

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 568

Introduced by Senator Steinberg

February 22, 2013

~~An act relating to the Internet.~~ *An act to add Chapter 22.1 (commencing with Section 22580) to Division 8 of the Business and Professions Code, relating to the Internet.*

LEGISLATIVE COUNSEL'S DIGEST

SB 568, as amended, Steinberg. ~~Internet: minors: protection.~~ *Privacy: Internet: minors.*

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.

Existing federal law requires an operator of an Internet Web site or online service directed to a child, as defined, or an operator of an Internet Web site or online service that has actual knowledge that it is collecting personal information from a child to provide notice of what information is being collected and how that information is being used, and to give the parents of the child the opportunity to refuse to permit the operator's further collection of information from the child.

This bill would prohibit an operator of an Internet Web site, online service, online application, or mobile application, as specified, from marketing or advertising a product or service to a minor, as defined, if the minor cannot legally purchase the product or participate in the service in the State of California. The bill would prohibit an operator from using, disclosing, or compiling, or allowing a 3rd party to

knowingly use, disclose, or compile, the personal information of a minor for the purpose of marketing goods or services that minors cannot legally purchase or engage in the State of California.

The bill would, on and after January 1, 2015, require the operator of an Internet Web site, online service, online application, or mobile application to permit a minor to remove content or information submitted to or posted on the operator’s Internet Web site, service, or application by the minor, unless the content or information was submitted or posted by a 3rd party or any other provision of state or federal law requires the operator or 3rd party to maintain the content or information, and require the operator to provide notice to a minor that the minor may remove the content or information, as specified.

~~Existing federal law requires, among other things, an operator of an Internet Web site or online service directed to children or an operator of an Internet Web site or online service that has actual knowledge that it is collecting personal information from a child to provide notice of what information is being collected, how that information is being used, and to give the parents of the child the opportunity to refuse to permit the operator’s further collection of information from the child.~~

~~This bill would state the intent of the Legislature to enact legislation that would provide protection on the Internet for minors.~~

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. Chapter 22.1 (commencing with Section 22580)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 22.1. PRIVACY RIGHTS FOR CALIFORNIA MINORS IN
6 THE DIGITAL WORLD

7
8 22580. (a) An operator of an Internet Web site, online service,
9 online application, or mobile application directed to minors or
10 the operator of an Internet Web site, online service, online
11 application, or mobile application that has actual knowledge that
12 a minor is using its Internet Web site, online service, online
13 application, or mobile application shall not do any of the following:

1 (1) Market or advertise a product or service to a minor, if the
2 minor cannot legally purchase the product or participate in the
3 service in the State of California.

4 (2) Use, disclose, or compile, or knowingly allow a third party
5 to use, disclose, or compile, the personal information of a minor
6 for the purpose of marketing goods or services that minors cannot
7 legally purchase or engage in in the State of California.

8 (b) “Minor” means a natural person under 18 years of age.

9 22581. (a) An operator of an Internet Web site, online service,
10 online application, or mobile application shall do all of the
11 following:

12 (1) Permit a minor who is a user of the operator’s Internet Web
13 site, service, or application to remove content or information
14 submitted to or posted on the operator’s website, service, or
15 application by the user.

16 (2) Provide notice to a minor who is the user of the operator’s
17 Internet Web site, service, or application that the minor may
18 remove content or information submitted to or posted on the
19 operator’s website, service, or application by the user.

20 (3) Provide notice to a minor who is the user of the operator’s
21 Internet Web site, service, or application that the removal
22 described under subdivision (b) does not ensure complete or
23 comprehensive removal of the content or information submitted
24 to or posted on the operator’s Internet Web site, service, or
25 application by the user.

26 (b) An operator or a third party is not required to erase or
27 otherwise eliminate content or information in either or the
28 following circumstances:

29 (1) Any other provision of federal or state law requires the
30 operator or third party to maintain the content or information.

31 (2) The content or information was submitted to the operator’s
32 Internet Web site, service, or application by a third party other
33 than the minor user, including any content or information submitted
34 by the minor user that was republished or resubmitted by the third
35 party.

36 (c) This section shall not be construed to limit the authority of
37 a law enforcement agency to obtain any content or information
38 from an operator as authorized by law or pursuant to an order of
39 a court of competent jurisdiction.

40 (d) This section shall become operative on January 1, 2015.

- 1 SECTION 1. It is the intent of the Legislature to enact legislation
- 2 that would provide protection on the Internet for minors.

O