

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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SENATE BILL 416

Short Title: Personal Privacy Protection Act. (Public)

Sponsors: Senators Daniel, Hise, and Moffitt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 25, 2025

A BILL TO BE ENTITLED
AN ACT TO ENACT THE PERSONAL PRIVACY PROTECTION ACT.
The General Assembly of North Carolina enacts:

SECTION 1. Title. – This act shall be known as The Personal Privacy Protection Act.

SECTION 2. Purpose. – This act prohibits public agencies from collecting, disclosing, or releasing personal information about members, volunteers, and financial and nonfinancial donors to 501(c) nonprofit organizations, except as required by law. This act provides penalties for violation of these privacy protections.

SECTION 3. Definitions. – The following definitions apply in this act:

- (1) Nonprofit organization. – An entity that is exempt from federal income tax under section 501(c) of the Internal Revenue Code, has submitted an application with the Internal Revenue Service for recognition of an exemption under section 501(c) of the Internal Revenue Code, or is a not-for-profit business entity recognized under State law.
- (2) Person. – Defined in G.S. 12-3.
- (3) Personal information. – Any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support to any nonprofit organization.
- (4) Public agency. – Any State or local governmental unit and its employees, however designated, including, but not limited to, this State; any department, agency, office, commission, board, division, or other entity of this State, including all boards, departments, divisions, and institutions of higher education; any political subdivision of this State, including, but not limited to, a county, city, township, village, school district, community college district, or any other local governmental unit, agency, authority, council, board, or commission; or any State or local court, tribunal, or other judicial or quasi-judicial body.

SECTION 4. Protections Afforded. – Notwithstanding any law, and subject to Section 5 of this act, a public agency shall not do any of the following:

- (1) Require any person or nonprofit organization to provide the public agency with personal information or otherwise compel the release of personal information.
- (2) Release, publicize, or otherwise publicly disclose personal information in possession of the public agency.



- (3) Request or require a current or prospective contractor or grantee with the public agency to provide a list of nonprofit organizations to which the current or prospective contractor or grantee has provided financial or nonfinancial support.

Personal information is not a public record under Chapter 132 of the General Statutes.

SECTION 5. Exemptions. – This act does not preclude any of the following:

- (1) Any report or disclosure required by State law.
- (2) Any lawful warrant for personal information issued by a court of competent jurisdiction.
- (3) A lawful request for discovery of personal information in litigation if both of the following conditions are met:
 - a. The requestor demonstrates a compelling need for the personal information by clear and convincing evidence.
 - b. The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation.
- (4) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, no court shall publicly reveal personal information absent a specific finding of good cause.
- (5) A public agency from releasing personal information that was voluntarily released to the public by the person or the nonprofit organization to which it relates.
- (6) Collection of information disclosing the identity of any director, officer, registered agent, or incorporator of a nonprofit organization in any report or disclosure required by statute to be filed with the Secretary of State, except that information that directly identifies a person as a donor of financial support to a nonprofit organization shall not be collected or disclosed.
- (7) Disclosure of personal information derived from a donation to a nonprofit organization that is affiliated with a public agency and required by statute, if the person has not previously requested anonymity from the nonprofit organization.
- (8) Nothing in this act shall apply to a national securities association that is registered pursuant to section 15A of the Securities Exchange Act of 1934, as amended, or regulations adopted thereunder or any information such national securities association provided pursuant to State law.

SECTION 6. Penalties. – A person alleging a violation of this act may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

- (1) A sum of money not less than two thousand five hundred dollars (\$2,500) to compensate for injury or loss caused by each violation of this act.
- (2) For an intentional violation of this act, a sum of money not to exceed three times the sum described in subdivision (1) of this section.

A court, in rendering a judgment in an action brought under this act, may award all or a portion of the costs of litigation, including reasonable attorneys' fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

A person who knowingly violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than one thousand dollars (\$1,000) or both.

SECTION 7. Severability. – If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application and, to that end, the provisions of this act shall be severable.

1 **SECTION 8.** Except as otherwise provided, this act becomes effective October 1,
2 2025.