State of Arkansas  
93rd General Assembly  
Regular Session, 2021  

By: Senator B. Davis  
By: Representatives Ray, McCollum  

For An Act To Be Entitled  
AN ACT TO CREATE THE PERSONAL PRIVACY PROTECTION ACT;  
TO REGULATE PUBLIC AGENCY INTERACTION WITH A  
NONPROFIT ENTITY; TO AMEND THE LAW CONCERNING  
DISCLOSURE OF INFORMATION MAINTAINED BY NONPROFIT  
ENTITIES; TO CREATE A MISDEMEANOR OFFENSE FOR THE  
DISCLOSURE OF PRIVATE INFORMATION OF A NONPROFIT  
ENTITY; AND FOR OTHER PURPOSES.  

Subtitle  
TO CREATE THE PERSONAL PRIVACY PROTECTION  
ACT.  

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

SECTION 1. Arkansas Code Title 4, Chapter 4, is amended to add an  
additional section to read as follows:  

4-28-418. Philanthropy Freedom.  
(a) Except where specifically required or authorized by federal law,  
no state agency or state official shall impose an annual filing or reporting  
requirement on an organization, regulated or specifically exempted from  
regulation under this chapter, that is more stringent, restrictive, or  
expansive than the requirements authorized by statute.  
(b) The exception under subsection (a) of this section shall not apply  
to state grants and contracts, fraud investigations, and shall not restrict  
enforcement actions against specific nonprofit organizations.
SECTION 2. Arkansas Code Title 25, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 6 –
Public Agency Interaction With Nonprofit Entities

25-1-601. Title.
This subchapter shall be known and may be cited as the "Personal Privacy Protection Act".

25-1-602. Legislative intent.
The General Assembly finds that this subchapter is needed to prohibit public agencies from disclosing or releasing personal information about membership, volunteers, and financial and nonfinancial donors to 501(c) nonprofit organizations, except as required by law.

As used in this subchapter:

(1) "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert;

(2) "Personal information" means a list, record, register, registry, roll, roster or other compilation of data that identifies a person as a member, supporter, volunteer of, or donor of financial or nonfinancial support to an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code; and

(3) "Public agency" means a state or local government entity, including a:

(A) Department, division, agency, office, commission, board, or other government organization;

(B) Political subdivision, including a county, city, town, municipality, or conservation district;

(C) Public school, school district, charter school, or public institution of higher education; or

(D) Judicial or quasi-judicial body.

(a) Except as provided in subsection (b) of this section, a public agency may not:

(1) Require an individual to provide the public agency with personal information or otherwise compel the release of personal information;

(2) Require an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or compel the entity to release personal information;

(3) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency; or

(4) Request or require a current or prospective contractor or grantee of the public agency to provide the public agency with a list of entities exempt from federal income tax under Section 501(c) of the Internal Revenue Code to which the contractor or grantee has provided financial or nonfinancial support.

(b) Subsection (a) of this section does not apply to a disclosure of personal information:

(1) Required under a specific requirement relating to reporting campaign contributions, campaign expenditures, lobbying disclosures, or lobbying expenditures;

(2) Voluntarily made:

(A) As part of public comment or in a public meeting; or

(B) In another manner that is publicly accessible;

(3) Pursuant to a warrant or court order issued by a court of competent jurisdiction;

(4) Made by a request for discovery of personal information in litigation or a criminal proceeding;

(5)(A) Used in a legal proceeding.

(B) A court of competent jurisdiction may consider whether to:

(i) Limit a request for discovery of personal information; or

(ii) Issue a protective order in relation to the disclosure of personal information obtained or used in relation to a legal proceeding;

(6) Requested or used by the Department of Finance and
Administration for the administration of tax or motor vehicle laws; or

(7) Used or accessed by Arkansas Legislative Audit or any other public agency with oversight function over a government grant program for the purpose of an audit specific to the grant program funds and that the information accessed is limited to information related to the public agency grant program or grant program funds.

(d) Personal information about membership, volunteers, and financial and nonfinancial donors to 501(c) nonprofit organizations maintained by a public agency is not a public record and is exempt from release or disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.


(a)(1) A person whose personal information is provided or disclosed in violation of this subchapter may bring a claim for injunctive relief or monetary damages against a public agency or an employee of a public agency acting in his or her official capacity.

(2) Damages awarded under subsection (a)(1) of this section may include one of the following, as appropriate:

(A) A sum of money not less than one thousand dollars ($1,000) to compensate for injury or loss caused by each violation of this subchapter; or

(B) For an intentional violation of this subchapter, a sum of money not to exceed three (3) times the sum awarded under subdivision (a)(2)(A) of this section.

(b)(1) A claim for injunctive relief against a public agency or an employee of a public agency shall be:

(A) Initiated within two (2) years after the violation occurred; and

(B) Filed in the state trial court in whose jurisdiction either the person’s residence or the public agency is located at the time of filing.

(2) A claim for monetary damages against a public agency or an employee of a public agency shall be:

(A) Initiated within two (2) years after the violation occurred; and

(B) Filed with the Arkansas State Claims Commission under
§ 19-10-201.

(3) A person that prevails on a claim brought under this section may recover reasonable attorney’s fees and costs.

(c) A person that knowingly violates this subchapter is guilty of a Class C misdemeanor.