

AMENDED IN ASSEMBLY APRIL 25, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1687**

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**Introduced by Assembly Member Calderon**

January 20, 2016

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An act to add Section 1798.83.5 to the Civil Code, relating to personal data.

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, as amended, Calderon. Customer records: age information: commercial online entertainment employment service providers.

Existing law requires a business that owns, licenses, or maintains personal information about a California resident to implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. Existing law provides specified civil penalties for a violation of these provisions.

This bill would prohibit a commercial online entertainment employment service ~~provider, as defined,~~ *provider* that enters into a contractual agreement to provide specified employment services to an individual paid subscriber from publishing information about the subscriber's age and would require the provider to remove any information regarding the subscriber's age from any Internet Web site under the provider's control if requested by the subscriber. *The bill would define terms for purposes 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. Section 1798.83.5 is added to the Civil Code, to  
2 read:

3 1798.83.5. (a) The purpose of this section is to ensure that  
4 information obtained on an Internet Web site regarding ~~a person's~~  
5 *an individual's* age will not be used in furtherance of employment  
6 or age discrimination.

7 (b) A commercial online entertainment employment service  
8 provider that enters into a contractual agreement to provide  
9 employment services to an individual for a subscription payment  
10 shall not, upon request by the subscriber, do either of the following:

11 (1) Publish or make public the subscriber's date of birth or age  
12 information.

13 (2) Share the subscriber's date of birth or age information with  
14 any Internet Web sites for the purpose of publication.

15 (c) A commercial online entertainment employment service  
16 provider subject to subdivision (b) shall remove the subscriber's  
17 date of birth and age information from public view on all Internet  
18 Web sites under its control upon specific request by the subscriber  
19 naming the Internet Web sites.

20 (d) For purposes of this section, the following definitions apply:

21 (1) "Commercial online entertainment employment service  
22 provider" means a person or business that owns, licenses, or  
23 otherwise possesses computerized data ~~that includes personal~~  
24 ~~information of people~~ *information, including, but not limited to,*  
25 *age and date of birth information, about individuals* employed in  
26 the entertainment industry, including television, films, and video  
27 games, and that makes the ~~personal~~ information available to the  
28 public or potential employers.

29 (2) "Payment" means a fee in exchange for advertisements, or  
30 any other form of compensation or benefit.

31 (3) "Provide employment services" means post resumes,  
32 photographs, or other information about a ~~job applicant~~ *subscriber*  
33 when one of the purposes is to provide individually identifiable  
34 information *about the subscriber* to a prospective employer.

35 (4) "Subscriber" means a natural person who enters into a  
36 contractual agreement with a commercial online entertainment

- 1 *employment service provider to receive employment services in*
- 2 *return for a subscription payment.*

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