

INTERNET PRIVACY ACT

House Bill 4171

Sponsor: Rep. Rose Bogardus

Committee: Energy and Technology

Complete to 3-8-99

A SUMMARY OF HOUSE BILL 4171 AS INTRODUCED 2-9-99

The bill would create the Internet Privacy Act to regulate Internet service providers and certain Internet users by restricting the unauthorized release of certain personal information, and to provide for penalties and remedies for violations. "Internet service provider" would be a person who was in the business of providing customers with access to the Internet. The "Internet" would be defined as a worldwide interconnection of individual computers and computer networks and the facilities and equipment used to access them.

An Internet service provider would be prohibited from keeping any records of customers' browsing patterns or selling or distributing such information without notifying its customers in advance. If the provider gave such notification to its customers, the customers would then have to be given the opportunity to respond to the provider's notification and opt out by indicating that they did not want the provider to keep such records. If the provider was notified of a customer's desire to not have his or her browsing patterns tracked, sold or distributed, the provider would be prohibited from keeping such records. An Internet service provider would also be prohibited from divulging a person's electronic mail messages without the person's written authorization to do so. A violation would result in a misdemeanor punishable by up to 90 days imprisonment or up to a \$100 fine, or both.

The bill would also prohibit a person or any other legal entity from placing an individual's "personal nonpublic information" on the Internet with the intent to cause the individual physical or financial harm, or otherwise distributing or using "personal nonpublic information" obtained on the Internet with the intent to cause an individual physical or financial harm. A violation would be a felony punishable by up to two years imprisonment, a fine of up to \$5,000, or both. Anyone who suffered injuries due to such a violation could file a civil suit to recover damages. "Personal nonpublic information" would mean personal information, such as a Social Security number, home address, business address, electronic mail address, telephone number, or medical information, that the person has not given written authorization to disclose.

Analyst: W. Flory

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