

Regular Session, 2014

HOUSE BILL NO. 324

BY REPRESENTATIVE LEGER

SECRETARY OF STATE: Authorizes secretary of state to disclose certain electronic mail addresses or short message service numbers to other governmental entities, agencies, officials, and employees

1 AN ACT

2 To amend and reenact R.S. 12:2.1, relative to certain confidential data in the possession of  
3 the Department of State; to authorize the disclosure of electronic mail addresses and  
4 short message service numbers to certain persons and entities; to provide for the use  
5 of the data; to provide for the maintenance of the confidentiality of the data; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 12:2.1 is hereby amended and reenacted to read as follows:

9 §2.1. Electronic mail addresses and short message service numbers; confidentiality

10 A. Any electronic mail address or short message service number submitted  
11 to or captured by the secretary of state pursuant to the provisions of this Title shall  
12 be confidential and shall not be disclosed by the secretary of state or any employee  
13 or official of the Department of State.

14 B. The provisions of Subsection A of this Section shall not prohibit the  
15 disclosure of electronic mail addresses or short message service numbers by the  
16 secretary of state or any employee or official of the Department of State to an  
17 agency, official, or employee of state government or of a political subdivision of the  
18 state in the course of the interaction of the agency, official, or employee with the  
19 Department of State. An agency, official, or employee that receives electronic mail

1 addresses or short message service numbers pursuant to this Subsection shall only  
2 use the electronic mail addresses or short message service numbers for the  
3 governmental purposes for which the information was submitted or captured, shall  
4 not disclose the electronic mail addresses or short message service numbers, and  
5 shall maintain the confidentiality of the electronic mail addresses and short message  
6 service numbers.

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

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Leger

HB No. 324

**Abstract:** Authorizes the employees and officials of the Dept. of State to disclose certain electronic mail addresses and short message service numbers to other agencies, officials, or employees of state government or of a political subdivision of the state. Restricts the use of and provides for the maintenance of the confidentiality of such information by the receiving agency or person.

Present law (Public Records Law, R.S. 44:1 et seq.) provides that certain documents, data, and information, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state, are "public records". Present law establishes the framework for the ready availability of public records to requesting persons, and specifically provides that it is the duty of the custodian of the public records for a public entity or agency to provide copies to persons so requesting. Present law provides for certain exceptions, exemptions, and limitations.

Present law (Title 12 of La. R.S.) provides that records and documentation for corporations, limited liability companies, partnerships, and other entities be filed with the secretary of state. Present law further provides that any electronic mail addresses submitted to or captured by the secretary of state pursuant to the provisions of present law (Title 12) shall be confidential and shall not be disclosed by the secretary of state or any employee or official of his office and recognizes the limitation on such electronic mail addresses in present law (Public Records Law).

Proposed law authorizes the disclosure of electronic mail addresses or short message service numbers by the secretary of state or any employee or official of the Dept. of State to an agency, official, or employee of state government or of a political subdivision of the state in the course of interaction of the agency, official, or employee with the Dept. of State. Provides that the agency, official, or employee shall only use the information for the governmental purposes for which it was submitted or captured. Further prohibits an agency, official, or employee that receives electronic mail addresses or short message service numbers pursuant to proposed law from disclosing the electronic mail addresses or short message service numbers and requires such entities and persons to maintain the confidentiality of the electronic mail addresses and short message service numbers.

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

(Amends R.S. 12:2.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Prohibits the governmental entity, agency, official, or employee that receives the information from disclosing it and requires the entity, agency, official, or employee to maintain the confidentiality of the information.

House Floor Amendments to the engrossed bill.

1. Changes "governmental entity, agency, official, or employee" to "agency, official, or employee of state government or of a political subdivision of the state".
2. Restricts the use of the information by the receiving agency or person to the governmental purposes for which it was submitted or captured.