

As Introduced

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H. B. No. 801

Representative Russo

Cosponsors: Representatives Jarrells, Humphrey, Mohamed, Piccolantonio, Lawson-Rowe, Cockley, Somani, Abdullahi, Sigrist, Lett, Rader, Brennan, Glassburn, Brent, Robinson, Upchurch, Synenberg, Brewer, Troy, Isaacsohn, Thomas, C., Bryant Bailey, Baker, Brownlee, Sims, Hall, D., Tims, White, E., Rogers, Grim, Miller, J., McNally, Sweeney

To enact section 149.61 of the Revised Code 1
regarding the provision of personal data to out- 2
of-state entities and to name this act the Ohio 3
Privacy Act. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 149.61 of the Revised Code be 5
enacted to read as follows: 6

Sec. 149.61. (A) As used in this section: 7

(1) "Deidentified data" means personal information or data 8
that cannot reasonably be used to infer information about, or 9
otherwise linked to, a particular individual or household. 10

(2) "Private information" means data about an individual 11
that is not a public record, as that term is defined in section 12
149.43 of the Revised Code. 13

(3) "State agency" has the same meaning as in section 1.60 14
of the Revised Code and includes any employees or agents 15
thereof. 16

(B) (1) A state agency shall not collect private 17
information pertaining to individuals beyond what is necessary 18
to perform its functions and duties, including meeting any 19
reporting requirements. 20

(2) A state agency shall not collect private information 21
related to an individual's citizenship or immigration status, 22
unless required by state or federal law. 23

(C) (1) Except as permitted by this section or when 24
required by federal law, no state agency shall disclose private 25
information for any purpose not directly connected with the 26
administration of the state agency's programs. 27

(2) An entity that receives private information for a 28
purpose directly connected with the administration of a state 29
agency's programs shall agree to all of the following: 30

(a) To not share the private information further; 31

(b) To only use the private information for a purpose 32
directly connected with the administration of a state agency's 33
programs; 34

(c) That misuse of private information terminates the 35
information sharing agreement and that the entity may be liable 36
to the state agency for any penalties the state agency faces 37
pursuant to division (F) of this section if the entity 38
improperly shares or uses the private information. 39

(3) A state agency shall post any active information 40
sharing agreements on the state agency's web site and list what 41
type of information will be shared, the entity with which it 42
will be shared, and the stated purpose of the information 43
sharing agreement. 44

(D) (1) A state agency may share private information as 45
deidentified data that is aggregated to the greatest extent 46
allowable while still in compliance with federal law, if sharing 47
the data would benefit the administration or execution of a 48
public service. 49

(2) A state agency may share private information in any of 50
the following circumstances: 51

(a) The consent of the individual whose private 52
information would be disclosed is obtained. 53

(b) A warrant is signed by a judge of this state or a 54
federal judge. 55

(c) A lawful court order is administered by a court within 56
this state or by a federal court. 57

(d) A subpoena is administered within this state, or a 58
federal subpoena is administered. 59

(E) If a state agency receives a request that may be in 60
furtherance of an activity prohibited by this section, the state 61
agency shall refer the request to the attorney general. Upon 62
receipt of the referral, the attorney general shall assess the 63
lawfulness of the request and direct the state agency to deny or 64
grant the request as appropriate. 65

(F) (1) An individual harmed as a result of a violation of 66
this section has a cause of action and is entitled to relief as 67
follows: 68

(a) For a violation of division (C) (3) of this section, 69
three hundred dollars per violation; 70

(b) For a violation of division (B) of this section, one 71
hundred dollars per violation; 72

(c) For a violation of division (C) (1), (C) (2), or (D) of 73
this section, seven hundred fifty dollars per violation. 74

(2) In addition to the amounts provided in division (F) (1) 75
of this section, a court may award to the plaintiff an 76
additional one thousand dollars per violation if the court finds 77
by a preponderance of evidence that the violation occurred as a 78
result of the intentional, willful, or wanton disregard of this 79
section. 80

(3) Nothing in this section shall be construed to preclude 81
an individual from recovering actual damages that stem from a 82
violation of this section. 83

(G) It is the intent of the general assembly in enacting 84
this section to recognize this state's compelling interest in 85
protecting the privacy and personal information of its residents 86
from government overreach. 87

Section 2. This act shall be known as the Ohio Privacy 88
Act. 89