

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

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.

1

§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 retired judicial officer, prosecutor, or any active or
3 retired sworn law-enforcement officer employed by the State, a county, or a municipality, and
4 includes any immediate family member residing in the same household as such individual.

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

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

13 judge established by state law.

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

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

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

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

37 (d) A covered individual who has provided a written request to a state agency, county,
38 municipality, or political subdivision to have personal residential information removed or redacted

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

45 (e) This section does not prohibit disclosure of personal residential information by any
46 state agency, county, municipality, or political subdivision when the disclosure is required by
47 federal law, pursuant to an order of a court, provided to law-enforcement agencies for official
48 purposes, pursuant to §17A-2A-7 of this code, provided to a consumer reporting agency, as
49 defined in the Fair Credit Reporting Act, 15 USC 1681 et seq., provided to election officials for
50 voter registration or candidacy requirements so long as such information is not made publicly
51 accessible, or provided pursuant to a valid subpoena or lawful discovery request.

NOTE: The purpose of this bill is to provide protection of personal residential information of certain public officials.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.