

HB 195-FN - AS AMENDED BY THE HOUSE

26Mar2025... 0890h

2025 SESSION

25-0246

07/08

HOUSE BILL

195-FN

AN ACT relative to the expectation of privacy in the collection and use of personal information.

SPONSORS: Rep. Lynn, Rock. 17; Rep. Erf, Hills. 28; Rep. M. Smith, Straf. 10; Rep. Bolton, Graf. 8; Sen. Rosenwald, Dist 13

COMMITTEE: Judiciary

ANALYSIS

This bill regulates the collection, retention, and use of personal information and establishes a cause of action for violations of an individual's expectation of privacy in personal information.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the expectation of privacy in the collection and use of personal information.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Protections from Disclosure of Personal Information. Amend RSA by inserting
2 after chapter 507-H the following new chapter:

3 CHAPTER 507-I

4 PROTECTIONS FROM DISCLOSURE OF PERSONAL INFORMATION

5 507-I:1 Definitions. In this chapter:

6 I. "Available to the public" means personal information about an individual which is widely
7 known or readily accessible to the public and in which an individual could not have a reasonable
8 expectation of privacy.

9 II. "Government entity" means municipal, county state or federal department, agency,
10 board, commission, or employee, elected official, or contractor. "Government entity" shall not apply
11 to a federal government agency to the extent that federal statute or the United States Constitution
12 preempts such application.

13 III. "Personal information" means an individual's name, date or place of birth; social
14 security number; address; employment history; credit history; financial and other account numbers;
15 cellular telephone numbers; voice over Internet protocol or landline telephone numbers; location
16 information; biometric identifiers including fingerprints, facial photographs or images, retinal scans,
17 genetic profiles, and DNA/RNA data; or other identifying data unique to that individual.

18 IV. "Third party providers of information and services" means individuals or organizations
19 that collect personal information about an individual in connection with providing the following
20 kinds of services to that individual: cellular and land-line telephone, electric, water, or other
21 utilities; Internet service providers; cable television; streaming services; social media services; email
22 service providers; banks and financial institutions; insurance companies; and credit card companies.

23 507-I:2 Protection from Disclosure of Personal Information; Consent.

24 I. An individual shall have a reasonable expectation of privacy in personal information,
25 including content and usage, given to or held by third party providers of information and services,
26 and not available to the public. Unless specifically authorized by law, third party providers of
27 information and services shall not disclose to anyone personal information of an individual that is
28 not available to the public unless:

29 (a) Such individual has given explicit consent for the disclosure of such information to
30 one or more others;

1 (b) The third-party provider of information and services has reason to believe that such
2 disclosure is necessary to prevent, detect, protect against, or respond to past, present, or expected
3 criminal or fraudulent conduct, identity theft, harassment, or deceptive or malicious activity;

4 (c) An emergency exists where there is an immediate danger of death or serious physical
5 injury to an individual or substantial loss or destruction of property if the information is not
6 disclosed;

7 (d) The information is disclosed in accordance with RSA 507-I:3; or

8 (e) The information is disclosed in order to provide the service that the individual has
9 requested.

10 II. If a third-party provider of information and services seeks to obtain consent from an
11 individual to disclose to others personal information given to or held by such provider, the procedure
12 by which it does so shall meet the following requirements:

13 (a) The communication to the individual by which consent is sought shall be simple,
14 clear, and unambiguous; and shall state the purpose or purposes for which the information is to be
15 disclosed;

16 (b) The communication shall be separate from any other communication sent to the
17 individual by the third-party provider of information and services; and

18 (c) The communication shall be structured so that the individual is required to respond
19 by performing an affirmative act to “opt in” in order to grant consent.

20 507-I:3 Disclosure of Personal Information to Government Entities.

21 I. A third-party provider of information and services may disclose to a government entity
22 personal information of an individual without the consent of the individual in the following
23 circumstances:

24 (a) When requested to do so by a government investigative, law enforcement, regulatory,
25 administrative, or adjudicative body or agency acting within the scope of its authority.

26 (b) When required to do so by a subpoena duly issued by a government investigative, law
27 enforcement, regulatory, administrative, or adjudicative body or agency acting within the scope of its
28 authority, by a duly empaneled grand jury, or by a court.

29 (c) When compelled to do so pursuant to a duly issued search warrant or pursuant to a
30 judicially recognized exception to the requirement for a search warrant.

31 (d) When requested by the division of emergency services and communications for
32 purposes of responding or assisting with emergency 911 telecommunications.

33 (e) In an emergency, where the immediate danger of death or serious physical injury to
34 an individual or substantial loss or destruction of property requires the disclosure, without delay, of
35 personal information concerning a specific individual, telephone number, username, or other unique
36 identifier, and where judicial process cannot be obtained in time to prevent the identified danger.

37 (f) When specifically authorized by other law.

1 II. Unless the government entity can show good cause for requiring compliance more
2 promptly, when a government entity seeks the disclosure of personal information from a third-party
3 provider of information and services pursuant to RSA 507-I:3, I(a) or I(b), the request or demand for
4 such information shall not require production of the information sooner than 10 days from the date
5 the request or demand is made. Within 5 days of receiving such request or demand, the third-party
6 provider shall notify the individual to whom the information pertains that the request or demand
7 has been made so that such individual has an opportunity to pursue judicial remedies to prevent
8 compliance with the request or demand if there are valid grounds to do so; provided, however, that
9 no such notice shall be given if (a) the government entity seeking the information requests that such
10 notice not be provided and demonstrates good cause for making such request; or (b) a court has
11 issued an order that such notice not be given.

12 III. When a third-party provider of information and services discloses personal information
13 of an individual in an emergency situation covered by RSA 507-I:2, I(c), or when a government entity
14 seeks disclosure of personal information from a third-party provider of information and services
15 pursuant to RSA 507-I:3, I(c), I(d), or I(e), the provider shall promptly after such disclosure provide
16 notice that it has made the disclosure to the individual to whom the information pertains; provided,
17 however, that no such notice shall be given if (a) the government entity seeking the information
18 demands that such notice not be provided and demonstrates good cause for making such request; or
19 (b) a court has issued an order that such notice not be given.

20 507-I:4 Waivers. No third-party provider of information and services may require a waiver from
21 the provisions of this chapter as a condition for any individual to do business with it.

22 507-I:5 Remedies.

23 I. Any person who knowingly violates the provisions of this chapter shall be guilty of a
24 violation if a natural person, or guilty of a misdemeanor if any other person.

25 II. The attorney general shall have exclusive authority to bring a civil action against any
26 third party provider of information and services who violates this chapter to obtain declaratory or
27 injunctive relief and to recover monetary damages on behalf of the public or any individual or entity
28 aggrieved by such violation. In any such action, the attorney general shall be entitled to recover the
29 greater of actual damages or \$1,000 for each violation of this chapter.

30 III. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a
31 private right of action for violations under this chapter.

32 507-I:6 Federal Preemption. If federal law preempts any provision of this chapter, that
33 provision shall not apply.

34 2 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend RSA
35 359-N:2, I(c) to read as follows:

36 (c) Obtain, retain, or provide any individual's biometric data except as set forth in this
37 chapter *or in RSA 507-I*.

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1 3 Effective Date. This act shall take effect on January 1, 2026.

**HB 195-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0890h)**

AN ACT relative to the expectation of privacy in the collection and use of personal information.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association