2025 SENATE BILL 369

July 9, 2025 - Introduced by Senators HESSELBEIN, LARSON, CARPENTER, KEYESKI and RATCLIFF, cosponsored by Representatives BARE, CRUZ, HONG, HYSELL, MAYADEV, ANDERSON, ANDRACA, ARNEY, BILLINGS, BROWN, CLANCY, DESANTO, DESMIDT, EMERSON, FITZGERALD, GOODWIN, HAYWOOD, J. JACOBSON, JOERS, JOHNSON, KIRSCH, MADISON, MCCARVILLE, MCGUIRE, MIRESSE, NEUBAUER, ORTIZ-VELEZ, PALMERI, PHELPS, PRADO, RIVERA-WAGNER, ROE, SHEEHAN, SINICKI, MOORE OMOKUNDE, SNODGRASS, STROUD, STUBBS, SUBECK, TENORIO, UDELL and VINING. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

1   AN ACT *to create* 20.934 of the statutes; **relating to:** prohibiting the state from

2   sharing data with the federal government that contains personally

3   identifiable information if the data is not first masked or otherwise

4   anonymized and authorizing a civil cause of action for negligent violations of

5   that prohibition.

Analysis by the Legislative Reference Bureau

Under this bill, except as specified below, no state agency or other body in Wisconsin state government, including the legislature and the courts, may share with the federal government data containing personally identifiable information unless the data is first masked or otherwise anonymized. Under the bill, any person who negligently violates that prohibition is liable to any person injured as a result of the violation for actual damages to that person, exemplary damages of not more than $1,000, and costs and reasonable actual attorney fees.

Notwithstanding the bill's prohibition, under the bill, a state agency may share unmasked data with federal officials or agencies to the extent necessary to comply with other state law or federal law or to carry out the administration of a state or federal program; a member of the legislature may share unmasked data with federal officials or agencies to the extent necessary to carry out constituent

relations or the member's other official duties; and a court may share unmasked data with federal officials or agencies to the extent necessary to carry out the court's official duties.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1   SECTION 1. 20.934 of the statutes is created to read:

2   **20.934 Prohibiting certain data sharing. (1)** DEFINITIONS. In this

3   section:

4   (a) "Personally identifiable information" means information that can be

5   associated with a particular individual through one or more identifiers or other

6   information or circumstances.

7   (b) "State agency" means an association, authority, board, department,

8   commission, independent agency, institution, office, or other body in state

9   government created or authorized to be created by the constitution or any law,

10   including the legislature and the courts.

11   **(2)** PROHIBITED DATA SHARING. (a) Except as provided in par. (b), no state

12   agency may share with any federal official or agency data containing personally

13   identifiable information unless the data is first masked or otherwise anonymized.

14   (b) 1. A state agency may share unmasked data with federal officials or

15   agencies to the extent necessary to comply with other state law or federal law or to

16   carry out the administration of a state or federal program.

17   2. A member of the legislature may share unmasked data with federal

18   officials or agencies to the extent necessary to carry out constituent relations or the

19   member's other official duties.

1   3. A court may share unmasked data with federal officials or agencies to the

2   extent necessary to carry out the court's official duties.

3   **(3)** ACTIONS FOR VIOLATIONS. Any person who negligently violates sub. (2)

4   shall be liable to any person injured as a result of the violation for actual damages

5   to that person, exemplary damages of not more than $1,000, and costs and

6   reasonable actual attorney fees.

7   **(END)**