

AMENDED IN ASSEMBLY JUNE 5, 2013

AMENDED IN SENATE APRIL 30, 2013

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 501

Introduced by Senator Corbett

February 21, 2013

An act to add Part 2.8 (commencing with Section 60) to Division 1 of the Civil Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 501, 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 require a social networking Internet Web site, as defined, to remove the personal identifying information, as defined, of any registered user *that is accessible online*, within 96 hours after his or her request and would also require removal of that information in that same manner regarding a user under 18 years of age upon request by the user's parent or legal guardian. The bill would also authorize a social networking Internet Web site to require a request submitted for

the removal of personal identifying information to include a specified statement. The bill would not require removal *or elimination* of the personal identifying information if federal or state law otherwise requires the social networking Internet Web site to maintain the information. The 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 2.8 (commencing with Section 60) is added
 2 to Division 1 of the Civil Code, to read:

3
 4 PART 2.8. SOCIAL NETWORKING PRIVACY ACT
 5

6 60. (a) A social networking Internet Web site shall remove
 7 the personal identifying information of a registered user *that is*
 8 *accessible online* in a timely manner upon his or her request. In
 9 the case of a registered user who identifies himself or herself as
 10 being under 18 years of age, the social networking Internet Web
 11 site shall also remove the information in a timely manner upon the
 12 request of a parent or legal guardian of the registered user.

13 (b) A request submitted by a registered user pursuant to
 14 subdivision (a) shall include sufficient information to verify the
 15 identity of the user and shall specify any known location of the
 16 information that is the subject of the request.

17 (c) A social networking Internet Web site may require a request
 18 submitted by a registered user pursuant to subdivision (a) to include
 19 the following statement:

20
 21 “I attest that the information in this request is accurate, that I am
 22 the registered user or the parent or legal guardian of the registered
 23 user to whom the personal identifying information in this request
 24 pertains, and that I am authorized to make this request under the
 25 laws of the State of California.”
 26

27 (d) A social networking Internet Web site is not required to
 28 remove or otherwise eliminate personal identifying information if

1 any other provision of federal or state law requires the Internet
2 Web site to maintain the information.

3 (e) This section shall not be construed to limit the authority of
4 a law enforcement agency to obtain any content or information
5 from a social networking Internet Web site as authorized by law
6 or pursuant to an order of a court of competent jurisdiction.

7 62. For purposes of this part:

8 (a) “In a timely manner” means within 96 hours of delivery of
9 the request.

10 (b) “Personal identifying information” means a person’s *street*
11 address, telephone number, driver’s license number, state
12 identification card number, social security number, employee
13 identification number, mother’s maiden name, demand deposit
14 account number, savings account number, or credit card number.

15 (c) “Registered user” means any person who has created an
16 account for purposes of accessing a social networking Internet
17 Web site.

18 (d) “Social networking Internet Web site” means an Internet
19 Web-based service that allows an individual to construct a public
20 or partly public profile within a bounded system, articulate a list
21 of other users with whom the individual shares a connection, and
22 view and traverse his or her list of connections and those made by
23 others in the system.

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

28 (b) *Nothing in this part shall be construed to allow the*
29 *imposition of a civil penalty for an unintentional violation of a*
30 *provision of this part.*