



## MEMORANDUM

**TO:** The Pennsylvania House Judiciary Committee

**FROM:** Veronica Miller, Deputy Legislative Director, ACLU of Pennsylvania

**DATE:** October 13, 2025

**RE: OPPOSITION TO HB 1822 P.N. 2332 (Briggs)**

**Bill summary:** [HB 1822](#) (PN 2332) would amend Title 44 to create a new “Public Servant Data Privacy” law that allows judges, elected officials, and certain other public servants—as well as their family members and close associates—to demand that data brokers permanently stop disclosing their personal information, including home addresses, phone numbers, email addresses, and vehicle identifiers. Once a written notice is submitted, data brokers must remove the information within ten business days, with violations subject to civil lawsuits, damages, and even criminal penalties. The nondisclosure protections last for the official’s lifetime, and for associated persons, for the length of the association plus ten years.

While intended to enhance safety and reduce harassment, the legislation raises significant civil liberties and constitutional concerns. It threatens freedom of speech and press, undermines transparency, and could unintentionally weaken democratic accountability.

We acknowledge and respect the legitimate concerns that public officials and their families should feel safe from harassment, threats, and real danger. Those concerns are honorable and well-intentioned, and ensuring safety is a goal we share. But HB 1822, as drafted, is not the remedy. Instead of narrowly addressing true threats and harassment, the bill sweeps too broadly, risks silencing lawful speech, and undermines the very press freedoms that protect our democracy. A more narrowly tailored approach could achieve the state’s safety objectives without chilling press freedoms or violating the First Amendment. For example, the bill could be improved by narrowly defining the protected information and restricting the statute to highly sensitive identifiers, creating protections for legitimate journalism and public oversight, and specifically stating the culpable mental state needed to be found liable for disclosure of information, to name a few. We invite legislators to continue a discussion about how HB 1822 could be improved to avoid the risks and pitfalls outlined below.

**On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 1822.**

### **[HB 1822 threatens freedom of the press and investigative journalism.](#)**

Journalists and watchdog organizations rely on access to basic identifying information to investigate corruption, misconduct, and conflicts of interest. By granting broad nondisclosure rights to public officials, HB 1822 restricts access to data that is often essential to verifying residency, eligibility for office, and other statutory requirements. This limitation risks shielding public servants from legitimate scrutiny, making it harder to hold officials accountable. While we understand that the law attempts to carve out exceptions for when a person is a candidate for public office or if an individual challenges the residency of a candidate for public

office that would still not ensure that the public and the press have access to that information to do the type of investigative work required.

### **HB 1822 is overly broad and vulnerable to legal challenge.**

The bill's definition of data brokers is so wildly overbroad that it risks ensnaring any person that discloses information to a third party—that includes newspapers, lobbyists, political activists, private investigators and even citizens engaged in social discussions about politicians.

In addition, the categories of information covered are sweepingly broad, including home addresses, addresses of other residences, vehicle license plate number, and personal email address, even if that information is already publicly available or easily observed by anyone out in public. It is disturbingly easy to envision the scenarios in which this legislation could be wielded as a censorship cudgel, thwarting actions such as:

- An anti-corruption organization checking the new property or vehicle purchases of a lawmaker under allegations of taking financial bribes.
- An individual publicly sharing or posting on social media about an inappropriate email they received from a lawmaker's personal email account.
- A constituent discussing on social media the school a certain lawmaker chooses for their children, while that lawmaker consistently votes against improved education funding for schools in their district. Simply because the constituent mentions the neighborhood near the lawmaker's home they are now liable for disclosing protected information.

The U.S. Constitution protects the publication of truthful information lawfully obtained, even where there are significant privacy concerns posed by the information. As a content-based restriction on speech, HB1822 is subject to the highest level of First Amendment scrutiny, a constitutional barrier that government restrictions on speech are difficult to overcome.<sup>1</sup>

### **HB 1822 risks creating a chilling effect on free expression, oversight, and civic engagement.**

The danger of HB 1822 is not only in what it forbids but in how it will be interpreted. Faced with the risk of civil suits and even criminal penalties, data brokers, platforms, and publishers are likely to err on the side of overcompliance—taking down or refusing to share information even when disclosure is legitimate and lawful. This “silencing through fear of liability” undermines the role of the press at the very moment when oversight is most urgently needed.

By imposing civil and criminal liability on any person for disclosing information protected under the bill, even when such information is already publicly available—HB 1822 risks creating a chilling effect that extends

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<sup>1</sup> We first note *Jackson v. Whitepages, Inc.*, No. 1:24-cv-80, 2025 BL 293189, 2025 Us Dist Lexis 160341 (N.D. W. Va. Aug. 18, 2025) (striking down West Virginia's "Daniel's Law" on First Amendment grounds). In contrast, one law requiring censorship of data has survived constitutional review at the district court level, *Atlas Data Priv. Corp. v. We Inform, LLC*, 758 F. Supp. 3d 322, 330 (D.N.J. 2024) (challenging New Jersey's Daniel's Law in federal court); also see *Kratovil v. New Brunswick*, 261 N.J. 1, 336 A.3d 201 (2025) (challenging New Jersey's Daniel's Law in state court). In *Atlas Data*, the court erroneously failed to apply strict scrutiny and the decision is currently on appeal before the Court of Appeals for the Third Circuit. Of note, the Third Circuit has certified questions to the N.J. Supreme Court on whether Daniel's Law required proof of negligence or was a statute of strict liability. Importantly, First Amendment case law has found laws impacting free speech are unconstitutional unless they require some level of culpability.

beyond “data brokers” to any entity that collects, aggregates, or republishes information, creating uncertainty for news organizations, research institutions, and public platforms. The result could be widespread over-censorship of public information to avoid legal risk. Should this legislation be enacted nonetheless, the predictable result will be that virtually anybody who participates in government oversight or related public debates will face enormous incentives to sideline themselves. For individuals, community newspapers, and non-profit organizations, even the threat of a lawsuit, let alone the penalties or sanctions potentially imposed during litigation and the attorneys' fees, could be ruinous and enough for them to simply disengage. Their attorneys will advise self-censorship to avoid legal liability, and the public square will be poorer for it.

At a time when trust in government is low and communities are demanding greater accountability, Pennsylvania cannot afford to limit the press and public oversight. Investigative reporting and citizen monitoring have exposed corruption, misuse of public resources, and violations of the public trust across the country. Restricting access to information about public officials—even in the name of safety—threatens to silence precisely the voices that hold power accountable.

**For these reasons, we urge you to oppose House Bill 1822.**