

HB 522-FN - AS INTRODUCED

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

In the Year of Our Lord Two Thousand Twenty Five

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

CHAPTER 507-I
EXPECTATION OF PRIVACY

III. Paragraph II shall not apply to:

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1 (a) Personal information acquired, collected, retained, or used by any state regulatory or
2 administrative agency when such acquisition, collection, retention, or use is within the agency's
3 regulatory, investigative, adjudicatory, or administrative function.

4 (b) A warrant signed by a judge and based on probable cause has been issued or a
5 judicially-recognized exception to the warrant requirement applies.

6 (c) The division of emergency services and communications when handling emergency
7 911 telecommunications.

8 (d) An emergency where the immediate danger of death or serious physical injury to an
9 individual requires the disclosure, without delay, of personal information concerning a specific
10 individual, telephone number, user name, or other unique identifier, and where a warrant cannot be
11 obtained in time to prevent the identified danger.

12 (e) Cases where the acquisition, collection, retention or use of personal information is
13 authorized or required by state or federal law, provided that such personal information is requested
14 of and supplied by a third-party provider of information and services for named individuals only or,
15 in the case of employees and/or contractors of a third-party provider of information and services, for
16 all of its employees and/or contractors.

17 (f) Cases where the individual to whom personal information in the possession of third
18 party providers of information and services pertains:

19 (1) Provides it to a government entity, but only for the purpose for which it is
20 provided, including but not limited to credit card transactions and affinity programs; or

21 (2) Authorizes access to it by a government entity, but only for the purpose for which
22 such authorization is granted.

23 (g) Inquiries by a grand jury.

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

26 V. A person who suffers injury as a result of a violation of this chapter shall be entitled to
27 damages from the government entity responsible for the violation of not less than \$1,000 for each
28 such violation and an award of costs and reasonable attorney fees.

29 507-I:3 Action Against a Nongovernment Entity. This chapter shall not be construed to create a
30 cause of action against a nongovernment entity for providing information to a government entity.

31 507-I:4 Federal Preemption. If federal law preempts any provision of this chapter, that
32 provision shall not apply.

33 2 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend RSA
34 359-N:2, I(c) to read as follows:

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

37 3 Effective Date. This act shall take effect on January 1, 2026.

**HB 522-FN- FISCAL NOTE
AS INTRODUCED**

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