

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3522

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 2026

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3522.

As amended and reported by the committee, this bill establishes the “Privacy Protection Act” concerning the collection and sharing of certain personal information by State and local government entities and health care facilities.

Under the bill, government entities and health care facilities are prohibited from requesting or collecting information from an individual or non-governmental entity relating to a person’s immigration status, citizenship status, place of birth, social security number, and individual taxpayer identification number unless it is necessary to assess eligibility for, or to provide or administer, a public service, benefit, program, professional qualification, or licensure. For a health care facility, the bill provides an exception to this provision when this information is necessary to ensure the safe and appropriate delivery of health care services and as required by applicable State and federal law, including the “Health Insurance Portability and Accountability Act of 1996.”

The bill provides that certain information that is collected to assess eligibility for, or to administer services, benefits, programs, professional qualifications, or licensure is not considered a government record under the open public records act and is not to be disclosed, except: (1) as required to administer benefits or services pursuant to State or federal law; (2) as required by a valid judicial order, judicial warrant, or as required by federal law; (3) by an election agency when the disclosure of a candidate’s citizenship status is a requirement for elected office; or (4) upon obtaining written consent from the person to whom the information pertains.

The bill requires the Commissioner of Health to consult with the Attorney General (AG) to develop and publish standardized written consent forms to provide health care facilities with a method to comply with the bill’s written consent requirements.

In addition, the bill prohibits a government entity from selling, sharing, or transferring automated license plate recognition information concerning the operation of a person’s motor vehicle, except: (1) to another government entity when permitted by law or law

enforcement agency when permitted by law, provided the record or information is not used for federal civil immigration enforcement; (2) pursuant to a valid judicial order or judicial warrant; or (3) upon obtaining written consent from the person to whom the information pertains. Under the bill, a government entity's use of a third-party automated license plate recognition system vendor or service for its own data storage purposes is not to be considered the sale, share, or transfer of automated license plate recognition information, provided that the vendor or service not sell, share, transfer, or make searchable to other entities or persons information without the authorization of the government entity.

The bill requires that written consent for the disclosure of information that includes:

- (1) the exact record or information to be shared;
- (2) the purpose for sharing the record or information;
- (3) a statement clarifying that consent is voluntary and declining to consent will not result in discrimination or retaliation by the government entity or health care facility;
- (4) a statement clarifying that consent may be revoked, but that revocation does not impact any record or information already shared under prior written consent granted pursuant to the provisions of the bill; and
- (5) the person or agency to receive the record or information.

In addition, except when it would compromise a criminal investigation, the bill requires a government entity that discloses any record or information pursuant to a valid judicial order, judicial warrant, or federal law to provide notice of the disclosure to the person to whom the record or information pertains within 90 days of the disclosure. The notice is to set forth the: (1) specific record or information subject to disclosure; (2) party to which the record or information was disclosed; and (3) basis for disclosing the information.

Under the bill, government entities are to review their confidentiality policies, guidelines, and regulations and identify any changes needed to ensure compliance with the bill's provisions. Government entities are to post any updated policies, guidelines, and regulations on their websites and implement the changes as expeditiously as possible, but no later than one calendar year after the bill's effective date.

The bill specifies that, in addition to any officer, employee, or contractor of the New Jersey Motor Vehicle Commission (MVC), as provided under current law, a government entity, as defined by the bill, is also prohibited from disclosing any motor vehicle records containing personal information for any purposes related to Title 8 of the United States Code without the informed consent of the applicant, a judicial warrant or a valid judicial order, except when it would be contrary to federal law. Under the bill, when responding to a judicial

warrant or valid judicial order requiring the disclosure of motor vehicle information, a government entity may disclose only those records or information specifically requested.

A violation of the bill's provisions by a government entity may result in injunctive relief and civil liability for the damages to the person to whom the information pertains or that person's representative or guardian. A violation of the bill's provisions by a health care facility would result in penalties and enforcement by the Department of Health, consistent with the department's authority under existing law and as a condition of licensure.

The bill is effective immediately, except for the provisions regarding the Department of Health, which are effective one year after enactment.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) define "judicial order" to mean an order issued by a federal Article III judge or magistrate judge, or the State equivalent;
- (2) define "patient" to mean an individual to whom a health care facility is providing care;
- (3) clarify the definition of "government entity";
- (4) provide that a government entity is not to request or collect certain information from an individual and, also, a non-governmental entity;
- (5) clarify that a government entity or law enforcement agency may sell, share, or transfer automated license plate recognition data to another government entity, provided that this information would not be used for federal civil immigration purposes;
- (6) clarify that the provisions of the bill are not to be construed to conflict with 8 U.S.C. s.1373 and 8 U.S.C. s.1644;
- (7) provide that only certain records or information are subject to the bill's disclosure requirements;
- (8) provide that a government entity may develop and make publicly available a standardized written consent form that would constitute a vital document pursuant to section 2 of P.L.2023, c.263 (C.52:14-41);
- (9) provide an exception to the bill's notice requirement where the provision of notice would compromise a criminal investigation;
- (10) clarify and provide that certain exceptions to the bill's provisions are to be made pursuant to a judicial warrant or valid court order, but not subpoenas as originally drafted; and
- (11) make certain other clarifying and technical changes.