

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 304  
Committee Substitute Favorable 4/28/21  
PROPOSED COMMITTEE SUBSTITUTE H304-PCS40563-RN-16

Short Title: Protect Personal Info/LEOs, Judges, DAs.

(Public)

Sponsors:

Referred to:

March 16, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE CITIES AND COUNTIES TO REMOVE PERSONAL  
3 INFORMATION FROM WEBSITES MAINTAINED BY COUNTIES AND CITIES  
4 WHEN REQUESTED BY CERTAIN LAW ENFORCEMENT PERSONNEL,  
5 PROSECUTORS, PUBLIC DEFENDERS, AND JUDICIAL OFFICERS AND TO  
6 CLARIFY CERTAIN PERSONNEL RECORDS OF LAW ENFORCEMENT 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 websites; law enforcement**  
11 **personnel and others.**

12 (a) For purposes of this section, "personal information" includes the physical address and  
13 phone number of the individual, but not the name of the individual.

14 (a1) Each county shall develop and make available a process by which any official listed  
15 in this subsection may request that the county remove that individual's personal information from  
16 any website maintained by the county and available to the general public. The request to remove  
17 personal information may also include a request to remove the personal information of the  
18 individual's spouse. The following individuals may request the removal of personal information  
19 from a county's website:

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

21 (2) A State judge, justice, or magistrate.

22 (3) A district attorney or assistant district attorney.

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

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

25 (5a) A public defender or assistant public defender.

26 (6) A federal judge.

27 (b) The request must be in writing and include all of the following:

28 (1) The name of the individual making the request.

29 (2) Information indicating the individual is eligible to make the request.

30 (3) The specific personal information to be removed.

31 (c) The county must remove the personal information if properly requested under this  
32 section. The personal information removed from the website shall not be placed on the website  
33 again unless the county receives a written revocation from the individual who made the original  
34 request.



\* H 3 0 4 - P C S 4 0 5 6 3 - R N - 1 6 \*

1        (d) Neither the request to remove the personal information nor the revocation of the  
2 request is a public record as defined by G.S. 132-1, and the county shall keep the request and any  
3 revocation confidential. Personal information removed from the website continues to be a public  
4 record if it would otherwise be subject to disclosure under Chapter 132 of the General Statutes.

5        (e) A county and its officers, officials, employees, and agents, both past and present, in  
6 their official and individual capacity, shall be immune and held harmless from liability in any  
7 action brought by or on behalf of any person injured or harmed by the action or inaction, in good  
8 faith, of the county or its officers, officials, employees, and agents in implementing the provisions  
9 of this section. However, if the actions of an officer, official, employee, or agent which result in  
10 harm were not within the course and scope of the duties of the officer, official, employee, or  
11 agent, the officer, official, employee, or agent may be subject to liability as an individual to the  
12 extent permitted by the laws of this State."

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

15 **"§ 160A-208.2. Removal of personal information from public websites; law enforcement**  
16 **personnel and others.**

17        (a) For purposes of this section, "personal information" includes the physical address and  
18 phone number of the individual, but not the name of the individual.

19        (a1) Each city shall develop and make available a process by which any official listed in  
20 this subsection may request that the city remove that individual's personal information from any  
21 website maintained by the city and available to the general public. The request to remove personal  
22 information may also include a request to remove the personal information of the individual's  
23 spouse. The following individuals may request the removal of personal information from a city's  
24 website:

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

26            (2) A State judge, justice, or magistrate.

27            (3) A district attorney or assistant district attorney.

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

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

30            (5a) A public defender or assistant public defender.

31            (6) A federal judge.

32        (b) The request must be in writing and include all of the following:

33            (1) The name of the individual making the request.

34            (2) Information indicating the individual is eligible to make the request.

35            (3) The specific personal information to be removed.

36        (c) The city must remove the personal information if properly requested under this  
37 section. The personal information removed from the website shall not be placed on the website  
38 again unless the city receives a written revocation from the individual who made the original  
39 request.

40        (d) Neither the request to remove the personal information nor the revocation of the  
41 request is a public record as defined by G.S. 132-1, and the city shall keep the request and any  
42 revocation confidential. Personal information removed from the website continues to be a public  
43 record if it would otherwise be subject to disclosure under Chapter 132 of the General Statutes.

44        (e) A city and its officers, officials, employees, and agents, both past and present, in their  
45 official and individual capacity, shall be immune and held harmless from liability in any action  
46 brought by or on behalf of any person injured or harmed by the action or inaction, in good faith,  
47 of the city or its officers, officials, employees, and agents in implementing the provisions of this  
48 section. However, if the actions of an officer, official, employee, or agent which result in harm  
49 were not within the course and scope of the duties of the officer, official, employee, or agent, the  
50 officer, official, employee, or agent may be subject to liability as an individual to the extent  
51 permitted by the laws of this State."

1           **SECTION 3.** G.S. 153A-98(c4) reads as rewritten:

2           "(c4) ~~Even if considered part of an employee's personnel file, the~~ The following information  
3 regarding any sworn law enforcement officer employed by the county shall not be disclosed to  
4 an employee or any other person, unless disclosed in accordance with G.S. 132-1.4, or in  
5 accordance with G.S. 132-1.10, or for the personal safety of that sworn law enforcement officer  
6 or any other person residing in the same residence:

7           (1) Information ~~that might identify concerning~~ the residence of a sworn law  
8 enforcement officer.

9           (2) Emergency contact information.

10          (3) Any identifying information as defined in G.S. 14-113.20."

11          **SECTION 4.** G.S. 160A-168(c4) reads as rewritten:

12          "(c4) ~~Even if considered part of an employee's personnel file, the~~ The following information  
13 regarding any sworn law enforcement officer employed by the city shall not be disclosed to an  
14 employee or any other person, unless disclosed in accordance with G.S. 132-1.4, or in accordance  
15 with G.S. 132-1.10, or for the personal safety of that sworn law enforcement officer or any other  
16 person residing in the same residence:

17          (1) Information ~~that might identify concerning~~ the residence of a sworn law  
18 enforcement officer.

19          (2) Emergency contact information.

20          (3) Any identifying information as defined in G.S. 14-113.20."

21          **SECTION 5.** The process required by Sections 1 and 2 of this act shall be developed  
22 and implemented by October 1, 2021.

23          **SECTION 6.** This act is effective when it becomes law.