STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1651 By: Deutschendorf of the House

and

Robinson of the Senate

COMMITTEE SUBSTITUTE

An Act relating to consumer protection; creating the Consumer Internet Privacy Protection Act; defining terms; prohibiting an Internet computer service from disclosing certain personally identifiable information without written consent; allowing revocation of written consent; prohibiting the disclosure of falsified personally identifiable information; requiring a computer service to provide a subscriber access to personally identifiable information; allowing access to the identity of recipients of information; prohibiting certain fees; providing certain exceptions; authorizing the Attorney General to investigate certain acts or practices; making the violation of the act a violation of the Consumer Protection Act; authorizing the Attorney General to bring action under the Consumer Protection Act; providing for civil actions; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.1 of Title 15, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Consumer Internet Privacy Protection Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.2 of Title 15, unless there is created a duplication in numbering, reads as follows:

As used in the Consumer Internet Privacy Protection Act:

1. “Internet computer service” means any information service that provides computer access to multiple users via modem to the Internet;

2. “Internet” means the international computer network of both federal and nonfederal interoperable packet switched data networks;

3. “Informed written consent” means a statement in writing and freely signed by the subscriber consenting to the disclosures such service will make of the information provided and which describes the rights of the subscriber under this act; and

4. “Third party” means, with respect to the disclosure of personally identifiable information provided by a subscriber to an Internet computer service, a person or entity other than the service, an employee of the service, or the subscriber of the service.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.3 of Title 15, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided for in this section, an Internet computer service shall not disclose to a third party any personally identifiable information provided by a subscriber to the computer service without the prior informed written consent of the subscriber. The computer service shall permit a subscriber to revoke consent that has been granted under this subsection at any time, and upon such revocation the computer service shall cease disclosing personally identifiable information to a third party.

B. An Internet computer service or an employee of the computer service shall not knowingly disclose to a third party any personally identifiable information provided by a subscriber to the computer service that the computer service or an employee of the computer service has knowingly falsified.

C. At the subscriber’s request an Internet computer service shall:

1. Provide to the subscriber the personally identifiable information about the subscriber maintained by the computer service;

2. Permit the subscriber to verify any personally identifiable information maintained by the computer service; and

3. Permit the subscriber to correct any error in the personally identifiable information about the subscriber.

D. At the request of a subscriber an Internet computer service shall provide to the subscriber the identity of any third party who has received personally identifiable information about the subscriber.

E. An Internet computer service shall not charge a fee to the subscriber for making available to subscribers the information required to be provided pursuant to this section.

F. An Internet computer service may disclose personally identifiable information:

1. To law enforcement officials pursuant to a lawful warrant, order, or other process;

2. When necessary to protect the network security of the Internet computer service;

3. To protect against an imminent threat to the safety of others or when there is evidence of a crime; or

4. To prevent interference with another person's use of the services provided by the Internet computer service.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 776.4 of Title 15, unless there is created a duplication in numbering, reads as follows:

A. The Attorney General shall have the authority to examine and investigate an Internet computer service to determine whether the computer service has been or is engaged in any act or practice prohibited under the Consumer Internet Privacy Protection Act.

B. Any violations of the Consumer Internet Privacy Protection Act are violations of the Oklahoma Consumer Protection Act.

C. If the Attorney General determines an Internet computer service has been or is engaged in any act or practice prohibited by the Consumer Internet Privacy Protection Act, the Attorney General may bring an action pursuant to the Oklahoma Consumer Protection Act.

D. A subscriber aggrieved by a violation of the Consumer Internet Privacy Protection Act may in a civil action obtain appropriate relief.

SECTION 5. This act shall become effective July 1, 1999.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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