



Romney Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

STORING AND PROCESSING GOVERNMENT DATA: REGULATE DISCLOSURE

House Bill 5693

Sponsor: Rep. Lingg Brewer

**Committee: Advanced Technology and
Computer Development**

Complete to 4-20-98

A SUMMARY OF HOUSE BILL 5693 AS INTRODUCED 3-17-98

The bill would create a new act to regulate the disclosure of government data to a third party by a person or business entrusted with that data for storage or processing. "Government data" would be defined as information gathered by the state or a local unit of government and that was transferred or entrusted to a person by electronic, print, digital, or other means to be stored or processed. A "third party" would be any person other than the person to whom the governmental unit transferred the data. "Person" would include an individual, partnership, corporation, association, limited liability company, or other legal entity.

Under the bill, a person entrusted with government data for storage or processing would be prohibited from disclosing the data's contents to a third party without written authorization from the governmental unit that compiled the data. A person receiving such authorization would have to maintain a written record for three years that included the identity of the person to whom the disclosure had been made, the contents of the disclosed data, and the date of the disclosure. A copy would have to be provided to the governmental unit providing the written authorization for disclosure upon request.

Further, a person would have to secure a surety bond for \$200,000 payable to the governmental unit before storing or processing government data. The bond would have to remain in effect for the duration of the period that a person stored, processed, or maintained the data. The bond would also have to specify that upon a violation of the bill's provisions, the bond amount would have to be paid to the affected governmental unit.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.