

HB 522-FN - AS AMENDED BY THE HOUSE

26Mar2025... 0929h

2025 SESSION

25-0398

05/08

HOUSE BILL

522-FN

AN ACT relative to the expectation of privacy in personal information maintained by the state.

SPONSORS: Rep. Erf, Hills. 28; Rep. Lynn, Rock. 17; Sen. Lang, Dist 2

COMMITTEE: Judiciary

ANALYSIS

This bill establishes an expectation of privacy in personal information maintained by the state.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 personal information maintained by the state.

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

1 1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-H the
2 following new chapter:

CHAPTER 507-I

EXPECTATION OF PRIVACY

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 available to the public and in which that individual therefore could not have a
8 reasonable expectation of privacy.

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

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

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

22 507-I:2 Expectation of Privacy in Personal Information.

23 I. With respect to a government entity, an individual shall have a reasonable expectation of
24 privacy in personal information, including content and usage, given or available to third-party
25 providers of information and services, and not available to the public.

26 II. Unless specifically authorized by statute, no government entity shall, acquire, collect,
27 retain, or use any personal information of any individual residing in New Hampshire from any third-
28 party provider.

29 III. Paragraph II shall not apply to:

1 (a) Personal information acquired, collected, retained, or used by a government entity
2 when such acquisition, collection, retention, or use is for a purpose within the scope of the entity's
3 investigative, law enforcement, regulatory, administrative, or adjudicatory authority.

4 (b) Personal information sought or obtained pursuant to a subpoena duly issued by a
5 government entity acting within its investigative, law enforcement, regulatory, administrative or
6 adjudicatory authority, by a duly empaneled grand jury, or by a court.

7 (c) Personal information sought or obtained pursuant to a duly issued search warrant or
8 pursuant to a judicially recognized exception to the requirement for a search warrant.

9 (d) Personal information sought by the division of emergency services and
10 communications for purposes of responding to or assisting with emergency 911 communications.

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

15 (f) Personal information relating to an individual who has authorized the government
16 entity to access such information, but only for the purpose for which such access was granted.

17 (g) Other circumstances where the acquisition, collection, retention, or use of personal
18 information by a government entity is authorized by law.

19 IV. Any person who knowingly violates the provisions of this section shall be guilty of a
20 misdemeanor.

21 V. A person who is aggrieved by a violation of this chapter shall be entitled to recover the
22 greater of actual damages or \$1,000 from the government entity responsible for each such violation
23 and an award of costs and reasonable attorney fees.

24 507-I:3 Action Against a Nongovernment Entity. This chapter shall not be construed to create a
25 cause of action against a nongovernment entity for providing information to a government entity.

26 507-I:4 Federal Preemption. If federal law preempts any provision of this chapter, that
27 provision shall not apply.

28 2 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend RSA
29 359-N:2, I(c) to read as follows:

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

32 3 Effective Date. This act shall take effect on January 1, 2026.

**HB 522-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0929h)**

AN ACT relative to the expectation of privacy in personal information maintained by the state.

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

The bill also provides that a person who suffers injury as a result of a violation of this chapter shall be entitled to damages from the government entity responsible for the violation of not less than \$1,000 for each violation and an award of costs and reasonable attorney fees. This could possibly result in an increase in civil cases in the Superior Court, however, there is no way to predict how many such actions would occur so any such increase is indeterminable. The Judicial Branch has provided average cost information for civil cases in the Superior Court:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2025	FY 2026
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

AGENCIES CONTACTED:

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