

Introduced by Senator Anderson

January 9, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 849, as introduced, Anderson. Consumers: Internet privacy.

Existing law requires an operator of a commercial Internet Web site or online service that collects personally identifiable information through the Internet about consumers residing in California who use or visit its commercial Internet Web site or online service to conspicuously post its privacy policy on its Internet Web site or online service and to comply with that policy. Existing law requires that the privacy policy specify how personally identifiable information is managed by the operator.

This bill would make nonsubstantive changes to this law.

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
- 5 the Internet about individual consumers residing in California who
- 6 use or visit its commercial Web site or online service shall
- 7 conspicuously post its privacy policy on its Web site, or in the case
- 8 of an operator of an online service, make that policy available in

1 accordance with paragraph (5) of subdivision (b) of Section 22577.
2 An operator shall be in violation of this subdivision only if the
3 operator fails to post its policy within 30 days after being notified
4 of noncompliance.

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

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

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

19 (3) Describe the ~~process~~ *procedure* by which the operator
20 notifies consumers who use or visit its commercial Web site or
21 online service of material changes to the operator's privacy policy
22 for that Web site or online service.

23 (4) Identify its effective date.

24 (5) Disclose how the operator responds to Web browser "do not
25 track" signals or other mechanisms that provide consumers the
26 ability to exercise choice regarding the collection of personally
27 identifiable information about an individual consumer's online
28 activities over time and across third-party Web sites or online
29 services, if the operator engages in that collection.

30 (6) Disclose whether other parties may collect personally
31 identifiable information about an individual consumer's online
32 activities over time and across different Web sites when a consumer
33 uses the operator's Web site or service.

34 (7) An operator may satisfy the requirement of paragraph (5)
35 by providing a clear and conspicuous hyperlink in the operator's
36 privacy policy to an online location containing a description,
37 including the effects, of any program or protocol the operator
38 follows that offers the consumer that choice.

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