

Introduced by Senator DeSaulnierFebruary 21, 2014

An act to add Chapter 22.3 (commencing with Section 22590) of Division 8 of the Business and Professions Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 1348, as introduced, DeSaulnier. Online Data brokers: sale of personal information: notice.

Existing law protects the privacy of personal information, including customer records, and requires a business that owns or licenses personal information about a California resident to implement and maintain reasonable security procedures and practices appropriate to the nature of the information, in order to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

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 Web site or online service to conspicuously post its privacy policy on its Web site or online service and to comply with that policy.

This bill would require an online data broker, as defined, that conducts business in California, and that sells to a 3rd party the personal information of any resident of California, to notify the individual to whom personal information pertains when the online data broker sells that information to a 3rd party, and to inform the individual of the content of the information sold and the identity of the purchaser.

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 22.3 (commencing with Section 22590)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

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CHAPTER 22.3. ONLINE DATA BROKERS

7 22590. The following definitions apply to this chapter:

8 (a) "Online data broker" means a person or business that
9 conducts business in California, and that owns, licenses, compiles,
10 or accesses computerized data that includes individuals' personal
11 information, for the purpose of selling the personal information
12 upon the request of a third party.

13 (b) "Personal information" means any information that identifies,
14 relates to, describes, or is capable of being associated with, a
15 particular individual, including, but not limited to, his or her name,
16 signature, social security number, physical characteristics or
17 description, address, telephone number, passport number, driver's
18 license or state identification card number, insurance policy
19 number, education, employment, employment history, bank account
20 number, credit card number, debit card number, or any other
21 financial information, medical information, or health insurance
22 information. "Personal information" does not include publicly
23 available information that is lawfully made available to the general
24 public from federal, state, or local government records.

25 (c) "Subject individual" means the person to whom personal
26 information pertains.

27 22592. (a) An online data broker that conducts business in
28 California, and that sells to a third party the personal information
29 of any resident of California, shall inform the subject individual
30 of all of the following:

31 (1) That the online data broker has sold the subject individual's
32 personal information to a third party.

33 (2) The content of the personal information sold.

34 (3) The identity of the third party to whom the online data broker
35 sold the subject individual's personal information.

36 (b) The online data broker shall provide the information
37 described in paragraphs (1) to (3), inclusive, of subdivision (a) by
38 forwarding the information to each e-mail address for the subject

1 individual to which the online data broker has access, at the same
2 time that the online data broker provides the personal information
3 to the third party. If the online data broker does not have access
4 to any e-mail address for the subject individual, the online data
5 broker shall mail a copy of the information to the most recent
6 physical address for the subject individual to which the online data
7 broker has access, within ___ working days after the online data
8 broker provides the personal information to the third party.

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