
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2087 Session of
2021

INTRODUCED BY HERSHEY, SCHLEGEL CULVER, GROVE, KAUFFMAN,
PENNYCUICK, ROAE, ROWE, SAYLOR, STAMBAUGH AND ZIMMERMAN,
NOVEMBER 16, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 16, 2021

AN ACT

1 Prohibiting a public agency from disclosing personal information
2 of charitable organizations.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Support of
7 Charitable Organization Privacy Protection Act.

8 Section 2. Purpose.

9 This act prohibits public agencies from disclosing or
10 releasing personal information about membership, volunteers and
11 financial and nonfinancial donors to charitable organizations
12 except as required by law.

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Charitable organization." The term shall have the same

1 meaning as defined in section 3 of the act of December 19, 1990
2 (P.L.1200, No.202), known as the Solicitation of Funds for
3 Charitable Purposes Act.

4 "Personal information." A list, record, register, registry,
5 roll, roster or other compilation of data that directly or
6 indirectly identifies a person as a member, supporter, volunteer
7 or donor of financial or nonfinancial support to a charitable
8 organization.

9 "Public agency." The Commonwealth, an agency of the
10 Commonwealth or a local governmental unit, including:

11 (1) A department, agency, office, commission, board,
12 division or other entity of the Commonwealth.

13 (2) A political subdivision of the Commonwealth,
14 including a county, city, township, village, school district,
15 community college district or any other local governmental
16 unit, agency, authority, council, board or commission.

17 (3) A State or local court, tribunal or other judicial
18 or quasi-judicial body.

19 Section 4. Protection.

20 (a) Prohibition.--Notwithstanding any other provision of
21 law, and subject to subsection (c), a public agency shall not:

22 (1) Require an individual to provide to the public
23 agency personal information.

24 (2) Require a charitable organization to provide the
25 public agency with personal information.

26 (3) Release, publicize or otherwise publicly disclose
27 personal information in possession of the public agency.

28 (4) Request or require a current or prospective
29 contractor or grantee to provide to the public agency a list
30 of charitable organizations to which the contractor or

1 grantee has provided financial or nonfinancial support.

2 (b) Exemption from Right-to-Know.--Personal information is
3 exempt from disclosure under the act of February 14, 2008
4 (P.L.6, No.3), known as the Right-to-Know Law.

5 (c) Limitation.--This act does not prohibit:

6 (1) A report or disclosure required by the act of
7 December 19, 1990 (P.L.1200, No.202), known as the
8 Solicitation of Funds for Charitable Purposes Act.

9 (2) A lawful warrant for personal information issued by
10 a court of competent jurisdiction.

11 (3) A lawful request for discovery of personal
12 information in litigation if the following conditions are
13 met:

14 (i) The requester demonstrates a compelling need for
15 the personal information by clear and convincing
16 evidence.

17 (ii) The requester obtains a protective order
18 barring disclosure of the personal information to a
19 person not named in the litigation.

20 (4) Admission of personal information as relevant
21 evidence before a court of competent jurisdiction. No court
22 shall publicly reveal personal information absent a specific
23 finding of good cause.

24 Section 5. Penalties.

25 (a) Civil action.--A person alleging a violation of this act
26 may bring a civil action for appropriate injunctive relief,
27 damages or both. Damages awarded under this section may include
28 one of the following as appropriate:

29 (1) A sum of money not less than \$2,500 to compensate
30 for injury or loss caused by each violation of this act.

1 (2) For an intentional violation of this act, a sum of
2 money not to exceed three times the sum described in
3 paragraph (1).

4 (3) All or a portion of the costs of litigation,
5 including reasonable attorney fees and witness fees, to the
6 complainant in the action.

7 (b) Criminal penalty.--A person who knowingly violates this
8 act is guilty of a summary offense punishable by imprisonment
9 for not more than 90 days or a fine of not more than \$1,000, or
10 both.

11 Section 6. Effective date.

12 This act shall take effect in 60 days.