

AMENDED IN SENATE MAY 25, 2011

AMENDED IN SENATE MAY 17, 2011

AMENDED IN SENATE MAY 2, 2011

SENATE BILL

No. 242

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 to the public or other registered users any information about a registered user of that Internet Web site, other than the user's name and city of residence, without 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 96 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:

3

4 PART 2.7. SOCIAL NETWORKING PRIVACY ACT

5

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

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

5 62. For purposes of this part:

6 (a) “In a timely manner” means within ~~48~~ 96 hours of delivery
7 of 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 easy
18 to understand terms that achieves a minimum Flesch Reading Ease
19 score of 70, as that calculation is described in paragraph (7) of
20 subdivision (a) of Section 2689.4 of Title 10 of the California Code
21 of Regulations, in effect on March 24, 2003, regarding the people
22 and entities that will be able to view the information, to allow those
23 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 (f) “Social networking Internet Web site” means an Internet
31 Web-based service that allows an individual to construct a public
32 or partly public profile within a bounded system, articulate a list
33 of other users with whom the individual shares a connection, and
34 view and traverse his or her list of connections and those made by
35 others in the system.

36 65. A social networking Internet Web site that willfully and
37 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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