Fiscal Estimate - 2025 Session

☐ Updated	☐ Correct	ed 🔲	Supplemental	
LRB Number 25-3556/1	Introducti	on Number 🛮 🖊	AB-0378	
Description prohibiting the state from sharing data with tinformation if the data is not first masked or negligent violations of that prohibition				
Fiscal Effect				
Appropriations Decrease Existing	Increase Existing Revenues Decrease Existing Revenues	☐ Increase Costs absorb within ag ☐ Yes ☐ Decrease Costs	□No	
No Local Government Costs Indeterminate 1. Increase Costs Permissive Mandatory 2. Decrease Costs 4.	Increase Revenue Permissive	5.Types of Local G Units Affected Towns Counties School Districts	overnment Village Cities Others 0 WTCS Districts	
Fund Sources Affected GPR FED PRO PRS	SEG SEGS	Affected Ch. 20 A	ppropriations	
Agency/Prepared By	Authorized Signat	ure	Date	
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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