

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 304
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40187-MM-6

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

Sponsors: Representatives McNeill, Hardister, Faircloth, and Miller (Primary Sponsors).

Referred to:

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, AND JUDICIAL OFFICERS AND TO CLARIFY CERTAIN
6 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) Each county shall develop and make available a process by which any official listed
13 in this subsection may request that the county remove that individual's personal information,
14 including address and phone number, from any website maintained by the county and available
15 to the general public. The request to remove personal information may also include a request to
16 remove the personal information of the individual's spouse. The following individuals may
17 request the removal of personal information from a county's website:

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

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

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

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

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

23 (6) A federal judge.

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

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

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

27 (3) The specific information to be removed.

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

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

35 (e) A county and its officers, officials, employees, and agents, both past and present, in
36 their official and individual capacity, shall be immune and held harmless from liability in any



1 action brought by or on behalf of any person injured or harmed by the action or inaction, in good
2 faith, of the county or its officers, officials, employees, and agents in implementing the provisions
3 of this section. However, if the actions of an officer, official, employee, or agent which result in
4 harm were not within the course and scope of the duties of the officer, official, employee, or
5 agent, the officer, official, employee, or agent may be subject to liability as an individual to the
6 extent permitted by the laws of this State."

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

9 **"§ 160A-208.2. Removal of personal information from public websites; law enforcement**
10 **personnel and others.**

11 (a) Each city shall develop and make available a process by which any official listed in
12 this subsection may request that the city remove that individual's personal information, including
13 address and phone number, from any website maintained by the city and available to the general
14 public. The request to remove personal information may also include a request to remove the
15 personal information of the individual's spouse. The following individuals may request the
16 removal of personal information from a city's website:

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

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

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

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

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

22 (6) A federal judge.

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

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

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

26 (3) The specific information to be removed.

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

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

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

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

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

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

50 (2) Emergency contact information.

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

- 1 **SECTION 4.** G.S. 160A-168(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 city shall not be disclosed to an
4 employee or any other person, unless disclosed in accordance with G.S. 132-1.4, or in accordance
5 with G.S. 132-1.10, or for the personal safety of that sworn law enforcement officer or any other
6 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 5.** The process required by Sections 1 and 2 of this act shall be developed
12 and implemented by October 1, 2021.
13 **SECTION 6.** This act is effective when it becomes law.