

**61.795 Exemptions to prohibition against disclosure of personal information.**

- (1) KRS 61.791 to 61.799 shall not preclude:
  - (a) Any report related to campaign financing required by:
    1. KRS 121.140;
    2. KRS 121.150;
    3. KRS 121.160;
    4. KRS 121.170;
    5. KRS 121.172;
    6. KRS 121.180;
    7. KRS 121.210; or
    8. KRS 121.230;
  - (b) A response to any lawful warrant for personal information issued by a court of competent jurisdiction;
  - (c) A response to a lawful request for discovery of personal information in litigation if the request is reasonably calculated to lead to the discovery of admissible evidence. A party from which the personal information is requested pursuant to this paragraph may seek a protective order from the court barring the requesting party from disclosure of personal information to any person not named in the litigation;
  - (d) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, no court shall publicly reveal personal information absent a finding of good cause;
  - (e) A public agency from releasing personal information that was voluntarily released by the person or the nonprofit organization to the public;
  - (f) Collection of information disclosing the identity of any director, officer, registered agent, or incorporator of a nonprofit organization in any report or disclosure required by statute to be filed with the Secretary of State, except that information that directly identifies a person as a donor of financial or in-kind support to a nonprofit organization shall not be collected or disclosed;
  - (g) Disclosure of personal information derived from a donation to a nonprofit organization that is affiliated with a public agency and required by statute, including the voluntary submission of personal information from a nonprofit organization to a public agency for verification purposes as a condition of receiving matching grant funding, if the person has not previously requested anonymity from the nonprofit organization;
  - (h) Collection of information by the Attorney General via federal Form 990, as required by KRS 367.657, except that information that directly identifies a person as a donor of financial or in-kind support to a nonprofit organization via federal Form 990, Schedule B, or its successor form, shall not be collected or disclosed;
  - (i) Collection of information pursuant to a request by the Attorney General for information required for an audit, examination, review, or investigation

pursuant to KRS 367.240 or 367.250, provided that such information shall only be used in connection with the specific audit, examination, review, or investigation to which the request relates and for any related proceedings, provided further that any information so collected shall otherwise remain subject to the provisions of KRS 61.791 to 61.799;

- (j) Any disclosures, reports, or investigations pursuant to KRS 6.601 to 6.849 or KRS Chapter 11A, except that such information shall only be used in connection with the specific disclosures, reports, or investigations and for any related proceedings; or
  - (k) Audit, attestation, examination, investigation, or other review work authorized under KRS Chapter 43 or pursuant to the express statutory authority granted to the Office of the Auditor of Public Accounts or performed by a certified public accountant either under contract with the Auditor of Public Accounts or pursuant to an engagement declined by the Auditor of Public Accounts, provided that such information shall only be used in connection with the specific audit, attestation, examination, investigation, or other review work to which the request relates.
- (2) KRS 61.791 to 61.799 shall not be construed to apply to a:
- (a) Nonprofit organization acting as a community action agency pursuant to KRS 273.410 to 273.453; or
  - (b) National securities association that is registered pursuant to Section 15A of the Securities Exchange Act of 1934, 15 U.S.C. sec. 78o-3, as amended, or regulations promulgated thereunder, or any information the national securities association provides to the Department of Financial Institutions pursuant to KRS Chapter 292 and the administrative regulations promulgated thereunder.

**Effective:** June 29, 2023

**History:** Created 2023 Ky. Acts ch. 127, sec. 3, effective June 29, 2023.

**Legislative Research Commission Note** (6/29/2023). Senate Bill 62 of the 2023 Regular Session of the Kentucky General Assembly (2023 Ky. Acts ch. 127, sec. 3), which created this section, was amended by Senate Bill 203 (2023 Ky. Acts ch. 59, sec. 2), and the amendment has been incorporated into this statute.