

2020 Regular Session

SENATE BILL NO. 191

BY SENATOR WHITE

PUBLIC RECORDS. Provides relative to confidentiality of certain information contained in contracts with the Department of Economic Development. (gov sig)

1 AN ACT

2 To enact R.S. 44:4(59) and 22.2, relative to public records; to provide for contracts with the
3 Department of Economic Development; to provide for confidentiality of certain
4 information submitted pursuant to a contract with the Department of Economic
5 Development; to provide for terms, definitions, and conditions; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:4(59) and 22.2 are hereby enacted to read as follows:

9 §4. Applicability

10 This Chapter shall not apply:

11 * * *

12 **(59)(a) To personally identifiable information, defined in R.S. 44:22.2,**
13 **of any employee whose information is required to be submitted by an employer**
14 **pursuant to an agreement with the Department of Economic Development for**
15 **any incentive program or discretionary inducement. This information shall be**
16 **confidential pursuant to R.S. 44:22.2.**

17 **(b) As used in this Paragraph:**

1 security number, personnel number, home address, or date or place of birth.

2 (ii) Any other information that is linked or linkable to an individual such
3 as medical, educational, financial, or employment information.

4 (b) "Personally identifying information" shall not include the full or
5 partial name of any majority shareholder of an employer.

6 Section 2. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

The original instrument was prepared by Michelle Ridge. The following digest, which does not constitute a part of the legislative instrument, was prepared by Carla S. Roberts.

DIGEST

SB 191 Reengrossed

2020 Regular Session

White

Present law provides relative to the Public Records Law.

Present law defines the term "public records" and provides for exemptions to the public records law.

Proposed law provides that any personally identifiable information of any employee whose information is submitted to the Department of Economic Development (department) pursuant to an agreement with the department for any incentive program or discretionary inducement or will be confidential and will not be subject to the Public Records Law.

Proposed law defines "employee" as a natural person who is paid compensation in return for the performance of services. An employee includes but is not limited to any person who is paid a salary, hourly wage, or commission in exchange for their performance of the services.

Proposed law defines "employer" as a person, association, or legal or commercial entity receiving services from an employee and, in return, giving compensation of any kind to an employee.

Proposed law defines "personally identifiable information" as information about an individual that can be used on its own or with other information to identify, contact, or locate a single individual, including but not limited to the following:

- (1) Any information that can be used to distinguish or trace an individual's identity such as full or partial name, job title, full or partial social security number, personnel number, home address, or date and place of birth.
- (2) Any other information that is linked or linkable to an individual such as medical, educational, financial, and employment information.

Proposed law provides that "personally identifiable information" shall not include the full or partial name of any majority shareholder of an employer.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 44:4(59) and 22.2)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Changes the term "person" to "employee," as it relates to the individuals whose information is not subject to a public record's request.
2. Defines certain terms in the exception to the Public Records Law.
3. Provides that protected "personally identify in information" does not include the full of partial name of any majority shareholder of an employer.
4. Makes technical changes.