

AMENDED IN SENATE MAY 17, 2011

AMENDED IN SENATE MAY 2, 2011

**SENATE BILL**

**No. 242**

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**Introduced by Senator Corbett**

February 9, 2011

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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 any information about~~ a registered user of that Internet Web site, *other than the user's name and city of residence*, without consent, ~~as defined the express agreement of the user~~. 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 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:

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4 PART 2.7. SOCIAL NETWORKING PRIVACY ACT

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6 60. (a) A social networking Internet Web site shall establish  
7 a default privacy setting for registered users of the site that  
8 prohibits the display, to the public or other registered users, of any  
9 information about a registered user, other than the user's name  
10 and city of residence, without the *express* agreement of the user.

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

19 (c) (1) A social networking Internet Web site shall remove the  
20 personal identifying information of a registered user in a timely  
21 manner upon his or her request. In the case of a registered user  
22 who identifies himself or herself as being under 18 years of age,  
23 the social networking Internet Web site shall also remove the  
24 information upon the request of a parent of the registered user.

25 ~~(d) The provisions of subdivision (a) shall only apply to a text~~  
26 ~~field specifically designated to display the registered user's home~~  
27 ~~address or telephone number.~~

1 (2) *Notwithstanding subdivision (b) of Section 62, for purposes*  
2 *of this subdivision, “personal identifying information” shall not*  
3 *include a person’s name.*

4 (d) *A request submitted by a registered user pursuant to*  
5 *subdivision (c) shall include sufficient information to verify the*  
6 *identity of the user and shall specify any known location of the*  
7 *information that is the subject of the request.*

8 62. For purposes of this part:

9 (a) “In a timely manner” means within 48 hours of delivery of  
10 the request.

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

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

27 (d) “Privacy setting” means the ability of the user to restrict  
28 information about himself or herself that is available from the  
29 Internet Web site.

30 (e) “Registered user” means any person who has created an  
31 account for purposes of accessing a social networking Internet  
32 Web site.

33 (f) “Social networking Internet Web site” means an Internet  
34 Web-based service that allows an individual to construct a public  
35 or partly public profile within a bounded system, articulate a list  
36 of other users with whom the individual shares a connection, and  
37 view and traverse his or her list of connections and those made by  
38 others in the system.

39 65. A social networking Internet Web site that willfully and  
40 knowingly violates any provision of this part shall be liable for a

- 1 civil penalty, not to exceed ten thousand dollars (\$10,000) for each
- 2 violation of this part.

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