

PRESERVATION OF PERSONAL PRIVACY (EXCERPT)
Act 378 of 1988

***** 445.1715.amended THIS AMENDED SECTION IS EFFECTIVE JULY 31, 2016 *****

445.1715.amended Civil action; damages.

Sec. 5. (1) Regardless of any criminal prosecution for the violation, a person that violates this act may be liable in a civil action for damages to a customer under subsection (2).

(2) A customer described in subsection (1) who suffers actual damages as a result of a violation of this act may bring a civil action against the person that violated this act and may recover both of the following:

- (a) The customer's actual damages, including damages for emotional distress.
- (b) Reasonable costs and attorney fees.

(3) No liability may result from the lawful disclosure of a record or information that is permitted under section 3.

History: Add. 1989, Act 206, Imd. Eff. Nov. 7, 1989;—Am. 2016, Act 92, Eff. July 31, 2016.

Compiler's note: Enacting section 2 of Act 92 of 2016 provides:

"Enacting section 2. This amendatory act is curative and intended to clarify that the prohibitions on disclosing information contained in 1988 PA 378, MCL 445.1711 to 445.1715, do not prohibit disclosing information if it is incident to the ordinary course of business of the person disclosing the information, including marketing goods and services to customers or potential customers when written notice is provided, and that a civil action for a violation of those prohibitions may only be brought by a customer who has suffered actual damages as a result of the violation."

Popular name: Video Rental Privacy Act