

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1078

Introduced by

Industry, Business and Labor Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to amend and reenact section 44-04-18.1 of the North Dakota Century Code,
2 relating to the confidentiality of personal information obtained by a state agency in administering
3 occupational or professional licenses.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 44-04-18.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **44-04-18.1. Public employee personal, medical, and employee assistance**
8 **records - Confidentiality - Personal information maintained by ~~professional boards~~ state**
9 **entities.**

- 10 1. Any record of a public employee's medical treatment or use of an employee
11 assistance program is not to become part of that employee's personnel record and
12 is confidential and may not be released without the written consent of the
13 employee. As used in this section, the term "public employee" includes any
14 individual who has applied for employment, is employed, or has been employed by
15 a public entity.
- 16 2. Except as otherwise specifically provided by law, personal information regarding a
17 public employee contained in an employee's personnel record or given to the state
18 or a political subdivision by the employee in the course of employment is exempt.
19 As used in this section, "personal information" means a person's home address;
20 home telephone number; photograph; medical information; motor vehicle
21 operator's identification number; social security number; payroll deduction
22 information; the name, address, telephone number, date of birth, and social
23 security number of any dependent or emergency contact; any credit, debit, or

- 1 electronic fund transfer card number; and any account number at a bank or other
2 financial institution.
- 3 3. Nonconfidential information contained in a personnel record of an employee of a
4 public entity as defined in subdivision c of subsection 12 of section 44-04-17.1 is
5 exempt.
- 6 4. Except as otherwise specifically provided by law, personal information regarding a
7 licensee maintained by an occupational or professional board, association, state
8 agency or commission created by law is exempt. As used in this section,
9 "licensee" means an individual who has applied for, holds, or has held in the past
10 an occupational or professional license, certificate, credential, permit, or registration
11 issued by a state occupational or professional board, association, agency, or
12 commission.