

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1949

By: Jackson

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6 AS INTRODUCED

7 An Act relating to contracts; prohibiting businesses
8 from sharing, disclosing, or selling personal
9 information of customers for certain purposes;
10 defining terms; providing for codification; and
11 providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2001 of Title 15, unless there
15 is created a duplication in numbering, reads as follows:

16 A. No business shall share, disclose, or sell personal
17 information obtained from its customers for direct marketing
18 purposes.

19 B. For purposes of this section:

20 1. "Business" means a sole proprietorship, partnership,
21 corporation, association, or other group, however organized and
22 whether or not organized to operate at a profit, including a
23 financial institution organized, chartered, or holding a license or
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1 authorization certificate under the laws of this state, any other
2 state, the United States, or of any other country;

3 2. "Customer" means an individual who is a resident of Oklahoma
4 and who provides personal information to a business during the
5 creation of, or throughout the duration of, an established business
6 relationship if the business relationship is primarily for personal,
7 family, or household purposes;

8 3. "Direct marketing purposes" means the use of personal
9 information to solicit or induce a purchase, rental, lease, or
10 exchange of products, goods, property, or services directly to
11 individuals by means of the mail, telephone, or electronic mail for
12 their personal, family, or household purposes. The sale, rental,
13 exchange, or lease of personal information for consideration to
14 businesses is a direct marketing purpose of the business that sells,
15 rents, exchanges, or obtains consideration for the personal
16 information. "Direct marketing purposes" does not include the use
17 of personal information:

- 18 a. by bona fide tax-exempt charitable or religious
19 organizations to solicit charitable contributions,
- 20 b. to raise funds from and communicate with individuals
21 regarding politics and government,
- 22 c. by a third party when the third party receives
23 personal information solely as a consequence of having
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1 obtained for consideration permanent ownership of
2 accounts that might contain personal information, or
3 d. by a third party when the third party receives
4 personal information solely as a consequence of a
5 single transaction where, as a part of the
6 transaction, personal information had to be disclosed
7 in order to effectuate the transaction; and

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

20 SECTION 2. This act shall become effective November 1, 2011.

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