

Assembly Bill No. 1687

CHAPTER 555

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

[Approved by Governor September 24, 2016. Filed with
Secretary of State September 24, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, 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 that enters into a contractual agreement to provide specified employment services to an individual paid subscriber from publishing information about the subscriber's age in an online profile of the subscriber and would require the provider, within 5 days, to remove from public view in an online profile of the subscriber certain information regarding the subscriber's age on any companion Internet Web site under the provider's control if requested by the subscriber. The bill would define terms for purposes of these provisions. Under the bill, a provider that permits the public to upload or modify content on its own Internet Web site or any Internet Web site under its control without prior review by that provider would not be in violation of these provisions unless the subscriber first requested the provider to remove age information.

The people of the State of California do enact as follows:

SECTION 1. Section 1798.83.5 is added to the Civil Code, to read:

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

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

(1) Publish or make public the subscriber's date of birth or age information in an online profile of the subscriber.

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

(c) A commercial online entertainment employment service provider subject to subdivision (b) shall, within five days, remove from public view in an online profile of the subscriber the subscriber's date of birth and age information on any companion Internet Web sites under its control upon specific request by the subscriber naming the Internet Web sites. A commercial online entertainment employment service provider that permits members of the public to upload or modify Internet content on its own Internet Web site or any Internet Web site under its control without prior review by that provider shall not be deemed in violation of this section unless first requested by the subscriber to remove age information.

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

(1) "Commercial online entertainment employment service provider" means a person or business that owns, licenses, or otherwise possesses computerized information, including, but not limited to, age and date of birth information, about individuals employed in the entertainment industry, including television, films, and video games, and that makes the information available to the public or potential employers.

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

(3) "Provide employment services" means post resumes, photographs, or other information about a subscriber when one of the purposes is to provide individually identifiable information about the subscriber to a prospective employer.

(4) "Subscriber" means a natural person who enters into a contractual agreement with a commercial online entertainment employment service provider to receive employment services in return for a subscription payment.