



COLORADO
MUNICIPAL
LEAGUE



NO
HB26-1037

Ban Government Purchase of Personal Data from Third Party

WHAT DOES THE BILL DO?

House Bill 26-1037 prohibits law enforcement agencies and prosecutors from obtaining or sharing certain personal data made available by third-party vendors. While intended to address privacy concerns, the bill goes beyond existing Fourth Amendment standards and would disrupt established investigative and prosecutorial practices by limiting routine information sharing. The bill creates a broad private right of action for alleged violations. HB26-1037's expansive definition of "personal data" creates uncertainty about what information and tools may be used in day-to-day operations. In addition, the bill excludes improperly obtained data from court proceedings without clearly addressing its application to ongoing cases or providing a mechanism to address inadvertent violations.

WHY YOU SHOULD VOTE NO

CML recognizes the importance of protecting personal privacy and preventing misuse of personal data. However, HB26-1037 is overly broad and creates unintended operational and legal consequences for local governments and public safety agencies.

- The restrictions imposed by HB26-1037 may delay or impede investigations and prosecutions, particularly in time-sensitive cases involving missing persons, violent crime, domestic violence, or threats to public safety. Victims and witnesses may be adversely affected if investigations are slowed due to compliance concerns.
- HB26-1037 would prohibit law enforcement agencies, district attorneys, and municipal prosecutors from using widely available and relied-upon subscription services, such as LexisNexis, to perform core legal functions, including serving notices to appear, subpoenas, warrants, and verifying identity or location information necessary to effectuate court orders efficiently.
- HB26-1037's restrictions on sharing "personal data" may create uncertainty or conflict with Colorado Open Records Act (CORA) and Colorado Criminal Justice Records Act (CCJRA) requirements, leaving agencies unsure whether complying with lawful records requests or sharing information between government entities could violate the law.
- HB26-1037 places significant liability risk on agencies, including those that unknowingly receive data improperly obtained by another agency. The bill could hold an agency liable for the actions of another, even when it acted responsibly and in good faith.

YOUR OPPOSITION IS RESPECTFULLY REQUESTED

CML respectfully requests your NO vote on HB26-1037. This bill imposes broad restrictions that go well beyond constitutional standards to limit government access to data that remains lawfully available to the general public. The bill disrupts routine law-enforcement and prosecutorial operations and exposes local governments to significant legal and administrative risk.

CONTACT

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