

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote:	8 - 1 - 0
Yeas:	Doherty, Johnson, Keny-Guyer, Lively, Smith, Thatcher, Vega Pederson, Holvey
Nays:	Richardson
Exc.:	0
Prepared By:	Bob Estabrook, Administrator
Meeting Dates:	2/26, 4/16, 4/17

WHAT THE MEASURE DOES: Requires public bodies to remove personal information from electronic devices before disposing of devices. Requires public bodies to own, lease or otherwise control devices used for copying documents that contain personal information, or to meet certain other requirements. Allows public body to contract for photocopying, scanning or digitizing of documents in certain circumstances. Requires business offering photocopiers or scanners for use by public for a fee to post notice that information from photocopied or scanned documents may be stored on device. Makes failure to post notice unlawful trade practice.

ISSUES DISCUSSED:

- Availability of electronic devices with internal hard drives
- Existing requirement for public bodies to control disposal of personal information

EFFECT OF COMMITTEE AMENDMENT: Amends definition of “personal information.” Clarifies that secure removal provision applies to devices owned, leased or otherwise under the control of public body. Allows public body to contract with public body or private firm for removal of personal information. Allows public body to use devices owned, leased or otherwise controlled by public body or federal agency. Allows public body to contract for photocopying, scanning or digitizing of documents in certain circumstances.

BACKGROUND: Many modern photocopiers and scanners contain hard drives which capture images of processed documents that, if not securely removed, remain with the device. Such devices, obtained used from public bodies or private businesses, may contain sensitive personal information that can facilitate identity theft or otherwise endanger individuals’ personal security. Unlawful trade practices may be prosecuted by the Attorney General or the district attorney of the county where the unlawful practice is alleged to have occurred, and harmed individuals have a private right of action as well.

House Bill 2429 A requires public bodies to implement policies for the secure removal of personal information from their devices and to use only certain copying and scanning devices. In addition, the bill requires businesses offering copying or scanning devices for use by the public to provide notice of potential retention of personal information on the device and makes failure to post such notice an unlawful trade practice.