
Wisconsin Legislative Council

ACT MEMO



Prepared by: Peggy Hurley, Senior Staff Attorney

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2023 Wisconsin Act 235
[2023 Assembly Bill 966]

**Privacy Protections for Judicial
Officers**

2023 Wisconsin Act 235 allows judicial officers to request that certain information be protected from public disclosure and removed from public display. The act provides certain protection from public records disclosures, prohibits the sale and dissemination of certain private information, and limits the information that may be publicly posted on social media.

JUDICIAL OFFICERS

Under the act, a judicial officer means a person who currently is or who formerly was a Supreme Court justice, a court of appeals judge, a circuit court, a municipal, tribal, or temporary or permanent reserve judge, or a circuit, supplemental, or municipal court commissioner. The act establishes a procedure by which a judicial officer may submit a written request to protect private information relating to themselves or their immediate families from certain disclosures. A written request is valid for 10 years or until the judicial officer's death, whichever occurs first.

PERSONAL INFORMATION PROTECTED

Under the act, a judicial officer may identify the types of information he or she wishes to protect. With regard to a judicial officer or an immediate family member of a judicial officer, "personal information" means any of the following:

- A home address, including identification of a particular document recorded by a register of deeds.
- A home or personal mobile telephone number.
- A personal email address.
- A Social Security number, driver's license number, federal tax identification number, or state tax identification number.
- Except as required under ch. 11, bank account or credit or debit card information.
- A license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by a judicial officer or an immediate family member of a judicial officer.
- The identification of children under the age of 18 of a judicial officer or an immediate family member of a judicial officer.
- The full date of birth.
- Marital status.

PROHIBITED DISCLOSURES

Upon receiving a written request for privacy from a judicial officer, no government agency, business, association, or other person may post or display publicly available content that includes the personal information of the judicial officer or judicial officer's immediate family. Additionally, upon receiving a written request for privacy, no business or other entity may sell or trade a judicial officer's personal information. The act imposes specific restrictions on governmental, commercial, and private entities.

Disclosure of Personal Information by Government Agencies

When a government agency receives a written request for privacy from a judicial officer, the agency generally may not disclose the private information identified by the officer to any requester, may not publicly post or display the information, and must remove any private information from public postings or display under the agency's control within 10 days.

The act provides certain exceptions, including for disclosures for which a judicial officer gives written permission, disclosure to another government agency that has entered into a confidentiality agreement, and information subject to federal law protections relating to financial information. Additionally, an employee of a government agency that publishes personal information, in good faith, on the website of the government agency in the ordinary course of carrying out public functions, is not in violation of the act's provisions.

Commerce of Personal Information

Under the act, within 10 business days of receiving a written request for privacy from a judicial officer, no data broker, business, association, and other person may "knowingly sell, license, trade, purchase, or otherwise make available for consideration the personal information of a judicial officer or a judicial officer's immediate family." The act defines a data broker as a "commercial entity that collects, assembles, or maintains personal information concerning an individual who is not a customer or an employee of that entity in order to sell the information or provide 3rd-party access to the information." The act excludes all of the following from the definition of a data broker:

- A commercial entity that uses personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for a transaction or service requested by or concerning the individual whose personal information is being transferred.
- A commercial entity that provides publicly available information through real-time or near real-time alert services for health or safety purposes.
- A commercial entity that uses information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience.
- A commercial entity engaged in the collection, maintenance, disclosure, sale, communication, or use of any personal information relating to a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the federal Fair Credit Reporting Act.
- A consumer reporting agency subject to the federal Fair Credit Reporting Act.

- A commercial entity using personal information collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act.
- A commercial entity using personal information to prevent, detect, or respond to security threats, including data security.
- A financial institution, affiliate of a financial institution, or data subject to federal regulation relating to financial information.
- A covered entity for purposes of the federal privacy regulations relating to health care information.
- Insurance and insurance support organizations.
- Law enforcement agencies or law enforcement support organizations and vendors.

Posting or Displaying Personal Information on the Internet

The act prohibits any person, business, or association who receives a written request for privacy from publicly posting or displaying on the internet the judicial officer's personal information. The act provides an exception for information that the judicial officer voluntarily publishes on the internet and for personal information lawfully received from a state or federal government source, including from an employee or agent of the state or federal government.

Under the act, after a person, business, or association has received a written request for privacy, the person, business, or association must do all of the following:

- Remove, within 10 business days, the publicly posted or displayed personal information identified in the request.
- Ensure that the information is not publicly posted or displayed on any website or subsidiary website controlled by that person, business, or association; and identify any other publicly posted or displayed instances of the identified information that should also be removed.
- Refrain from transferring the judicial officer's personal information to any other person, business, or association through any medium, except for information that the judicial officer or his or her family member has voluntarily published on the internet or, at the request of the judicial officer, information that is necessary to effectuate a request to the person, business, or association from the judicial officer.

PENALTIES AND CIVIL REMEDIES

A judicial officer whose personal information is made public in violation of the act's provisions may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants the relief to the judicial officer, the person responsible for the violation must pay the judicial officer's costs and reasonable attorney fees.

Additionally, a person who knowingly publicly posts or displays on the internet the personal information of a judicial officer or of the judicial officer's immediate family with the intent to create or increase a threat to the health and safety of the judicial officer or the judicial officer's immediate family is guilty of a Class G felony if, under the circumstances, bodily injury or death of the judicial officer or a member of the judicial officer's immediate family is a natural and probable consequence of the posting or display.

Effective date: April 1, 2025.

For a full history of the bill, visit the Legislature's [bill history page](#).

PJH:jal