

ASSEMBLY BILL

No. 68

Introduced by Assembly Member Simitian

December 11, 2002

An act relating to the Internet.

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as introduced, Simitian. Internet: privacy.

Existing law requires a state agency that collects personal information on the Internet to notify the user, among other matters, of the type of information collected and the purpose for which it will be used.

This bill would express the findings of the Legislature that every commercial Web site operator doing business in California has an obligation to maintain the privacy of the state's residents. The bill would also declare the intent of the Legislature to require an operator who collects personally identifiable information to notify California residents of its online privacy policies.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as, the
- 2 Online Privacy and Policy Disclosure Act of 2003.
- 3 SEC. 2. The Legislature finds and declares the following:
- 4 (a) Every operator of a commercial Web site doing business in
- 5 California has a continuing and affirmative obligation to respect
- 6 and maintain the privacy of California residents and to protect the

1 security and confidentiality of the personally identifiable
2 information of each California resident.

3 (b) It is the intent of the Legislature to require an operator of a
4 commercial Web site that collects personally identifiable
5 information, to provide California residents with notice of its
6 online privacy policies, thus improving their awareness that
7 personally identifiable information collected through the Internet
8 may be disclosed, sold, or shared.

9 (c) It is the intent of the Legislature that Internet service
10 providers or similar entities responsible for transmitting data shall
11 have no obligations under this act relative to disclosures related to
12 personally identifiable information that they do not collect,
13 maintain, or store.

