

Fiscal Estimate Narratives

DOC 7/28/2025

LRB Number	25-3556/1	Introduction Number	AB-0378	Estimate Type	Original
Description prohibiting the state from sharing data with the federal government that contains personally identifiable information if the data is not first masked or otherwise anonymized and authorizing a civil cause of action for negligent violations of that prohibition					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, except as specified, no state agency or other body in Wisconsin state government, including the legislature and the courts, could share with the federal government data containing personally identifiable information (PII) unless the data is first masked or otherwise anonymized.

Under the bill, any person who negligently violates that prohibition would be liable to any person injured as a result of the violation for actual damages to that person, exemplary damages of not more than \$1,000, and costs and reasonable actual attorney fees.

Notwithstanding the bill's prohibition, under the bill, a state agency may share unmasked data with federal officials or agencies to the extent necessary to comply with other state law or federal law or to carry out the administration of a state or federal program; a member of the legislature may share unmasked data with federal officials or agencies to the extent necessary to carry out constituent relations or the member's other official duties; and a court may share unmasked data with federal officials or agencies to the extent necessary to carry out the court's official duties.

The full scope of this bill's impact on DOC is unclear, as its definition of PII is very broad, including names. As the names of employees and persons in DOC's care (PIOC) are often included in departmental records and data, the bill's prohibition on sharing data with the federal government that contains unmasked PII, outside of the exceptions outlined in the bill, could require operational changes. Because the bill does not define a "federal program" under the exceptions to the data sharing prohibition, it is unclear whether certain types of data requests from the federal government would be covered by the bill's prohibition or not. It is unclear if this bill could have any fiscal impact; for example, a federal grant might require sharing of PII that otherwise isn't legally required.

Long-Range Fiscal Implications