  
being returned  
by Sen. Eppensbach  
Please re-jacket

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 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:

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 not generally considered to be public knowledge.

9 2. Personally identifiable data that contains an individual's account or  
10 customer number, account balance, balance owing, credit balance or credit limit, if  
11 the data relates 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

or counsels a person  
regarding the person's federal, state  
of local tax filings

1 venture, syndicate, corporation, limited liability company or association, that

2 ~~possesses information relating to~~ <sup>prepares</sup> a 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 ~~or~~ tax preparation business <sup>or other person under contract with the financial institution,</sup> does any of the following: <sup>medical business or tax preparation business</sup>

7 (a) Shreds the record ~~to make the personal information unreadable~~ before the  
8 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.

20 SECTION 2. Effective date.

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

23 (END)