

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH40212-LR-88C* (03/12)

Short Title: LEO Privacy Protection. (Public)

Sponsors: Representatives Malone, Saine, Faircloth, and McNeill (Primary Sponsors).

Referred to:

1
2 A BILL TO BE ENTITLED
3 AN ACT TO REQUIRE CITIES AND COUNTIES TO REMOVE PERSONAL
4 INFORMATION FROM RECORDS AVAILABLE ON INTERNET WEB SITES
5 MAINTAINED BY COUNTIES AND CITIES WHEN REQUESTED BY CERTAIN
6 LAW ENFORCEMENT PERSONNEL, PROSECUTORS, AND JUDICIAL OFFICERS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 7 of Chapter 153A of the General Statutes is amended by
9 adding a new section to read:

10 "§ 153A-148.2. Removal of personal information from public Web sites; law enforcement
11 personnel and others.

12 (a) Each county shall develop and make available a process by which a nonelected
13 official listed below may request that the county remove that individual's personal information,
14 including address and phone number, from any Internet Web site maintained by the county and
15 available to the general public, including local tax records:

16 (1) A federal, State, or local law enforcement officer.

17 (2) A State criminal magistrate.

18 (3) An assistant district attorney.

19 (4) A prosecutor employed by the North Carolina Department of Justice.

20 (5) A United States Attorney or Assistant United States Attorney.

21 (6) A federal judge.

22 (b) The request to remove personal information must specify the personal information
23 to be removed from the Web site. The request is not a public record as defined by G.S. 132-1
24 and the county shall keep the request confidential. The county must remove the information if
25 properly requested under this section. Information removed from the Web site continues to be a
26 public record if it would otherwise be subject to disclosure under Chapter 132 of the General
27 Statutes.

28 (c) A county and its officers, officials, employees, and agents, both past and present, in
29 their official and individual capacity, shall be immune and held harmless from liability in any
30 action brought by or on behalf of any person injured or harmed by the action or inaction, in
31 good faith, of the county or its officers, officials, employees, and agents in implementing the
32 provisions of this section. However, if the actions of an officer, official, employee, or agent
33 which result in harm were not within the course and scope of the duties of the officer, official,
34 employee, or agent, the officer, official, employee, or agent may be subject to liability as an
35 individual to the extent permitted by the laws of this State."



1 **SECTION 2.** Article 9 of Chapter 160A of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 160A-208.2. Removal of personal information from public Web sites; law enforcement**
4 **personnel and others.**

5 (a) Each city shall develop and make available a process by which a nonelected official
6 listed below may request that the city remove that individual's personal information, including
7 address and phone number, from any Internet Web site maintained by the city and available to
8 the general public, including local tax records:

9 (1) A federal, State, or local law enforcement officer.

10 (2) A State criminal magistrate.

11 (3) An assistant district attorney.

12 (4) A prosecutor employed by the North Carolina Department of Justice.

13 (5) A United States Attorney or Assistant United States Attorney.

14 (6) A federal judge.

15 (b) The request to remove personal information must specify the personal information
16 to be removed from the Web site. The request is not a public record as defined by G.S. 132-1
17 and the city shall keep the request confidential. The city must remove the information if
18 properly requested under this section. Information removed from the Web site continues to be a
19 public record if it would otherwise be subject to disclosure under Chapter 132 of the General
20 Statutes.

21 (c) A city and its officers, officials, employees, and agents, both past and present, in
22 their official and individual capacity, shall be immune and held harmless from liability in any
23 action brought by or on behalf of any person injured or harmed by the action or inaction, in
24 good faith, of the city or its officers, officials, employees, and agents in implementing the
25 provisions of this section. However, if the actions of an officer, official, employee, or agent
26 which result in harm were not within the course and scope of the duties of the officer, official,
27 employee, or agent, the officer, official, employee, or agent may be subject to liability as an
28 individual to the extent permitted by the laws of this State."

29 **SECTION 3.** The process required by Section 1 and Section 2 of this act shall be
30 developed and implemented by October 1, 2015.

31 **SECTION 4.** This act is effective when it becomes law.