

Policy on Shielding Personally Identifiable Information

I. Purpose

An Act prohibiting the disclosure of certain personally identifiable information regarding public servants.

II. Scope

Public Servant: A public servant or civil servant is a government official, employed by election or appointment. Public servants include but are not limited to politicians who hold positions in elected offices, judges, prosecutors, public defenders, and law enforcement.

Personally Identifiable Information: Personally identifiable information or personal information is data that, on its own, can be used to trace or identify an individual. Personal information includes but is not limited to a user's address, date of birth, marital status, contact information, ID issue and expiration date, financial records, credit information, medical history, where one travels, and intentions to acquire goods and services, among others.

Non Personally Identifiable Information: Non personally identifiable information is data that cannot be used on its own to trace or identify a person. Non personal information includes but is not limited to aggregated statistics on social media, IP addresses, or the use of electronic devices.

III. Principles

Due to the amount of private information that exists on the internet regarding public servants, and the ability of anyone to access this data, this policy is guided by 6 important principles to prevent personally identifiable information being shared without consent.

This policy is grounded on the following principles:

1. "A person shall not knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of such exposure, post

or publish on the Internet personally identifying information, such as the home address or unpublished home telephone number of any public servant, including any active or retired elected official, law enforcement officer, judge of any court of law of this State, or State, county, or municipal prosecutor, or the spouse or child thereof. A reckless violation of this section is a crime of a lesser degree. A purposeful violation of this section is a crime of a higher degree.”¹

2. “A State or local governmental agency shall not knowingly post or publish on the Internet personally identifying information, such as the home address or unpublished home telephone number of any public servant, including any active or retired elected official, law enforcement officer, judge of any court of law of this State, or State, county, public defender or municipal prosecutor without first obtaining the written permission of that individual.”²
3. “A person, business, or association shall not disclose on the Internet personally identifying information, such as the home address or unpublished home telephone number of any public servant, including any active or retired elected official, law enforcement officer, judge of any court of law of this State, or State, county, public defender or municipal prosecutor under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.”³
 - a. “A person, business, or association that violates this section shall be liable to the active or retired elected official, law enforcement officer, judge of

¹ “ASSEMBLY, No. 1649 STATE OF NEW JERSEY 219th LEGISLATURE.” A1649. Assemblywoman ANNETTE QUIJANO. Accessed December 13, 2020.

https://www.njleg.state.nj.us/2020/Bills/A2000/1649_I1.HTM.

² Ibid.

³ Ibid.

any court of law of this State, or State, county, public defender or municipal prosecutor, or any other person residing at the home address of the active or retired elected official, law enforcement officer, judge of any court of law of this State, or State, county, public defender or municipal prosecutor, who may bring a civil action in the Superior Court.”⁴

- b. “The court may award:
 - i. actual damages, but not less than liquidated damages computed at the rate of \$1,000 for each violation of this act;
 - ii. punitive damages upon proof of willful or reckless disregard of the law;
 - iii. reasonable attorney's fees and other litigation costs reasonably incurred; and
 - iv. any other preliminary and equitable relief as the court determines to be appropriate.
- c. For the purposes of this section, "disclose" shall mean to solicit, sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise or offer”⁵

- 4. Records of process shall be kept to enable appropriate review of compliance with this policy.
- 5. Removal requests should be subject to an ongoing, independent third-party oversight committee.
- 6. Education of rights to privacy, as defined by this policy, should be given to all public servants.

IV. Conditions for Requesting the Removal of PII

⁴ Ibid.

⁵ Ibid.

An elected official may request the removal of certain information from disclosure on the Internet, including but not limited to online directory services, data collection agencies, federal websites, and social media websites if the following conditions are met:

1. The affected party is acting or has acted in the capacity of a public servant or is immediate family member to and who shares residence with an individual who has acted in the capacity of a public servant
 - a. Includes any active or retired elected official, law enforcement officer, judge of any court of law of this State, or State, county, public defender, or municipal prosecutor
 - b. Immediate family include and are limited to spouses, parents, and offspring
2. The person, business, or association has disclosed information that is both personally identifiable and potentially threatening to the individual's personal safety
 - a. The information must be able to identify or trace an individual
 - b. The information cannot be common knowledge that any reasonable person would grasp
 - c. Providing that information would expose another to harassment or risk of harm to life or property under any circumstances, as defined by a reasonable person's expectation

VII. Emergency Circumstances

Emergency situations may arise when a public servant believes they or their family may be at risk because of their listed information. An emergency situation is marked by a need for urgent action in that short period of time. Therefore, removal of information may need to take place

before the standard 72 hour deadline. In that case, the oversight committee will review the case and remove the information within 24 hours.

VIII. Records of Process

There shall be records of process taken for any request of the removal of personally identifiable information made by a public servant and decided upon by the oversight committee. A record of the process will provide reasons made during the decision process and will ensure that facts of the case are preserved, including who made the request, why the request was made, and how the committee came to its decision.

IX. Third Party Oversight Committee

The third party oversight committee will be composed of a group of public servants representing a diverse committee of varied professions, elected to their position by fellow public servants. The oversight committee will meet to review cases for removal, to modify the existing policy when necessary, and to review its implementation as needed. Their jurisdiction includes:

1. Deciding when cases meet the criteria for removal and when they do not.
2. Making recommendations for amendments to the current policy.
3. Creating and maintaining a privacy module designed for the education of rights to public servants.

In carrying out its responsibilities, the Third Party Oversight committee is responsible for reviewing each case requiring the removal of personally identifiable information. The committee will have 72 hours to decide on each case. However, in the case of emergency circumstances as defined in section VII, the committee will be required to prioritize these and will decide on an approval within 24 hours.

X. Education of Rights

An awareness and understanding of this policy is necessary to fulfill the goals of personal safety of the public servant. Proper bodies, including the oversight committee, have crafted a module to raise awareness of the rights of public servants. all individuals who fall under the definition of public servant will be required to complete and gain an appropriate passing score on the module before being sworn into office. Former public servants will be encouraged, but not forced to complete the module for their own safety. This legislation will also promote an awareness campaign to educate the general public on the importance of maintaining the safety of public servants.

XI. Execution

This bill will go into effect in January 2022. At that time, at least $\frac{3}{4}$ of all current and former public servants should have completed the module. At that time, all members of the Oversight Committee members ought to have been elected by a vote of their peers.