

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE CREATING A CHAPTER OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) TO PREVENT THE UNAUTHORIZED PUBLICATION OF INDIVIDUAL’S PERSONALLY IDENTIFYING INFORMATION IN A PRACTICE COMMONLY KNOWN AS “DOXING” (as amended).

SPONSORED BY: COUNCIL MEMBERS PIAGENTINI AND WINKLER

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) takes notice of a practice among its citizens of the unauthorized publication online of an individual’s personally identifying information, commonly known as “doxing”; and

WHEREAS, doxing is understood by Council to be threatening behavior, in that it publishes certain personal information of Louisville/Jefferson County Metro Government (“Metro”) citizens in an effort to threaten or intimidate Metro’s citizens; and

WHEREAS, the unauthorized publication of an individual’s personally identifying information, through online “doxing” which can constitute true threats that lead to real-world intimidation and emotional distress of that individual, members of that individual’s immediate family, or domestic partners of that individual; and may ultimately lead to a violent confrontation; and

WHEREAS, Council is concerned with the unlawful publication of personally identifying information of a person with the malicious intent to threaten or stalk that person, an immediate family member of that person, or a domestic partner of that person; and

WHEREAS, there have been multiple examples of city employees and private citizens in Louisville and across the Commonwealth who have had to move, take additional personal protective measures, and suffered mental anguish and financial stress due to doxing; and

WHEREAS, the Council desires to prohibit by ordinance the intimidation and unlawful publication of a person's personally identifying information where such publication places that person, that person's immediate family, or that person's domestic partner in reasonable fear of death or serious bodily injury; and

WHEREAS, the Council considers a prohibition on doxing the least restrictive means to achieve to further its interests,

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: A new chapter of Title XI is hereby added to the Louisville Metro Code of Ordinances to read as follows:

TITLE IX: GENERAL REGULATIONS

CHAPTER 104: MALICIOUS PUBLICATION OF PERSONALLY IDENTIFYING INFORMATION

§ 104.01 PURPOSE; FINDINGS.

PURPOSE. This Section is an exercise of the City's police power for the public safety, health and welfare; and its provisions shall be liberally construed to accomplish this purpose.

FINDINGS AND INTENT. The intent of the legislative council is to prevent unauthorized publication of an individual's personally identifying information, through online "doxing"

which can constitute true threats that lead to real-world intimidation and emotional distress of that individual, members of that individual's immediate family, or domestic partners of that individual; and may ultimately lead to a violent confrontation. That it is this Council's intent that this Ordinance prohibit a publication of a serious threat to commit an act of unlawful violence against a particular person, immediate family member, or domestic partner, and to protect individuals from the fear of violence, the disruption that fear engenders, and from the possibility that the threatened violence will occur, and does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of the Commonwealth of Kentucky or by the constitution or laws of the United States. This ordinance shall not be interpreted to otherwise prohibit the publication of information made available pursuant to the Open Records of Public Agencies Act, Kentucky Revised Statutes, Chapter 61.870, et seq

§ 104.02 DEFINITIONS.

For the purposes of this chapter the following definitions will apply.

“DOMESTIC PARTNER” means an adult, unrelated by blood, with whom a person has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

“IMMEDIATE FAMILY MEMBER” means:

(1) The spouse, parent, brother, sister, or child of the subject of the publication or a person to whom the subject of the publication cohabits and who assumes a substantially parent-like role with respect to that parent's child.; or

(2) Any other person living in the subject of the publication's household and related to the subject of the publication by blood or marriage.

"PERSONALLY IDENTIFYING INFORMATION" means information that identifies or reasonably can be used to identify an individual, including but not limited to:

- (1) Social Security number or other government-issued identifier;
- (2) Date of birth;
- (3) Home or physical address;
- (4) personal information as defined in KRS § 61.931(6); or
- (5) School or employment locations of immediate family members or domestic partners.

"PUBLISH" means to disseminate or otherwise make available to another person or group of persons.

§ 104.03 OFFENSE

It shall be unlawful for any person to publish, or re-publish, any personally identifying information of a person when:

- (1) Such publication is intended to threaten or stalk or intended to encourage another to threaten or stalk; and
- (2) The publication places such person in reasonable fear of the physical injury:
 - a. The person;
 - b. An immediate family member of the person;
 - c. A domestic partner of the person.

§ 104.04 PENALTY

A person violating this section shall be guilty of a violation and subject to a fine set forth in KRS 83A.065 at an amount not to exceed \$250. Each day any violation of any provision of this code shall continue shall constitute a separate offense.

§ 104.04 EXCEPTIONS

This section does not apply to an interactive computer service, as defined in 47 USC § 230(f)(2), for content provided by another person. Notwithstanding the provisions of 47 USC § 230(f)(2), individuals shall not be found to re-publish an information content provider when the original content is unaltered and remains within one interactive computer service system. Nothing in this section shall prohibit a government official from using personally identifiable information while acting within the scope of their duties.

SECTION II: This Ordinance shall be effective upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

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