

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5528

By Delegates D. Cannon, Vance, and Marple

[Originating in the Committee on the Judiciary;

reported on February 26, 2026]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §5A-8-24a, relating to providing protection of personal residential information
3 of certain public officials; providing for legislative findings; setting forth definitions;
4 providing a restriction on government disclosure; setting forth permitted disclosures;
5 defining obligations of data custodians; and establishing a civil remedy.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT.

§5A-8-24a. Protection of Personal Residential Information of Certain Public Officials.

1 (a) For purposes of this section:

2 (1) "Covered individual" means any person who has been elected, appointed, served, or
3 been employed, as a judicial officer, prosecutor, federal or state public defender, federal or state
4 assistant public defender, law-enforcement officer, or member of the Legislature, and includes any
5 immediate family member residing in the same household as such individual.

6 (2) "Immediate family member" means spouse, child, parent, or any other family member
7 related by blood or by law to the covered individual, and who resides in the same residence as the
8 covered individual.

9 (3) "Judicial officer" means the chief justice or an associate justice of the United States
10 Supreme Court, a judge of the United States Court of Appeals, a judge of a federal district court, a
11 magistrate judge of a federal district court, any other judge for a court established by federal law,
12 the chief justice or a justice of the Supreme Court of Appeals of West Virginia, a circuit judge, a
13 family law judge, a magistrate, an administrative law judge, a municipal court judge, or any other
14 judge established by state law.

15 (4) "Law-enforcement officer" shall have the same definition as this term is defined in W.Va.
16 Code §30-29-1: *Provided*, That for purposes of this section, "law-enforcement officer" shall
17 additionally include those individuals defined as "chief executive" in W.Va. Code §30-29-1.

18 (5) "Personal residential information" means a covered individual's home street address,
19 personal residential telephone number, or personal cellular telephone number that is not issued by
20 an employing agency.

21 (6) "Prosecutor" means the United States Attorney or his or her assistant United States
22 attorneys, any other prosecutor established by federal law, the Attorney General of the State of
23 West Virginia or his or her assistant attorneys general, a county prosecuting attorney or his or her
24 assistant prosecuting attorneys, or any other prosecutor established by state law.

25 (b) No state agency, county, municipality, or political subdivision may knowingly disclose
26 the personal residential information of a covered individual on a publicly accessible website,
27 database, or record after receipt of a written request from a covered individual that the state
28 agency, county, municipality, or political subdivision remove or redact the covered individual's
29 personal residential information. Any state agency, county, municipality, or political subdivision
30 maintaining records that include personal residential information of a covered individual shall,
31 upon receipt of the written request of the covered individual to remove or redact personal
32 residential information, immediately remove or redact the information from any location where the
33 personal residential information has been disclosed which is within the control of the state agency,
34 county, municipality, or political subdivision. Any request to remove or redact such personal
35 residential information from a publicly accessible website, database, or record shall be made in
36 writing to the state agency, county, municipality, or political subdivision that disclosed the
37 information.

38 (d) A covered individual who has provided a written request to a state agency, county,
39 municipality, or political subdivision to have personal residential information removed or redacted
40 from a publicly accessible website, database, or record and after which continues to have personal

41 residential information knowingly disclosed by a state agency, county, municipality, or political
42 subdivision after may bring a civil action and the court may award injunctive or declaratory relief. If
43 the court grants injunctive or declaratory relief, the state agency, county, municipality, or political
44 subdivision responsible for the violation shall be required to pay reasonable attorney's fees and
45 other litigation costs reasonably incurred by the covered individual, as applicable and appropriate.

46 (e) This section does not prohibit disclosure of personal residential information by any
47 state agency, county, municipality, or political subdivision when the disclosure is required by
48 federal law, pursuant to an order of a court, provided to law-enforcement agencies for official
49 purposes, pursuant to §17A-2A-7 of this code, provided to a consumer reporting agency, as
50 defined in the Fair Credit Reporting Act, 15 USC 1681 et seq., provided to the Secretary of State,
51 or his or her appointee or designee, in fulfilling and satisfying all powers and duties vested to the
52 Secretary of State as the chief election official of the state pursuant to §3-1A-6 of the code,
53 provided to election officials, including, but not limited to, the Secretary of State and appropriate
54 county clerks, for voter registration or candidacy requirements so long as such information is not
55 made publicly accessible, or provided pursuant to a valid subpoena or lawful discovery request.