1999 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB46)

Received: **03/17/99**   Received By: **rmarchan**

Wanted: **Today**   Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**   By/Representing: **julie**

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

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

Pre Topic:

No specific pre topic given

Topic:

Delete attorney fees

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
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SENATE SUBSTITUTE AMENDMENT ,

TO 1999 SENATE BILL 46

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

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

1999 – 2000 Legislature   – 3 –   LRBs0020/2
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SECTION 1

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.

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)**

TODAY

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 1999 SENATE BILL 46

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

2   **1.** Page 3, line 19: delete "and for reasonable attorney fees".

3   **(END)**