

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 2969</b>
<b>Version:</b>	<b>PCS</b>
<b>Request Number:</b>	<b>10398</b>
<b>Author:</b>	<b>Walke, West, J.</b>
<b>Date:</b>	<b>2/15/2022</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

**Research Analysis**

The PCS for HB 2969 creates the Oklahoma Computer Data Privacy Act and adds Title 75A Technology to the Oklahoma Statutes.

The measure applies to businesses that:

1. Conduct business in Oklahoma; and
2. Collect consumer information, and
3. Meet one of the following criteria:
  - Have a gross revenue exceeding \$15 million
  - Alone or in conjunction with others, buys, sells, receives or shares personal data for commercial purposes the personal information of at least 50,000 consumers, households, or devices; or
  - Derives 25 percent or more of its annual revenue from selling consumers' personal information.

The measure provides exemptions, such as activity subject to the [Fair Credit Reporting Act](#), medical information governed by privacy health laws, de-identified information derived from a HIPAA-regulated entity, personal data used in accordance with the [Gramm-Leach-Bliley Act of 1999](#) or the [Driver's Privacy Protection Act of 1994](#), and businesses outside this state where every aspect of the collection or sale of personal data occurred outside of Oklahoma.

The act requires businesses to:

- Write privacy policies in plain language and include:
  - How the consumer may request their data be corrected or deleted;
  - What personal information is collected and reasons it is collected;
  - Whether the information is shared or sold and to what type of entities;
  - Consumers' right to opt in to the sale of their personal information and web link to do so; and
  - How long the data is retained.
- When requested by consumer, disclose personal data;
- When requested by consumer, disclose if the data is shared and the category of third parties with whom the business shares the personal information;
- Delete data if requested by the consumer. This also includes their data that was shared with third parties;
- Conspicuously inform consumers of their rights to opt out of personalized advertising;
- Provide at least two points of contact;
- Provide requests within 45 days with extensions, if needed; and
- Protect consumers' personal information from unauthorized use, disclosure, access, destruction, or modification.

The act prohibits businesses from:

- Sharing personal data to third parties unless it is necessary to provide a requested good or service or for security purposes or fraud detection; and
- Denying service or altering prices or services based on a consumer's rights granted in the measure.

The measure allows businesses to:

- Incentivize consumers sharing their data by providing discounts or payments to consumers who voluntarily participate in a program that rewards consumers for repeated transactions;
- Limit records requests to twice per 12-month period for each consumer; and
- Charge a fee in the case of baseless or excessive verifiable consumer requests.

The measure directs the attorney general to enforce the act. Intentional violations may be liable for up to \$7,500 per violation and unintentional violations may be liable for up to \$2,500 per violation.

Prepared By: Tricia Hines

### **Fiscal Analysis**

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

### **Other Considerations**

None.