

1999 DRAFTING REQUEST

Bill

Received: 01/25/99

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Percy**

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

Drafter: **champra**

May Contact:

Alt. Drafters: **olsenje**

Subject: **Correctional System - misc
Correctional System - prisons**

Extra Copies:

Topic:

DOA:.....Percy - Prisoner access to personal information

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>
/1	champra 01/25/99	gilfokm 01/25/99	lpaasch 01/26/99	_____	lrb_docadmin 01/26/99		State
/2	olsenje 01/27/99	jgeller 01/27/99	martykr 01/28/99	_____	lrb_docadmin 01/28/99		State

FE Sent For:

<END>

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/1	champra 01/25/99	gilfokm 01/25/99	lpaasch 01/26/99	_____	lrb_docadmin 01/26/99		State

FE Sent For:

1/27 jlg *1/27* *2/28* *2/28*

<END>

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1/?	champra	1-1-25-99 kmg	125LP	125LP JP			

FE Sent For:

<END>

Miller, Steve

From: Percy, Douglas
Sent: Saturday, January 23, 1999 11:51 AM
To: Miller, Steve
Subject: Privacy Initiative

Please have the following drafted for the Governor's budget. I did not send this to a specific analyst because I did not know who would be responsible for this draft.

Inmate Privacy Reform:

Prohibit inmate access to the following for data entry and telemarketing purposes: commercial credit card numbers, checking account numbers, social security numbers. Prohibit inmate access to personal identifiable data for juveniles which combines name, address, or phone number for the purposes of data entry.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1978/1
RAC&JEO/...

See *D Note*

DOA:.....Percy - Prisoner access to personal information

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

See 1000 General

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

*extra
and text*
Minor

This bill provides that the department of corrections (DOC) may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry services and have access to any personal information relating to a ~~prisoner~~. Under the bill, personal information includes an individual's address, telephone number, social security number, gender, race, religious affiliation, date or place of birth, place of or type of employment or any other information that may be used to identify the individual.

In addition, the bill provides that DOC may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry or telemarketing services and have access to an individual's financial transaction card numbers, checking or savings account numbers or social security number. Under the bill, a financial transaction card means an instrument or device issued for the use of the cardholder in obtaining anything on credit, certifying or guaranteeing the availability of funds sufficient to honor a draft or check or gaining access to an account.

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

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

1 SECTION 1. 301.029 of the statutes is created to read:

2 **301.029 Contracts requiring prisoner access to personal information.**

3 (1) In this section:

4 (a) "Financial transaction card" has the meaning given in s. 943.41 (1) (em). ✓

5 (b) "Personal information" includes an individual's address, telephone number,
6 social security number, gender, race, religious affiliation, date or place of birth, place
7 of or type of employment or any other information that may be used to identify an
8 individual.

9 (2) (a) The department may not enter into any contract or other agreement if,
10 in the performance of the contract or agreement, a prisoner would perform data entry
11 or telemarketing services and have access to an individual's financial transaction
12 card numbers, checking or savings account numbers or social security number.

13 (b) The department may not enter into any contract or other agreement if, in
14 the performance of the contract or agreement, a prisoner would perform data entry
15 services and have access to any personal information relating to a ~~juvenile~~ minor

16 **SECTION 9311. Initial applicability; corrections.**

17 (1) CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of
18 section 301.029 of the statutes first applies to contracts entered into or renewed by
19 the department of corrections on the effective date of this subsection. ✓

20

(END)

LR3-1978/1a
RAC & JEO: King:

D-Note

Should the prohibition relating to
identifying information of ~~the~~ miners
cover telemarketing as well as data
entry services?

RAC
JEO

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

LRB-1978/1dn
RAC&JEO:kmg:lp

January 25, 1999

Should the prohibition relating to identifying information of minors cover telemarketing as well as data entry services?

Richard A. Champagne
Legislative Attorney
266-9930

Jefren E. Olsen
Legislative Attorney
266-8906

Olsen, Jefren

From: Percy, Douglas
Sent: Wednesday, January 27, 1999 11:17 AM
To: Olsen, Jefren; Champagne, Rick
Subject: FW: LRB 1978/1

Please modify the draft as follows.

-----Original Message-----

From: Margolies, Robert S. (Exchange) [SMTP:Robert.Margolies@doc.state.wi.us]
Sent: Wednesday, January 27, 1999 11:12 AM
To: 'douglas.percy@doa.state.wi.us'
Subject: FW: LRB 1978/1

From: Margolies, Robert S. (Exchange)
Sent: Wednesday, January 27, 1999 10:54 AM
To: Percy, Douglas -DOA (Snads)
Subject: LRB 1978/1

We have 2 comments relating to this draft:

- 1) The draft should include a prohibition on identifying information on minors relating to telemarketing in addition to data entry. (2)(b) This responds to the drafter's note.
- 2) Under (1)(b) we still want the ability to do data entry for surveys (i.e. school surveys) which do not include any names, but could include other elements under personal information such as gender. One possibility of correcting this is inserting after "individual's" name and.

We spoke with Jefren Olsen about these changes and he asked that we put something in writing to you. Please let me know if you have any questions.

RAC
let's chat
this afternoon
re: this
RED



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1978/1
RAC&JEO:kmg:lp

D-Note

Seen

£ JLG

9
2
redraft
number
run

DOA:.....Percy - Prisoner access to personal information

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

or tele-
marketing
that may
serve to
identify

This bill provides that the department of corrections (DOC) may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry services and have access to any personal information relating to a minor. Under the bill, personal information includes an individual's address, telephone number, social security number, gender, race, religious affiliation, date or place of birth, place of or type of employment or any other information that may be used to identify the individual.

In addition, the bill provides that DOC may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry or telemarketing services and have access to an individual's financial transaction card numbers, checking or savings account numbers or social security number. Under the bill, a financial transaction card means an instrument or device issued for the use of the cardholder in obtaining anything on credit, certifying or guaranteeing the availability of funds sufficient to honor a draft or check or gaining access to an account.

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7 ~~of or type of employment or any other information that may be used to identify an~~
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14 the performance of the contract or agreement, a prisoner would perform data entry
15 ~~or telemarketing services~~ services and have access to any ~~personal~~ information ~~relating to~~ that may serve to identify a minor.

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17 (1) **CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES.** The treatment of
18 section 301.029 of the statutes first applies to contracts entered into or renewed by
19 the department of corrections on the effective date of this subsection.

20 (END)

LRB-1978/2 dn

RAC & JED: jlg:

D. Note

¶ Compare ss. 46.90 (6) (b) 4.✓, 51.30

(4) (b) 3.✓ 93.50 (2) (e)✓ and 146.82 (2) (a)

6.✓ stats. There is no need to list

the minor's name as ~~is~~ a type of

prohibited information because a name

is, perhaps, the quintessential✓ piece

of identifying information.

JED

RAC

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

LRB-1978/2dn
RAC&JEO:kmg&jlg:km

January 27, 1999

Compare ss. 46.90 (6) (b) 4., 51.30 (4) (b) 3., 93.50 (2) (e) and 146.82 (2) (a) 6., stats. There is no need to list the minor's name as a type of prohibited information because a name is, perhaps, the quintessential piece of identifying information.

Jefren E. Olsen
Legislative Attorney
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E-mail: Jefren.Olsen@legis.state.wi.us

Richard A. Champagne
Legislative Attorney
Phone: (608) 266-9930
E-mail: Rick.Champagne@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1978/2
RAC&JEO:kmg&jlg:km

DOA:.....Percy – Prisoner access to personal information

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ADULT CORRECTIONAL SYSTEM

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