

Introduced by Senator Corbett

February 9, 2011

An act to add Part 2.7 (commencing with Section 60) to Division 1 of the Civil Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 242, as amended, Corbett. Social networking Internet Web sites: privacy: minors.

Existing law requires an operator of a commercial Internet Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its site or online service to conspicuously post its privacy policy on its Internet Web site. Existing law also prescribes various prohibitions with regard to disclosures of personal information related to, among other things, driver's licenses, social security numbers, and direct marketing.

This bill would prohibit a social networking Internet Web site, as defined, from displaying in a designated text field, to the public or other registered users, the home address or telephone number of a registered user of that Internet Web site ~~who identifies himself or herself as being under 18 years of age~~ *without consent, as defined. The bill would require a social networking Internet Web site to establish a process for new users to set their privacy settings as part of the registration process that explains privacy options in plain language, and to make privacy settings available in an easy-to-use format. The bill would require a social networking Internet Web site to remove the personal identifying information, as defined, of any registered user, and would require*

removal of that information regarding a user under 18 years of age upon request by the user’s parent, within 48 hours upon his or her request. This bill would impose a civil penalty, not to exceed \$10,000, for each willful and knowing violation of ~~this prohibition~~ these provisions.

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. Part 2.7 (commencing with Section 60) is added
 2 to Division 1 of the Civil Code, to read:

3
 4 PART 2.7. SOCIAL NETWORKING PRIVACY ACT
 5

6 60. (a) A social networking Internet Web site shall ~~not~~
 7 *establish a default privacy setting for registered users of the site*
 8 *that prohibits the display, to the public or other registered users,*
 9 ~~the home address or telephone number of a registered user who~~
 10 ~~identifies himself or herself as being under 18 years of age.~~ *of any*
 11 *information about a registered user, other than the user’s name*
 12 *and city of residence, without the agreement of the user.*

13 (b) A social networking Internet Web site shall establish a
 14 process for new users to set their privacy settings as part of the
 15 registration process that explains privacy options in plain
 16 language. The Internet Web site shall not complete the process of
 17 registering a new user until privacy settings are selected by the
 18 user. The Internet Web site shall make privacy settings available
 19 to all users of the Internet Web site in a conspicuous place and an
 20 easy-to-use format that allows the user to adjust his or her privacy
 21 setting.

22 (c) A social networking Internet Web site shall remove the
 23 personal identifying information of a registered user in a timely
 24 manner upon his or her request. In the case of a registered user
 25 who identifies himself or herself as being under 18 years of age,
 26 the social networking Internet Web site shall also remove the
 27 information upon the request of a parent of the registered user.

28 (b)

1 (d) The provisions of subdivision (a) shall only apply to a text
2 field specifically designated to display the registered user’s home
3 address or telephone number.

4 ~~64.~~

5 62. For purposes of this part:

6 (a) *“In a timely manner” means within 48 hours of delivery of*
7 *the request.*

8 (b) *“Personal identifying information” means a person’s name,*
9 *address, telephone number, driver’s license number, social security*
10 *number, place of employment, employee identification number,*
11 *mother’s maiden name, demand deposit account number, savings*
12 *account number, or credit card number. “Personal identifying*
13 *information” also means information about a person’s current*
14 *location, including global positioning system coordinates, in*
15 *different types of media, including photographs and videos,*
16 *transmitted to, or over, the Internet.*

17 (c) *“Plain language” means a clear explanation, written in*
18 *easy to understand terms that achieves a minimum Flesch Reading*
19 *Ease score of 70, as that calculation is described in paragraph*
20 *(7) of subdivision (a) of Section 2689.4 of Title 10 of the California*
21 *Code of Regulations, in effect on March 24, 2003, regarding the*
22 *people and entities that will be able to view the information, to*
23 *allow those persons or entities to view his or her information.*

24 (d) *“Privacy setting” means the ability of the user to restrict*
25 *information about himself or herself that is available from the*
26 *Internet Web site.*

27 (e) *“Registered user” means any person who has created an*
28 *account for purposes of accessing a social networking Internet*
29 *Web site.*

30 ~~(a)~~

31 (f) ~~“Social networking Internet Web site” means any business,~~
32 ~~organization, or other entity that provides or offers a service~~
33 ~~through the Internet that permits a registered user to access, meet,~~
34 ~~congregate, or communicate with other registered users for social~~
35 ~~networking purposes. “Social networking Internet Web site” does~~
36 ~~not include a business, organization, or other entity that only~~
37 ~~provides electronic mail service.~~

38 ~~(b) “Registered user” means any person who has created an~~
39 ~~account for purposes of accessing a social networking Internet~~
40 ~~Web site.~~

1 *an Internet Web-based service that allows an individual to*
2 *construct a public or partly public profile within a bounded system,*
3 *articulate a list of other users with whom the individual shares a*
4 *connection, and view and traverse his or her list of connections*
5 *and those made by others in the system.*

6 65. A social networking Internet Web site that willfully and
7 knowingly violates any provision of this part shall be liable for a
8 civil penalty, not to exceed ten thousand dollars (\$10,000) for each
9 violation of this part.

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