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SENATE AMENDMENT 3, TO SENATE SUBSTITUTE AMENDMENT 2, TO 1997 SENATE BILL 315

February 12, 1998 - Offered by Senator Huelsman.

1	At the locations indicated, amend the substitute amendment as follows:
2	1. Page 3, line 18: after that line insert:
3	"Section 5m. 19.72 of the statutes is created to read:
4	19.72 Storage and disposal of records containing personal
5	information. (1) Definitions. In this section:
6	(a) "Destruction" means, with respect to a record, permanently rendering the
7	personal information contained in the record incapable of being read.
8	(b) "Disposal" means, with respect to a record, ceasing to have control over
9	access to the record.
10	(c) "Personal information" means personally identifiable data about the

medical or financial condition of a state resident that is not generally considered to

be public knowledge, including the individual's social security number.

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- (2) Storage of records containing personal information. Prior to the disposal of a record under sub. (3), a state authority shall take all actions that it reasonably believes to be necessary to prevent unauthorized persons from obtaining access to personal information contained in the record.
- (3) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION. A state authority may not dispose of a record containing personal information unless it does at least one of the following:
- (a) Prior to the disposal of the record, the state authority shreds, erases or otherwise modifies the record to make the personal information unreadable.
- (b) The state authority takes actions that it reasonably believes will ensure that no unauthorized person will have access to the personal information contained in the record for the period between the record's disposal and the record's destruction.
- (4) Cause of action. Any person who is damaged by a violation of sub. (2) or (3) by a state authority has a cause of action against the state authority for the amount of damages and for reasonable attorney fees.".
- **2.** Page 26, line 15: delete the material beginning with that line and ending with page 27, line 24.
 - **3.** Page 29, line 21: delete "895.505" and substitute "19.72".

19 (END)