



SPONSOR: Rep. Collins

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 8
TO
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 2

AMEND Senate Substitute No. 1 for Senate Bill No. 2 by deleting line 134 in its entirety and substituting in lieu thereof the following and redesignating accordingly:

(n) All information, records, data, applications, reports, and all other documents pertaining to this section are confidential and shall not be deemed public for purposes of release pursuant to Chapter 100 of Title 29, the Freedom of Information Act.

(1) Release of, access to and the use of the information, records, data, applications, reports and all other documents pertaining to this section is restricted. Said information, records, data, applications, reports and documents may only be accessed, transmitted, used or released in response to a valid Attorney General's subpoena issued pursuant to 29 Del. C. § 2504(4) or a valid order issued by a court of competent jurisdiction.

(2) No person, agency, organization or entity may use the information, documents, applications, reports or data submitted to, collected, developed or created by SBI pursuant to this section to create or compile any list or database of persons making application for a permit under this section except, however, SBI may make and maintain a record of active and unexpired permits approved and issued under this section. Once those permits have expired all information pertaining thereto shall be permanently expunged from SBI's records and destroyed.

(3) The unauthorized possession, use, access, release, publication or transmission of confidential information, data, records, applications, reports and other related documents submitted to, gathered, created or developed by SBI pursuant to this section is a Class F felony.

FURTHER AMEND Senate Substitute No. 1 for Senate Bill No. 2 by deleting lines 189 through 191 in their entirety and redesignating accordingly.

SYNOPSIS

Public trust is the ultimate lynchpin to the public's acceptance of the permitting system being created by Senate Substitute No. 1 for Senate Bill No. 2. For this new system to work and be trusted and accepted by the public it is absolutely imperative that the public understand and have confidence that their confidential personal information will remain secure and that the system will not be abused by unauthorized personnel or used in an ethically questionable manner

to infringe upon their constitutional rights or their individual privacy. This amendment is designed to directly address those concerns and those specific issues.

This Amendment exempts the information submitted by the applicant and/or developed by SBI's investigation from public access under the Freedom of Information Act. This amendment also limits the access to such information and data to authorized personnel by requiring either a valid court order or an Attorney General's subpoena. This protection ensures that any law enforcement access and/or use will truly be for legitimate law enforcement investigative purposes and eliminates or reduces the possibility of such information being used for political or other nefarious purposes.

As an additional safeguard, this amendment punishes the unauthorized possession, use, access, transmission, release or publication of confidential information as a Class F felony.