

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 24-0634.01 Richard Sweetman x4333

**SENATE BILL 24-129**

**SENATE SPONSORSHIP**

**Pelton B. and Kolker**, Buckner, Cutter, Gonzales, Hinrichsen, Jaquez Lewis, Lundeen, Marchman, Michaelson Jenet, Priola, Roberts, Van Winkle

**HOUSE SPONSORSHIP**

**deGruy Kennedy and Frizell**, Brown, Kipp, Lieder, Marshall, McCluskie, McLachlan, Ricks

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

Business Affairs & Labor

HOUSE  
3rd Reading Unamended  
May 5, 2024

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**A BILL FOR AN ACT**

101      **CONCERNING PROTECTING THE PRIVACY OF PERSONS ASSOCIATED**  
102                    **WITH NONPROFIT ENTITIES, AND, IN CONNECTION THEREWITH,**  
103                    **PROHIBITING PUBLIC AGENCIES FROM TAKING CERTAIN ACTIONS**  
104                    **RELATING TO THE COLLECTION AND DISCLOSURE OF DATA THAT**  
105                    **MAY IDENTIFY SUCH PERSONS.**

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HOUSE  
2nd Reading Unamended  
May 4, 2024

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

SENATE  
3rd Reading Unamended  
April 26, 2024

With certain exceptions, the bill prohibits a public agency from:

- Requiring any person to provide the public agency with

SENATE  
Amended 2nd Reading  
April 25, 2024

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

data that may identify a member of a nonprofit entity (member-specific data) or compelling the disclosure of member-specific data;

- Disclosing member-specific data to any person; or
- Requesting or requiring a current or prospective contractor or a current or prospective grantee of a grant program administered by the public agency to provide a list of nonprofit entities to which the current or prospective contractor or grantee has provided financial or nonfinancial support.

A nonprofit entity or any of its members affected adversely by a public agency's violation of the bill's provisions may initiate a civil action against the public agency in district court for injunctive relief, damages, or such other relief as is appropriate. Notwithstanding existing laws concerning governmental immunity, a court may award damages against a public agency that violates the bill's provisions as follows:

- Not less than \$2,500 for each violation; and
- Not less than \$7,500 for each intentional violation.

A court may also award the costs of litigation to a complainant that prevails in such an action.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 7-90-102, **add** (36.5)  
3 and (53.5) as follows:

4 **7-90-102. Definitions.** As used in this title 7, except as otherwise  
5 defined for the purpose of any section, subpart, part, or article of this title  
6 7, or unless the context otherwise requires:

7 (36.5) "MEMBER-SPECIFIC DATA" MEANS ANY DOCUMENT, LIST,  
8 RECORD, OR COMPILATION OF ONE OR MORE CATEGORIES OF "PERSONAL  
9 IDENTIFYING INFORMATION", AS DEFINED IN SECTION 18-5-901 (13), THAT  
10 IDENTIFIES, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, A PERSON AS  
11 A MEMBER,     VOLUNTEER, OR DONOR TO ANY NONPROFIT ENTITY.

12 (53.5) "PUBLIC AGENCY" MEANS ANY STATE OR LOCAL  
13 GOVERNMENTAL UNIT, INCLUDING:

14 (a) THE STATE;

1 (b) ANY DEPARTMENT, AGENCY, OFFICE, COMMISSION, BOARD,  
2 DIVISION, OR OTHER AGENCY OF THE STATE;

3 (c) ANY INSTITUTION, AS DEFINED IN SECTION 24-72-202 (1.5);  
4 AND

5 (d) ANY POLITICAL SUBDIVISION, AS DEFINED IN SECTION  
6 24-72-202 (5).

7 **SECTION 2.** In Colorado Revised Statutes, **add** 7-90-107 as  
8 follows:

9 **7-90-107. Protection of member-specific data - nonprofit**  
10 **entities - rights and remedies - legislative declaration.** (1) THE  
11 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

12 (a) GIVEN THE LONG-HELD PROTECTION OF THE FUNDAMENTAL  
13 RIGHTS OF ASSOCIATION AND PRIVACY UNDER THE CONSTITUTIONS OF THE  
14 UNITED STATES AND THE STATE OF COLORADO, IT IS IN THE PUBLIC  
15 INTEREST TO PROHIBIT PUBLIC AGENCIES FROM COLLECTING OR  
16 DISCLOSING MEMBER-SPECIFIC DATA ABOUT MEMBERS OF, VOLUNTEERS  
17 OF, AND FINANCIAL AND NONFINANCIAL DONORS TO NONPROFIT ENTITIES  
18 THAT ARE EXEMPT FROM TAXATION UNDER THE FEDERAL "INTERNAL  
19 REVENUE CODE OF 1986", 26 U.S.C. SEC. 501 (c), AS AMENDED, EXCEPT  
20 AS SUCH COLLECTION OR DISCLOSURE IS PERMITTED BY LAW OR RULE OR  
21 IS NECESSARY TO ENFORCE OR ENSURE COMPLIANCE WITH THE LAW OR  
22 RULES OF THE STATE; AND

23 (b) THE PROVISIONS OF THIS SECTION CONCERNING A PUBLIC  
24 AGENCY'S ACCESS TO OR USE OF MEMBER-SPECIFIC DATA ARE CONSISTENT  
25 WITH:

26 (I) SECTION 7-136-105, WHICH PROHIBITS ANY PERSON FROM  
27 OBTAINING OR USING A NONPROFIT CORPORATION'S MEMBERSHIP LIST FOR

1 ANY PURPOSE UNRELATED TO A MEMBER'S INTEREST AS A MEMBER; AND

2 (II) SECTION 24-73-102, WHICH REQUIRES GOVERNMENTAL  
3 ENTITIES TO PROTECT ACCESS TO CERTAIN TYPES OF PERSONAL  
4 IDENTIFYING INFORMATION.

5 (2)        EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION  
6 OR AS OTHERWISE PERMITTED BY LAW OR AS IS NECESSARY TO ENFORCE  
7 OR ENSURE COMPLIANCE WITH THE STATE CONSTITUTION OR AN  
8 APPLICABLE FEDERAL, STATE, OR LOCAL STATUTE, CHARTER PROVISION,  
9 RESOLUTION, ORDINANCE, RULE, OR REGULATION, A PUBLIC AGENCY  
10 SHALL NOT:

11 (a) REQUIRE ANY PERSON, INCLUDING A NONPROFIT ENTITY OR AN  
12 OFFICER, DIRECTOR, EMPLOYEE, OR AGENT OF A NONPROFIT ENTITY, TO  
13 PROVIDE THE PUBLIC AGENCY WITH MEMBER-SPECIFIC DATA OR  
14 OTHERWISE COMPEL THE DISCLOSURE OF MEMBER-SPECIFIC DATA;

15 (b) DISCLOSE TO ANY PERSON ONE OR MORE ITEMS OF  
16 MEMBER-SPECIFIC DATA, INCLUDING A COMPLETE OR PARTIAL LIST OF  
17 NONPROFIT ENTITY MEMBERS WHO ARE EMPLOYED BY A PUBLIC AGENCY  
18 OR ANY INFORMATION INCLUDED IN A NONPROFIT ENTITY MEMBER'S  
19 PERSONNEL FILES AS DEFINED IN SECTION 24-72-202 (4.5); OR

20 (c) REQUEST OR REQUIRE A CURRENT OR PROSPECTIVE  
21 CONTRACTOR OR A CURRENT OR PROSPECTIVE GRANTEE OF A GRANT  
22 PROGRAM ADMINISTERED BY THE PUBLIC AGENCY TO PROVIDE A LIST OF  
23 NONPROFIT ENTITIES TO WHICH THE CURRENT OR PROSPECTIVE  
24 CONTRACTOR OR GRANTEE HAS PROVIDED FINANCIAL OR NONFINANCIAL  
25 SUPPORT.

26       

27 (3) THIS SECTION DOES NOT PRECLUDE A PUBLIC AGENCY FROM

1 REQUIRING PRODUCTION OF A NONPROFIT ENTITY'S MEMBER-SPECIFIC  
2 DATA IF:

3 (a) THE MEMBER-SPECIFIC DATA IS SPECIFICALLY IDENTIFIED IN A  
4 LAWFUL SUBPOENA OR WARRANT THAT IS:

5 (I) ISSUED BY A COURT OF COMPETENT JURISDICTION OR IS ISSUED  
6 UNDER THE AGENCY'S STATUTORY OR CONSTITUTIONAL AUTHORITY IN AN  
7 ADMINISTRATIVE, CIVIL, OR CRIMINAL MATTER OR FOR AN  
8 ADMINISTRATIVE PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE,  
9 A HEARING OFFICER, OR OTHER DULY AUTHORIZED, QUASI-JUDICIAL  
10 OFFICIAL, INCLUDING THE INDEPENDENT ETHICS COMMISSION AS  
11 AUTHORIZED BY ARTICLE XXIX OF THE STATE CONSTITUTION; OR

12 (II) SERVED UPON A STATE OR LOCAL AGENCY FOR PURPOSES OF  
13 FACILITATING A LAWFUL INVESTIGATION, SUBJECT TO THE CONDITIONS OF  
14 A PROTECTIVE ORDER AS DIRECTED BY THE COURT OR AGENCY THAT  
15 ISSUED THE SUBPOENA;

16 (b) (I) THE MEMBER-SPECIFIC DATA IS PRODUCED IN DISCOVERY  
17 UNDER THE COLORADO RULES OF CIVIL PROCEDURE BEFORE A COURT OF  
18 COMPETENT JURISDICTION OR AS AUTHORIZED BY JURISDICTION, AN  
19 ADMINISTRATIVE LAW JUDGE, A HEARING OFFICER, OR OTHER DULY  
20 AUTHORIZED, QUASI-JUDICIAL OFFICIAL, INCLUDING THE INDEPENDENT  
21 ETHICS COMMISSION AS AUTHORIZED BY ARTICLE XXIX OF THE STATE  
22 CONSTITUTION, SO LONG AS THE PRESIDING OFFICIAL ENTERS A  
23 PROTECTIVE ORDER PROHIBITING OR LIMITING THE DISCLOSURE OF THE  
24 MEMBER-SPECIFIC DATA TO THE PUBLIC.

25 (II) A PROTECTIVE ORDER MAY BE ISSUED AS DESCRIBED IN THIS  
26 SUBSECTION (3)(b) AT THE COURT'S DISCRETION IN DISCOVERY BY STATE  
27 OR LOCAL AGENCIES ENGAGED IN SECURITIES AND COMMODITIES

1 ENFORCEMENT, LICENSING, OR EXAMINATION PROCEDURES.

2 (c) THE MEMBER-SPECIFIC DATA IS ADMITTED INTO EVIDENCE AS  
3 RELEVANT TO PROVING OR DISPROVING THE CLAIMS OR DEFENSES AT ISSUE  
4 BEFORE A COURT OF COMPETENT JURISDICTION, AN ADMINISTRATIVE LAW  
5 JUDGE, A HEARING OFFICER, OR OTHER DULY AUTHORIZED, QUASI-JUDICIAL  
6 OFFICIAL, INCLUDING THE INDEPENDENT ETHICS COMMISSION AS  
7 AUTHORIZED BY ARTICLE XXIX OF THE STATE CONSTITUTION;

8 (d) THE MEMBER-SPECIFIC DATA IS VOLUNTARILY AND PUBLICLY  
9 DISCLOSED BY THE PERSON OR THE NONPROFIT ENTITY TO WHICH IT  
10 RELATES;

11 (e) THE MEMBER-SPECIFIC DATA IS SOUGHT BY A NONPROFIT  
12 ENTITY THAT REQUESTS INFORMATION CONCERNING ITS OWN MEMBERS  
13 FROM A PUBLIC AGENCY BY WHICH THE MEMBERS ARE EMPLOYED;

14 (f) INFORMATION DISCLOSING THE IDENTITY OF ANY DIRECTOR,  
15 OFFICER, REGISTERED AGENT, OR INCORPORATOR OF A NONPROFIT ENTITY  
16 IN A REPORT OR DISCLOSURE IS REQUIRED BY STATUTE TO BE FILED WITH  
17 THE SECRETARY OF STATE OR, FOR UNINCORPORATED ASSOCIATIONS, AN  
18 AGENCY THAT IS DESIGNATED BY LAW; EXCEPT THAT INFORMATION THAT  
19 DIRECTLY IDENTIFIES A PERSON SOLELY BECAUSE THE PERSON IS A  
20 FINANCIAL DONOR TO A NONPROFIT ENTITY SHALL NOT BE DISCLOSED  
21 UNLESS DISCLOSURE IS REQUIRED BY SUBSECTION (3)(g) OF THIS SECTION;

22 (g) THE MEMBER-SPECIFIC DATA IS REQUIRED TO BE MADE PUBLIC  
23 BECAUSE DISCLOSURE OF A CONTRIBUTION OR DONATION MADE BY ONE OR  
24 MORE MEMBERS OF A NONPROFIT ENTITY IS EXPRESSLY REQUIRED BY  
25 FEDERAL, STATE, OR LOCAL CAMPAIGN FINANCE LAWS;

26 (h) THE MEMBER-SPECIFIC DATA IS REQUIRED BY STATUTE OR  
27 REGULATION IN ORDER FOR AN APPLICANT TO QUALIFY FOR OR TO

1 OPERATE A BUSINESS ACTIVITY IN THE STATE OR IN ORDER FOR LICENSEES  
2 OR REGISTRANTS TO COMPLY WITH ONGOING REGULATORY  
3 REQUIREMENTS, SO LONG AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN  
4 CONNECTION WITH LAWFUL REGULATORY OR ENFORCEMENT ACTIVITY TO  
5 WHICH THE REQUEST RELATES AND FOR ANY RELATED PROCEEDINGS;

6 (i) THE MEMBER-SPECIFIC DATA IS NECESSARY TO DETERMINE  
7 COMPLIANCE WITH FEDERAL OR STATE ANTITRUST STATUTES;

8 (j) THE MEMBER-SPECIFIC DATA IS SOUGHT BY A PUBLIC AGENCY  
9 INVESTIGATING ALLEGED VIOLATIONS OF STATE OR LOCAL CIVIL OR  
10 CRIMINAL LAWS AS PERMITTED OR EXPRESSLY REQUIRED BY LAW;

11 (k) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED FOR THE  
12 PURPOSE OF EVALUATING THE SUITABILITY OF APPLICANTS FOR, AND ANY  
13 POTENTIAL CONFLICTS OF INTEREST RESULTING FROM, EMPLOYMENT BY A  
14 PUBLIC AGENCY OR APPOINTMENTS TO STATE OR LOCAL BOARDS,  
15 COMMISSIONS, ADVISORY COMMITTEES, TASK FORCES, GRANT  
16 APPLICATION REVIEW COMMITTEES, OR COMPARABLE ENTITIES, SO LONG  
17 AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN CONNECTION WITH THE  
18 SPECIFIC APPLICATION FOR AN APPOINTMENT TO WHICH THE REQUEST  
19 RELATES AND FOR ANY RELATED PROCEEDINGS;

20 (l) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED IN ORDER  
21 TO DETERMINE WHETHER A PERSON THAT IS APPLYING FOR OR BEING  
22 EVALUATED FOR ANY GRANT, BENEFITS, FINANCING, OR PAYMENTS FROM  
23 OR THROUGH, OR ANY CONTRACT WITH, A PUBLIC AGENCY SHOULD BE  
24 AWARDED THE GRANT, BENEFITS, FINANCING, PAYMENTS, OR CONTRACT  
25 AND INCLUDES INFORMATION PERTAINING TO PERSONS RELATED TO OR  
26 AFFILIATED WITH THE APPLICANT, AS WELL AS PERSONS CONDUCTING THE  
27 EVALUATION, SO LONG AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN

1 CONNECTION WITH THE SPECIFIC APPLICATION FOR, OR EVALUATION FOR,  
2 A GRANT, BENEFITS, FINANCING, OR PAYMENTS TO WHICH THE REQUEST  
3 RELATES AND FOR ANY RELATED PROCEEDINGS;

4 (m) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED BY THE  
5 OFFICE OF THE STATE AUDITOR FOR THE PURPOSE OF PERFORMING THE  
6 FUNCTIONS OF THAT OFFICE OR IN AN AUDIT, EVALUATION, OR STUDY  
7 CONDUCTED BY A PUBLIC AGENCY TO PERFORM ITS FUNCTIONS, SO LONG  
8 AS THE MEMBER-SPECIFIC DATA IS USED ONLY FOR OFFICIAL STATE  
9 BUSINESS;

10 (n) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED BY A  
11 PUBLIC AGENCY THAT IS FORMED AS A NONPROFIT ENTITY WHERE SUCH  
12 MEMBER-SPECIFIC DATA IS USED, EITHER DIRECTLY BY THE PUBLIC  
13 AGENCY OR THROUGH ITS AUTHORIZED AGENT, SOLELY TO CONTACT,  
14 INFORM, OR SOLICIT ITS DUES-PAYING MEMBERS OR DONORS, OR TO SEEK  
15 UPDATES OF THEIR MEMBER-SPECIFIC DATA;

16 (o) THE MEMBER-SPECIFIC DATA IS SOUGHT BY THE DEPARTMENT  
17 OF REVENUE TO DETERMINE A TAXPAYER'S COMPLIANCE WITH LAWS  
18 RELATING TO THE DEDUCTION OR CREDITS ARISING FROM CONTRIBUTIONS  
19 TO A NONPROFIT ENTITY FROM A PERSON'S TAXABLE INCOME;

20 (p) THE MEMBER-SPECIFIC DATA IS PRODUCED FOR THE PURPOSES  
21 OF ENFORCEMENT, EXAMINATION, OR OTHER SECURITIES AND  
22 COMMODITIES REGULATORY MATTERS, INCLUDING COLLABORATION WITH  
23 OTHER SECURITIES AND COMMODITIES ENFORCEMENT AND REGULATORY  
24 AGENCIES, INCLUDING, BUT NOT LIMITED TO, INTERNATIONAL, FOREIGN,  
25 FEDERAL, STATE, AND SELF-REGULATORY AGENCIES, SUCH AS THE  
26 FINANCIAL INDUSTRY REGULATORY AUTHORITY;

27 (q) THE MEMBER-SPECIFIC DATA CONCERNS A MEMBER WHO HAS



1 BEEN ISSUED OR IS PRACTICING UNDER ANY CLASS OF LICENSE UNDER  
2 SECTION 44-20-108 OR 44-20-408; OR

3 (r) THE MEMBER-SPECIFIC DATA WAS VOLUNTARILY RELEASED TO  
4 THE PUBLIC AGENCY BY THE PERSON OR THE NONPROFIT ENTITY TO WHICH  
5 THE DATA RELATES.

6 (4) (a) A NONPROFIT ENTITY OR ANY OF ITS MEMBERS AFFECTED  
7 ADVERSELY BY A VIOLATION OF THIS SECTION MAY INITIATE A CIVIL  
8 ACTION IN DISTRICT COURT FOR INJUNCTIVE RELIEF, DAMAGES, OR SUCH  
9 OTHER RELIEF AS IS APPROPRIATE TO ADDRESS THE VIOLATION. SUCH AN  
10 ACTION MUST BE INITIATED AGAINST THE PUBLIC AGENCY THAT SOUGHT  
11 AND OBTAINED, OR IMPROPERLY DISCLOSED, MEMBER-SPECIFIC DATA OF  
12 THE NONPROFIT ENTITY IN VIOLATION OF THIS SECTION.

13 (b) NOTWITHSTANDING THE LIMITATIONS OF THE "COLORADO  
14 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, DAMAGES  
15 MAY BE AWARDED TO COMPENSATE A PERSON FOR INJURY OR LOSS  
16 CAUSED BY A PUBLIC AGENCY WRONGFULLY REQUIRING THE PRODUCTION  
17 OF, OR WRONGFULLY DISCLOSING, MEMBER-SPECIFIC DATA AS FOLLOWS:

18 (I) EXCEPT AS DESCRIBED IN SUBSECTION (4)(b)(II) OF THIS  
19 SECTION, NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS FOR  
20 EACH RECKLESS VIOLATION OF THIS SECTION; AND

21 (II) NOT LESS THAN SEVEN THOUSAND FIVE HUNDRED DOLLARS  
22 FOR EACH INTENTIONAL VIOLATION OF THIS SECTION.

23 (c) A COURT MAY AWARD THE COSTS OF LITIGATION, INCLUDING  
24 REASONABLE ATTORNEY FEES AND WITNESS FEES, TO A COMPLAINANT  
25 THAT PREVAILS IN AN ACTION DESCRIBED IN THIS SUBSECTION (4).

26 **SECTION 3. In Colorado Revised Statutes, 24-72-204, add (10)**  
27 as follows:

1           **24-72-204. Allowance or denial of inspection - grounds -**  
2           **procedure - appeal - definitions - repeal.** (10) THE CUSTODIAN OF ANY  
3           PUBLIC RECORDS SHALL NOT REQUIRE A NONPROFIT ENTITY TO PRODUCE  
4           MEMBER-SPECIFIC DATA, AS DEFINED IN SECTION 7-90-102 (36.5), THAT IS  
5           CONTAINED IN PUBLIC RECORDS WHERE SUCH RECORDS ARE NOT SUBJECT  
6           TO INSPECTION AND COPYING PURSUANT TO THIS SECTION. A CUSTODIAN  
7           SHALL DENY ANY REQUEST TO INSPECT, COPY, OR REPRODUCE ANY  
8           MEMBER-SPECIFIC DATA IN THE POSSESSION OF A PUBLIC AGENCY AND  
9           PROVIDED TO THE PUBLIC AGENCY BY A NONPROFIT ENTITY. A CUSTODIAN  
10           SHALL NOT REQUIRE A NONPROFIT ENTITY TO PRODUCE RECORDS AND  
11           INFORMATION RELATING TO THE IDENTIFICATION OF INDIVIDUAL  
12           EMPLOYEES OF NONPROFIT ENTITIES WITH WHOM THE PUBLIC ENTITY  
13           CONTRACTS FOR SERVICES OR OF INDIVIDUAL EMPLOYEES OF  
14           SUBCONTRACTORS OF SUCH NONPROFIT ENTITIES.

15           **SECTION 4. Act subject to petition - effective date -**  
16           **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
17           the expiration of the ninety-day period after final adjournment of the  
18           general assembly; except that, if a referendum petition is filed pursuant  
19           to section 1 (3) of article V of the state constitution against this act or an  
20           item, section, or part of this act within such period, then the act, item,  
21           section, or part will not take effect unless approved by the people at the  
22           general election to be held in November 2024 and, in such case, will take  
23           effect on the date of the official declaration of the vote thereon by the  
24           governor.

25           (2) This act applies to the collection and disclosure of data  
26           concerning members of a nonprofit entity by a public agency on or after  
27           the applicable effective date of this act.