

ASSEMBLY BILL

No. 242

Introduced by Assembly Member Chau

February 6, 2013

An act to amend Section 22575 of the Business and Professions Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 242, as introduced, Chau. Privacy: Internet.

Existing law requires an operator of a commercial Web site or online service that collects personally identifiable information through the Internet, about individual consumers residing in California who use or visit its commercial Web site or online service, to make its privacy policy available to consumers, as specified.

This bill would require the privacy policy to be no more than 100 words, be written in clear and concise language, be written at no greater than an 8th grade reading level, and to include a statement indicating whether the personally identifiable information may be sold or shared with others, and if so, how and with whom the information may be shared.

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. Section 22575 of the Business and Professions
- 2 Code is amended to read:
- 3 22575. (a) An operator of a commercial Web site or online
- 4 service that collects personally identifiable information through

1 the Internet about individual consumers residing in California who
2 use or visit its commercial Web site or online service shall
3 conspicuously post its privacy policy on its Web site, or in the case
4 of an operator of an online service, make that policy available in
5 accordance with paragraph (5) of subdivision (b) of Section 22577.
6 An operator shall be in violation of this subdivision only if the
7 operator fails to post its policy within 30 days after being notified
8 of noncompliance.

9 (b) The privacy policy required by subdivision (a) shall do all
10 of the following:

11 (1) Identify the categories of personally identifiable information
12 that the operator collects through the Web site or online service
13 about individual consumers who use or visit its commercial Web
14 site or online service and the categories of third-party persons or
15 entities with whom the operator may share that personally
16 identifiable information.

17 (2) If the operator maintains a process for an individual
18 consumer who uses or visits its commercial Web site or online
19 service to review and request changes to any of his or her
20 personally identifiable information that is collected through the
21 Web site or online service, provide a description of that process.

22 (3) Describe the process by which the operator notifies
23 consumers who use or visit its commercial Web site or online
24 service of material changes to the operator’s privacy policy for
25 that Web site or online service.

26 (4) Identify its effective date.

27 (c) *The privacy policy required by this section shall be no more*
28 *than 100 words and shall be written in clear and concise language*
29 *at no greater than an eighth grade reading level. The privacy*
30 *policy shall include a statement indicating whether the personally*
31 *identifiable information may be sold or shared with others, and if*
32 *so, how and with whom the information may be shared.*