

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB546 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Josh West

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 546

By: Howard of the Senate

and

West (Josh) of the House

FLOOR SUBSTITUTE

[data privacy - consumer rights - consumer requests
- appeal process - exceptions - privacy notice -
disclosures - contracts - data protection
assessments - action - penalties - fees and
expenses - evidentiary privileges - liability -
codification - effective date -
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 300 of Title 75A, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1 1. "Affiliate" means a legal entity that controls, is
2 controlled by, or is under common control with another legal entity
3 or shares common branding with another legal entity. For purposes
4 of this paragraph, "control" or "controlled" means the:

- 5 a. ownership of, or power to vote, more than fifty
6 percent (50%) of the outstanding shares of any class
7 of voting securities of a company,
- 8 b. control in any manner over the election of a majority
9 of the directors or of individuals exercising similar
10 functions, or
- 11 c. power to exercise controlling influence over the
12 management of a company;

13 2. "Authenticate" means to verify through reasonable means that
14 the consumer who is entitled to exercise the consumer's rights under
15 this act is the same consumer exercising such consumer rights with
16 respect to the personal data at issue;

17 3. "Biometric data" means data generated by automatic
18 measurements of an individual's biological characteristics such as a
19 fingerprint, voiceprint, eye retina or iris, or other unique
20 biological pattern or characteristic that are used to identify a
21 specific individual. The term does not include a physical or
22 digital photograph, a video or audio recording, or data generated
23 from a physical or digital photograph or a video or audio recording
24 unless such data is generated to identify a specific individual.

1 The term does not include information collected, used, or stored
2 for health care treatment, payment, or operations under the Health
3 Insurance Portability and Accountability Act of 1996, 42 U.S.C.,
4 Section 1320d et seq.;

5 4. "Business associate" has the meaning assigned to the term
6 under the Health Insurance Portability and Accountability Act of
7 1996, 42 U.S.C., Section 1320d et seq. or any regulation adopted
8 thereunder;

9 5. "Child" means an individual younger than thirteen (13) years
10 of age;

11 6. "Children's Online Privacy Protection Act of 1998" means 15
12 U.S.C., Section 6501 et seq. and includes the regulations, rules,
13 guidance, and exemptions adopted pursuant to the act and any
14 subsequent amendments;

15 7. "Consent", when referring to a consumer, means a clear
16 affirmative act signifying a consumer's freely given, specific,
17 informed, and unambiguous agreement to process personal data
18 relating to the consumer. The term includes, but is not limited to,
19 a written statement, including a statement written by electronic
20 means, or any other unambiguous affirmative action. The term does
21 not include:

22 a. acceptance of a general or broad terms of use or
23 similar document that contains descriptions of
24

1 personal data processing along with other, unrelated
2 information,

3 b. hovering over, muting, pausing, or closing a given
4 piece of content, or

5 c. agreement obtained through the use of dark patterns;

6 8. "Consumer" means an individual who is a resident of this
7 state acting only in an individual or household context. The term
8 does not include an individual acting in a commercial or employment
9 context;

10 9. "Controller" means an individual or other person that, alone
11 or jointly with others, determines the purpose and means of
12 processing personal data;

13 10. "Covered entity" has the meaning assigned to the term under
14 the Health Insurance Portability and Accountability Act of 1996, 42
15 U.S.C., Section 1320d et seq. or any regulation adopted thereunder;

16 11. "Dark pattern" means a user interface designed or
17 manipulated with the effect of substantially subverting or impairing
18 user autonomy, decision-making, or choice, and includes any practice
19 the Federal Trade Commission refers to as a dark pattern;

20 12. "Decision that produces a legal or similarly significant
21 effect concerning a consumer" means a decision made by the
22 controller that results in the provision or denial by the controller
23 of:

24 a. financial and lending services,

- b. housing, insurance, or health care services,
- c. education enrollment,
- d. employment opportunities,
- e. criminal justice, or
- f. access to basic necessities such as food and water;

13. "De-identified data" means data that cannot reasonably be linked to an identified or identifiable individual or a device linked to the individual;

14. "Health care provider" has the meaning assigned to the term under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C., Section 1320d et seq.;

15. "Health record" means any written, printed, or electronically recorded material maintained by a health care provider in the course of providing health care services to an individual that concerns the individual and the services provided.

The term includes:

- a. the substance of any communication made by an individual to a health care provider in confidence during or in connection with the provision of health care services, or
- b. information otherwise acquired by the health care provider about an individual in confidence and in connection with health care services provided to the individual;

1 16. "Identified or identifiable individual" means a consumer
2 who can be readily identified, directly or indirectly;

3 17. "Institution of higher education" means:

4 a. a public institution that is a member of The Oklahoma
5 State System of Higher Education or a technology
6 center school district, or

7 b. a private institution of higher education;

8 18. "Nonprofit organization" means:

9 a. a corporation organized under Title 18 of the Oklahoma
10 Statutes to the extent applicable to nonprofit
11 corporations,

12 b. an organization exempt from federal taxation under
13 Section 501(a), Internal Revenue Code of 1986, as
14 amended, by being listed as an exempt organization
15 under Section 501(c)(3), 501(c)(6), or 501(c)(12) of
16 that code,

17 c. a political organization,

18 d. an organization that is:

19 (1) exempt from federal taxation under Section
20 501(a), Internal Revenue Code of 1986, as
21 amended, by being listed as an exempt
22 organization under Section 501(c)(4) of that
23 code, and
24

1 (2) described by Section 363 of Title 36 of the
2 Oklahoma Statutes, or

3 e. a subsidiary or affiliate of an entity regulated under
4 Section 151 et seq. of Title 17 of the Oklahoma
5 Statutes;

6 19. "Personal data" means any information including sensitive
7 data that is linked or reasonably linkable to an identified or
8 identifiable individual. The term includes pseudonymous data when
9 the data is used by a controller or processor in conjunction with
10 additional information that reasonably links the data to an
11 identified or identifiable individual. The term does not include
12 de-identified data or publicly available information;

13 20. "Political organization" means a party, committee,
14 association, fund, or other organization, regardless of whether
15 incorporated, that is organized and operated primarily for the
16 purpose of influencing or attempting to influence:

- 17 a. the selection, nomination, election, or appointment of
18 an individual to a federal, state, or local public
19 office or an office in a political organization,
20 regardless of whether the individual is selected,
21 nominated, elected, or appointed, or
22 b. the election of a presidential/vice-presidential
23 elector, regardless of whether the elector is
24 selected, nominated, elected, or appointed;

1 21. "Precise geolocation data" means information derived from
2 technology, including global positioning system level latitude and
3 longitude coordinates or other mechanisms, that directly identifies
4 the specific location of an individual with precision and accuracy
5 within a radius of one thousand seven hundred fifty (1,750) feet.
6 The term does not include the content of communications, nor does it
7 include any data generated by or connected to an advanced utility
8 metering infrastructure system or to equipment for use by a utility;

9 22. "Process" or "processing" means any operation or set of
10 operations performed, whether by manual or automated means, on
11 personal data or on sets of personal data, such as the collection,
12 use, storage, disclosure, analysis, deletion, or modification of
13 personal data;

14 23. "Processor" means a person who, or legal entity that,
15 processes personal data on behalf of a controller;

16 24. "Profiling" means any form of solely automated processing
17 performed on personal data to evaluate, analyze, or predict personal
18 aspects related to an identified or identifiable individual's
19 economic situation, health, personal preferences, interests,
20 reliability, behavior, location, or movements;

21 25. "Protected health information" has the meaning assigned to
22 the term under the Health Insurance Portability and Accountability
23 Act of 1996, 42 U.S.C., Section 1320d et seq. or any regulation
24 adopted thereunder;

1 26. "Pseudonymous data" means personal data that cannot be
2 attributed to a specific individual without the use of additional
3 information, provided that the additional information is kept
4 separately and is subject to appropriate technical and
5 organizational measures to ensure that the personal data is not
6 attributed to an identified or identifiable individual;

7 27. "Publicly available information" means information that is
8 lawfully made available through government records, or information
9 that a business has a reasonable basis to believe is lawfully made
10 available to the general public through widely distributed media, by
11 a consumer, or by a person to whom a consumer has disclosed the
12 information, unless the consumer has restricted the information to a
13 specific audience;

14 28. "Sale of personal data" means the exchange of personal data
15 for monetary consideration by the controller to a third party. The
16 term does not include the:

- 17 a. disclosure of personal data to a processor that
18 processes the personal data on the controller's
19 behalf,
- 20 b. disclosure of personal data to a third party for
21 purposes of providing a product or service requested
22 by the consumer,
- 23 c. disclosure or transfer of personal data to an
24 affiliate of the controller,

d. disclosure of information or personal data that the consumer:

(1) (a) intentionally made available to the general public through a mass media channel, and

(b) did not restrict to a specific audience, or

(2) directs the controller to disclose or intentionally uses the controller to interact with a third party, or

e. disclosure or transfer of personal data to a third party as an asset that is part of a proposed or actual merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets;

29. "Sensitive data" means a category of personal data. The term includes:

a. personal data revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status,

b. genetic or biometric data that is processed for the purpose of uniquely identifying an individual,

c. personal data collected from a known child, or

d. precise geolocation data;

1 30. "State agency" means a department, commission, board,
2 office, council, authority, or other agency in the executive branch
3 of state government that is created by the constitution or a statute
4 of this state, including a public university system or public
5 institution of higher education;

6 31. "Targeted advertising" means displaying to a consumer an
7 advertisement that is selected based on personal data obtained from
8 that consumer's activities over time and across nonaffiliated
9 websites or online applications to predict the consumer's
10 preferences or interests. The term does not include:

11 a. an advertisement that is:

12 (1) based on activities within a controller's own
13 websites or online applications,

14 (2) based on the context of a consumer's current
15 search query, visit to a website, or online
16 application, or

17 (3) directed to a consumer in response to the
18 consumer's request for information or feedback,
19 or

20 b. the processing of personal data solely for measuring
21 or reporting advertising performance, reach, or
22 frequency;
23
24

1 32. "Third party" means a person other than the consumer, the
2 controller, the processor, or an affiliate of the controller or
3 processor; and

4 33. "Trade secret" means information including a formula,
5 pattern, compilation, program, device, method, technique, or
6 process, that:

7 a. derives independent economic value, actual or
8 potential, from not being generally known to, and not
9 being readily ascertainable by proper means by, other
10 persons who can obtain economic value from its
11 disclosure or use, and

12 b. is the subject of efforts that are reasonable under
13 the circumstances to maintain its secrecy.

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 301 of Title 75A, unless there
16 is created a duplication in numbering, reads as follows:

17 A. A consumer is entitled to exercise the consumer rights
18 authorized by this section at any time by submitting a request to a
19 controller specifying the consumer rights the consumer wishes to
20 exercise. With respect to the processing of personal data belonging
21 to a known child, a parent or legal guardian of the child may
22 exercise the consumer rights on behalf of the child.

23 B. A controller shall comply with an authenticated consumer
24 request to exercise the right to:

1 1. Confirm whether a controller is processing the consumer's
2 personal data and to access the personal data;

3 2. Correct inaccuracies in the consumer's personal data,
4 considering the nature of the personal data and the purposes of the
5 processing of the consumer's personal data;

6 3. Delete personal data provided by or obtained about the
7 consumer;

8 4. If the data is available in a digital format, obtain a copy
9 of the consumer's personal data that the consumer previously
10 provided to the controller in a portable and, to the extent
11 technically feasible, readily usable format that allows the consumer
12 to transmit the data to another controller without hindrance, where
13 the processing is carried out by automated means; or

14 5. Opt out of the processing of the personal data for purposes
15 of:

16 a. targeted advertising,

17 b. the sale of personal data, or

18 c. profiling in furtherance of a decision that produces a
19 legal or similarly significant effect concerning the
20 consumer.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 302 of Title 75A, unless there
23 is created a duplication in numbering, reads as follows:

1 A. Except as otherwise provided by this act, a controller shall
2 comply with a request submitted by a consumer to exercise the
3 consumer's rights pursuant to Section 2 of this act as provided by
4 this section.

5 B. A controller shall respond to the consumer request no later
6 than forty-five (45) days after the date of receipt of the request.
7 The controller may extend the response period once by an additional
8 forty-five (45) days when reasonably necessary, considering the
9 complexity and number of the consumer's requests. The controller
10 shall inform the consumer of an extension within the initial forty-
11 five-day response period and of the reason for the extension.

12 C. If a controller declines to take action regarding the
13 consumer's request, the controller shall inform the consumer no
14 later than the forty-five (45) days after the date of receipt of the
15 request of the justification for declining to take action and
16 provide instructions on how to appeal the decision in accordance
17 with Section 4 of this act.

18 D. A controller shall provide information in response to a
19 consumer request free of charge, up to twice annually per consumer.
20 If a request from a consumer is manifestly unfounded, excessive, or
21 repetitive, the controller may charge the consumer a reasonable fee
22 to cover the administrative costs of complying with the request or
23 may decline to act on the request. The controller shall bear the
24

1 burden of demonstrating for purposes of this subsection that a
2 request is manifestly unfounded, excessive, or repetitive.

3 E. If a controller is unable to authenticate the request using
4 commercially reasonable efforts, the controller shall not be
5 required to comply with a consumer request submitted under Section 2
6 of this act and may request that the consumer provide additional
7 information reasonably necessary to authenticate the consumer and
8 the consumer's request.

9 F. A controller that has obtained personal data about a
10 consumer from a source other than the consumer shall be considered
11 to be in compliance with a consumer's request to delete that
12 personal data pursuant to paragraph 3 of subsection B of Section 2
13 of this act by:

14 1. Retaining a record of the deletion request and the minimum
15 data necessary for the purpose of ensuring the consumer's personal
16 data remains deleted from the business's records and not using the
17 retained data for any other purpose under this act; or

18 2. Opting the consumer out of the processing of that personal
19 data for any purpose other than a purpose that is exempt under this
20 act.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 303 of Title 75A, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. A controller shall establish a process for a consumer to
2 appeal the controller's refusal to take action on a request within a
3 reasonable period of time after the consumer's receipt of the
4 decision under subsection C of Section 3 of this act. The appeal
5 process shall be conspicuously available and similar to the process
6 for initiating action to exercise consumer rights by submitting a
7 request under Section 2 of this act.

8 B. A controller shall inform the consumer in writing of any
9 action taken or not taken in response to an appeal under this
10 section no later than sixty (60) days after the date of receipt of
11 the appeal including a written explanation of the reason or reasons
12 for the decision. If the controller denies an appeal, the
13 controller shall provide the consumer with the online mechanism
14 described by subsection B of Section 12 of this act through which
15 the consumer may contact the Attorney General to submit a complaint.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 304 of Title 75A, unless there
18 is created a duplication in numbering, reads as follows:

19 Any provision of a contract or agreement that waives or limits a
20 consumer right described by Section 2, 3, or 4 of this act shall be
21 deemed to be contrary to public policy and shall be void and
22 unenforceable.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 305 of Title 75A, unless there is created a duplication in numbering, reads as follows:

A. A controller shall establish two or more secure and reliable methods to enable consumers to submit a request to exercise their consumer rights under this act. The methods shall consider:

1. The ways in which consumers normally interact with the controller;

2. The necessity for secure and reliable communications of those requests; and

3. The ability of the controller to authenticate the identity of the consumer making the request.

B. A controller shall not require a consumer to create a new account to exercise the consumer's rights under this act but may require a consumer to use an existing account.

C. Except as provided by subsection D of this section, if the controller maintains an Internet website, the controller shall provide a mechanism on the website for consumers to submit requests for information required to be disclosed under this act.

D. A controller that operates exclusively online and has a direct relationship with a consumer from whom the controller collects personal information shall only be required to provide an electronic mail address for the submission of requests described by subsection C of this section.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 306 of Title 75A, unless there is created a duplication in numbering, reads as follows:

A. A controller shall:

1. Limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which that personal data is processed, as disclosed to the consumer; and

2. For purposes of protecting the confidentiality, integrity, and accessibility of personal data, establish, implement, and maintain reasonable administrative, technical, and physical data security practices that are appropriate to the volume and nature of the personal data at issue.

B. A controller shall not:

1. Except as otherwise provided by this act, process personal data for a purpose that is neither reasonably necessary to nor compatible with the disclosed purpose for which the personal data is processed, as disclosed to the consumer, unless the controller obtains the consumer's consent;

2. Process personal data in violation of state and federal laws that prohibit unlawful discrimination against consumers;

3. Discriminate against a consumer for exercising any consumer rights contained in this act, including by denying goods or services, charging different prices or rates for goods or services,

1 or providing a different level of quality of goods or services to
2 the consumer; or

3 4. Process the sensitive data of a consumer without obtaining
4 the consumer's consent or, in the case of processing the sensitive
5 data of a known child, without processing that data in accordance
6 with the Children's Online Privacy Protection Act of 1998.

7 C. Paragraph 3 of subsection B of this section shall not be
8 construed to require a controller to provide a product or service
9 that requires the personal data of a consumer that the controller
10 does not collect or maintain or to prohibit a controller from
11 offering a different price, rate, level, quality, or selection of
12 goods or services to a consumer, including offering goods or
13 services for no fee, if the consumer has exercised the consumer's
14 right to opt out under Section 2 of this act or the offer is related
15 to a consumer's voluntary participation in a bona fide loyalty,
16 rewards, premium features, discounts, or club card program.

17 SECTION 8. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 307 of Title 75A, unless there
19 is created a duplication in numbering, reads as follows:

20 A. A controller shall provide consumers with a reasonably
21 accessible and clear privacy notice that includes:

22 1. The categories of personal data processed by the controller,
23 including, if applicable, any sensitive data processed by the
24 controller;

1 2. The purpose for processing personal data;

2 3. How consumers may exercise their consumer rights under
3 Sections 2 through 6 of this act, including the process by which a
4 consumer may appeal a controller's decision with regard to the
5 consumer's request;

6 4. If applicable, the categories of personal data that the
7 controller shares with third parties; and

8 5. If applicable, the categories of third parties with whom the
9 controller shares personal data.

10 B. If a controller sells personal data to third parties or
11 processes personal data for targeted advertising, the controller
12 shall clearly and conspicuously disclose on the notice required by
13 subsection A of this section such process and the manner in which a
14 consumer may exercise the right to opt out of such process.

15 SECTION 9. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 308 of Title 75A, unless there
17 is created a duplication in numbering, reads as follows:

18 A. A processor shall adhere to the instructions of a controller
19 and shall assist the controller in meeting or complying with the
20 controller's duties or requirements under this act, including:

21 1. Taking into account the nature of processing and the
22 information available to the processor, assisting the controller in
23 responding to consumer rights requests submitted under Section 2 of
24

1 this act by using appropriate technical and organizational measures,
2 as reasonably practicable;

3 2. Taking into account the nature of processing and the
4 information available to the processor, assisting the controller
5 with regard to complying with the requirement relating to the
6 security of processing personal data and to the notification of a
7 breach of security of the processor's system under the Security
8 Breach Notification Act, Section 161 et seq. of Title 24 of the
9 Oklahoma Statutes; and

10 3. Providing necessary information to enable the controller to
11 conduct and document data protection assessments under Section 10 of
12 this act.

13 B. A contract between a controller and a processor shall govern
14 the processor's data processing procedures with respect to
15 processing performed on behalf of the controller. The contract
16 shall include:

- 17 1. Clear instructions for processing data;
- 18 2. The nature and purpose of processing;
- 19 3. The type of data subject to processing;
- 20 4. The duration of processing;
- 21 5. The rights and obligations of both parties; and
- 22 6. A requirement that the processor shall:

23

24

- a. ensure that each person processing personal data is subject to a duty of confidentiality with respect to the data,
- b. at the controller's direction, delete or return all personal data to the controller as requested after the provision of the service is completed, unless retention of the personal data is required by law,
- c. make available to the controller, upon reasonable request, all information in the processor's possession necessary to demonstrate the processor's compliance with the requirements of this act,
- d. allow, and cooperate with, reasonable assessments by the controller or the controller's designated assessor, and
- e. engage any subcontractor pursuant to a written contract that requires the subcontractor to meet the requirements of the processor with respect to the personal data.

C. Notwithstanding the requirement described by subparagraph d of paragraph 6 of subsection B of this section, a processor, in the alternative, may arrange for a qualified and independent assessor to conduct an assessment of the processor's policies and technical and organizational measures in support of the requirements under this act using an appropriate and accepted control standard or framework

1 and assessment procedure. The processor shall provide a report of
2 the assessment to the controller on request.

3 D. The provisions of this section shall not be construed to
4 relieve a controller or a processor from the liabilities imposed on
5 the controller or processor due to its role in the processing
6 relationship as described by this act.

7 E. A determination of whether a person is acting as a
8 controller or processor with respect to a specific processing of
9 data is a fact-based determination that depends on the context in
10 which personal data is to be processed. A processor that continues
11 to adhere to a controller's instructions with respect to a specific
12 processing of personal data remains in the role of a processor.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 309 of Title 75A, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A controller shall conduct and document a data protection
17 assessment of each of the following processing activities involving
18 personal data:

19 1. The processing of personal data for purposes of targeted
20 advertising;

21 2. The sale of personal data;

22 3. The processing of personal data for purposes of profiling,
23 if the profiling presents a reasonably foreseeable risk of:
24

- a. unfair or deceptive treatment of or unlawful disparate impact on consumers,
- b. financial, physical, or reputational injury to consumers,
- c. a physical or other intrusion on the solitude or seclusion, or the private affairs or concerns, of consumers, if the intrusion would be offensive to a reasonable person, or
- d. other substantial injury to consumers;

4. The processing of sensitive data; and

5. Any processing activities involving personal data that present a heightened risk of harm to consumers.

B. A data protection assessment conducted under subsection A of this section shall:

1. Identify and weigh the direct or indirect benefits that may flow from the processing to the controller, the consumer, other stakeholders, and the public, against the potential risks to the rights of the consumer associated with that processing, as mitigated by safeguards that can be employed by the controller to reduce the risks; and

2. Factor into the assessment the:

- a. use of de-identified data,
- b. reasonable expectations of consumers,
- c. context of the processing, and

1 d. relationship between the controller and the consumer
2 whose personal data will be processed.

3 C. A controller shall make a data protection assessment
4 available to the Attorney General upon written request pursuant to a
5 civil investigation demand.

6 D. A data protection assessment shall be confidential and
7 exempt from public inspection and copying under the Oklahoma Open
8 Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma
9 Statutes. Disclosure of a data protection assessment in compliance
10 with a request from the Attorney General shall not constitute a
11 waiver of attorney-client privilege or work product protection with
12 respect to the assessment and any information contained in the
13 assessment.

14 E. A single data protection assessment may address a comparable
15 set of processing operations that include similar activities.

16 F. A data protection assessment conducted by a controller for
17 the purpose of compliance with other laws or regulations may
18 constitute compliance with the requirements of this section if the
19 assessment has a reasonably comparable scope and effect.

20 G. A data protection assessment as required by this section
21 shall apply to processing activities that commence on or after the
22 effective date of this act and shall not be retroactive.

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 310 of Title 75A, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A controller in possession of de-identified data shall:

5 1. Take reasonable measures to ensure that the data cannot be
6 associated with an individual;

7 2. Publicly commit to process such data only in a de-identified
8 fashion and not attempt to reidentify the data; and

9 3. Contractually obligate any recipient of the de-identified
10 data to comply with the requirements of this subsection.

11 B. The provisions of this act shall not be construed to require
12 a controller or processor to:

13 1. Reidentify de-identified data or pseudonymous data;

14 2. Maintain data in identifiable form or obtain, retain, or
15 access any data or technology for the purpose of allowing the
16 controller or processor to associate a consumer request with
17 personal data; or

18 3. Comply with an authenticated consumer rights request under
19 Section 2 of this act, if the controller:

20 a. is not reasonably capable of associating the request
21 with the personal data or it would be unreasonably
22 burdensome for the controller to associate the request
23 with the personal data,
24

1 b. does not use the personal data to recognize or respond
2 to the specific consumer who is the subject of the
3 personal data or associate the personal data with
4 other personal data about the same specific consumer,
5 and

6 c. does not sell the personal data to any third party or
7 otherwise voluntarily disclose the personal data to
8 any third party other than a processor, except as
9 otherwise permitted by this section.

10 C. The consumer rights under paragraphs 1 through 4 of
11 subsection B of Section 2 of this act and controller duties under
12 Section 7 of this act shall not apply to pseudonymous data in cases
13 in which the controller is able to demonstrate any information
14 necessary to identify the consumer is kept separately and is subject
15 to effective technical and organizational controls that prevent the
16 controller from accessing the information.

17 D. A controller that discloses pseudonymous data or de-
18 identified data shall exercise reasonable oversight to monitor
19 compliance with any contractual commitments to which the
20 pseudonymous data or de-identified data is subject and shall take
21 appropriate steps to address any breach of the contractual
22 commitments.

1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 311 of Title 75A, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Attorney General has exclusive authority to enforce the
5 provisions of this act.

6 B. The Attorney General shall post on the Attorney General's
7 Internet website:

8 1. Information relating to:

9 a. the responsibilities of a controller under this act,

10 b. the responsibilities of a processor under this act,

11 and

12 c. a consumer's rights under this act; and

13 2. An online mechanism through which a consumer may submit a
14 complaint under this act to the Attorney General.

15 SECTION 13. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 312 of Title 75A, unless there
17 is created a duplication in numbering, reads as follows

18 Before bringing an action under Section 14 of this act, the
19 Attorney General shall notify the controller or processor in
20 writing, no later than thirty (30) days before bringing the action,
21 identifying the specific provisions of this act that the Attorney
22 General alleges have been or are being violated. The Attorney
23 General shall not bring an action against the controller or
24 processor if:

1 1. Within the thirty-day period, the controller or processor
2 cures the identified violation; and

3 2. The controller or processor provides the Attorney General a
4 written statement that the controller or processor:

- 5 a. cured the alleged violation,
- 6 b. provided supportive documentation to show how the
7 privacy violation was cured, and
- 8 c. that no further violations will occur.

9 SECTION 14. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 313 of Title 75A, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A controller or processor who violates this act following
13 the cure period described by Section 13 of this act or who breaches
14 a written statement provided to the Attorney General under such
15 section shall be liable for a civil penalty in an amount not to
16 exceed Seven Thousand Five Hundred Dollars (\$7,500.00) for each
17 violation.

18 B. The Attorney General may bring an action to:

- 19 1. Recover a civil penalty under this section;
- 20 2. Restrain or enjoin the person from violating this act; or
- 21 3. Recover the civil penalty and seek injunctive relief.

22 C. The court may award reasonable attorney fees and other
23 expenses incurred in investigating and bringing an action under this
24 section.

1 D. Civil penalties collected in an action under this section
2 shall be deposited in the State Treasury to the credit of the
3 General Revenue Fund.

4 E. Nothing in this act shall be construed as providing a basis
5 for, or being subject to, a private right of action for a violation
6 of this act or any other provision of law.

7 SECTION 15. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 314 of Title 75A, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The provisions of this act apply only to a controller or
11 processor who:

12 1. Conducts business in this state or produces a product or
13 service targeted to the residents of this state; and

14 2. During a calendar year, either:

15 a. controls or processes personal data of at least one
16 hundred thousand (100,000) consumers, or

17 b. controls or processes personal data of at least
18 twenty-five thousand (25,000) consumers and derives
19 over fifty percent (50%) of gross revenue from the
20 sale of personal data.

21 B. The provisions of this act shall not apply to:

22 1. A state agency or a political subdivision of this state, or
23 a service provider processing data on behalf of a state agency or
24 political subdivision of this state;

1 2. A financial institution or data subject to Title V of the
2 Gramm-Leach-Bliley Act, 15 U.S.C., Section 6801 et seq.;

3 3. A covered entity or business associate governed by the
4 privacy, security, and breach notification rules issued by the
5 United States Department of Health and Human Services, 45 C.F.R.,
6 Parts 160 and 164, established under the Health Insurance
7 Portability and Accountability Act of 1996, 42 U.S.C., Section 1320d
8 et seq., and the Health Information Technology for Economic and
9 Clinical Health Act, Division A of Title XIII and Division B of
10 Title IV of the American Recovery and Reinvestment Act of 2009, Pub.
11 L. No. 111-5;

12 4. A nonprofit organization;

13 5. An institution of higher education;

14 6. The processing of personal data by a person in the course of
15 a purely personal or household activity; or

16 7. Personal data collected and used for purposes of the federal
17 policy under the Controlled Substances Act, Section on the
18 Regulation of Listed Chemicals under 21 U.S.C., Section 830, is
19 exempt.

20 SECTION 16. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 315 of Title 75A, unless there
22 is created a duplication in numbering, reads as follows:

23 The following information shall be exempt from this act:
24

1 1. Protected health information under the Health Insurance
2 Portability and Accountability Act of 1996, 42 U.S.C., Section 1320d
3 et seq.;

4 2. Health records;

5 3. Patient identifying information for purposes of 42 U.S.C.,
6 Section 290dd-2;

7 4. Identifiable private information:

8 a. for purposes of the federal policy for the protection
9 of human subjects under 45 C.F.R., Part 46,

10 b. collected as part of human subjects research under the
11 good clinical practice guidelines issued by the
12 International Council for Harmonisation of Technical
13 Requirements for Pharmaceuticals for Human Use (ICH)
14 or of the protection of human subjects under 21
15 C.F.R., Parts 50 and 56, or

16 c. that is personal data used or shared in research
17 conducted in accordance with the requirements set
18 forth in this act or other research conducted in
19 accordance with applicable law;

20 5. Information and documents created for purposes of the Health
21 Care Quality Improvement Act of 1986, 42 U.S.C., Section 11101 et
22 seq.;

1 6. Patient safety work product for purposes of the Patient
2 Safety and Quality Improvement Act of 2005, 42 U.S.C., Section 299b-
3 21 et seq.;

4 7. Information derived from any of the health care-related
5 information listed in this section that is de-identified in
6 accordance with the requirements for de-identification under the
7 Health Insurance Portability and Accountability Act of 1996, 42
8 U.S.C., Section 1320d et seq. or any regulation adopted thereunder;

9 8. Information originating from, and intermingled to be
10 indistinguishable with, or information treated in the same manner
11 as, information exempt under this section that is maintained by a
12 covered entity or business associate as defined under the Health
13 Insurance Portability and Accountability Act of 1996, 42 U.S.C.,
14 Section 1320d et seq. or any regulation adopted thereunder, or by a
15 program or a qualified service organization as defined under 42
16 U.S.C., Section 290dd-2 or any regulation adopted thereunder;

17 9. Information that is included in a limited data set as
18 described by 45 C.F.R., Section 164.514(e), to the extent that the
19 information is used, disclosed, and maintained in the manner
20 specified by 45 C.F.R., Section 164.514(e);

21 10. Information collected or used only for public health
22 activities and purposes as authorized under the Health Insurance
23 Portability and Accountability Act of 1996, 42 U.S.C., Section 1320d
24 et seq.;

1 11. The collection, maintenance, disclosure, sale,
2 communication, or use of any personal information bearing on a
3 consumer's creditworthiness, credit standing, credit capacity,
4 character, general reputation, personal characteristics, or mode of
5 living by a consumer reporting agency or furnisher that provides
6 information for use in a consumer report, and by a user of a
7 consumer report, but only to the extent that the activity is
8 regulated by and authorized under the Fair Credit Reporting Act, 15
9 U.S.C., Section 1681 et seq.;

10 12. Personal data collected, processed, sold, or disclosed in
11 compliance with the Driver's Privacy Protection Act of 1994, 18
12 U.S.C., Section 2721 et seq.;

13 13. Personal data regulated by the Family Educational Rights
14 and Privacy Act of 1974, 20 U.S.C., Section 1232g;

15 14. Personal data collected, processed, sold, or disclosed in
16 compliance with the Farm Credit Act of 1971, 12 U.S.C., Section 2001
17 et seq.;

18 15. Data processed or maintained in the course of an individual
19 applying to, being employed by, or acting as an agent or independent
20 contractor of a controller, processor, or third party, to the extent
21 that the data is collected and used within the context of such role;

22 16. Data processed or maintained as the emergency contact
23 information of an individual under this act that is used for
24 emergency contact purposes; or

1 17. Data that is processed or maintained and is necessary to
2 retain to administer benefits for another individual that relates to
3 an individual described by paragraph 15 of this section and used for
4 the purposes of administering those benefits.

5 SECTION 17. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 316 of Title 75A, unless there
7 is created a duplication in numbering, reads as follows:

8 A controller or processor that complies with the verifiable
9 parental consent requirements of the Children's Online Privacy
10 Protection Act of 1998 with respect to data collected online shall
11 be considered to be in compliance with any requirement to obtain
12 parental consent under this act.

13 SECTION 18. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 317 of Title 75A, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The provisions of this act shall not be construed to
17 restrict a controller's or processor's ability to:

18 1. Comply with federal, state, or local laws, rules, or
19 regulations;

20 2. Comply with a civil, criminal, or regulatory inquiry,
21 investigation, subpoena, or summons by federal, state, local, or
22 other governmental authorities;

23 3. Cooperate with law enforcement agencies concerning conduct
24 or activity that the controller or processor reasonably and in good

1 faith believes may violate federal, state, or local laws, rules,
2 ordinances, or regulations;

3 4. Investigate, establish, exercise, prepare for, or defend
4 legal claims;

5 5. Provide a product or service specifically requested by a
6 consumer or the parent or guardian of a child, perform a contract to
7 which the consumer is a party, including fulfilling the terms of a
8 written warranty, or take steps at the request of the consumer
9 before entering into a contract;

10 6. Take immediate steps to protect an interest that is
11 essential for the life or physical safety of the consumer or of
12 another individual and in which the processing cannot be manifestly
13 based on another legal basis;

14 7. Prevent, detect, protect against, or respond to security
15 incidents, identity theft, fraud, harassment, malicious or deceptive
16 activities, or any illegal activity;

17 8. Preserve the integrity or security of systems or
18 investigate, report, or prosecute those responsible for breaches of
19 system security;

20 9. Engage in public or peer-reviewed scientific or statistical
21 research in the public interest that adheres to all other applicable
22 ethics and privacy laws and is approved, monitored, and governed by
23 an institutional review board or similar independent oversight
24 entity that determines:

- a. if the deletion of the information is likely to provide substantial benefits that do not exclusively accrue to the controller,
- b. whether the expected benefits of the research outweigh the privacy risks, and
- c. if the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with reidentification; or

10. Assist another controller, processor, or third party with any of the requirements under this subsection.

B. The provisions of this act shall not be construed:

1. To prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under the laws of this state as part of a privileged communication;

2. As imposing a requirement on controllers and processors that adversely affects the rights or freedoms of any person, including the right of free speech; or

3. As requiring a controller, processor, third party, or consumer to disclose a trade secret.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 318 of Title 75A, unless there is created a duplication in numbering, reads as follows:

1 A. The requirements imposed on controllers and processors under
2 this act shall not restrict a controller's or processor's ability to
3 collect, use, or retain data to:

4 1. Conduct internal research to develop, improve, or repair
5 products, services, or technology;

6 2. Effect a product recall;

7 3. Identify and repair technical errors that impair existing or
8 intended functionality; or

9 4. Perform internal operations that are:

10 a. reasonably aligned with the expectations of the
11 consumer,

12 b. reasonably anticipated based on the consumer's
13 existing relationship with the controller, or

14 c. otherwise compatible with processing data in
15 furtherance of the provision of a product or service
16 specifically requested by a consumer or the
17 performance of a contract to which the consumer is a
18 party.

19 B. A requirement imposed on a controller or processor under
20 this act shall not apply if compliance with the requirement by the
21 controller or processor, as applicable, would violate an evidentiary
22 privilege under the laws of this state.

23 C. The processing of personal data by an entity for the
24 purposes described in subsection A of this section shall not solely

1 make the entity a controller with respect to the processing of the
2 data.

3 SECTION 20. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 319 of Title 75A, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A controller or processor that discloses personal data to a
7 third-party controller or processor, in compliance with the
8 requirements of this act, shall not be deemed to be in violation of
9 this act if the third-party controller or processor that receives
10 and processes that personal data is in violation of this act;
11 provided, that at the time of the data's disclosure, the disclosing
12 controller or processor did not have actual knowledge that the
13 recipient intended to commit a violation.

14 B. A third-party controller or processor receiving personal
15 data from a controller or processor in compliance with the
16 requirements of this act shall not be deemed to be in violation of
17 this act for any wrongdoing of the controller or processor from
18 which the third-party controller or processor receives the personal
19 data.

20 SECTION 21. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 320 of Title 75A, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Personal data processed by a controller pursuant to Section
24 18, 19, or 20 of this act shall not be processed for any purpose

1 other than a purpose listed in Section 18, 19, or 20 of this act
2 unless otherwise allowed by this act. Personal data processed by a
3 controller under Section 18, 19, or 20 of this act may be processed
4 to the extent that the processing of the data is:

5 1. Reasonably necessary and proportionate to the purposes
6 listed in Section 18, 19, or 20 of this act; and

7 2. Adequate, relevant, and limited to what is necessary in
8 relation to the specific purposes listed in Section 18, 19, or 20 of
9 this act.

10 B. Personal data collected, used, or retained under subsection
11 A of Section 19 of this act shall, where applicable, consider the
12 nature and purpose of such collection, use, or retention. The
13 personal data described by this subsection is subject to reasonable
14 administrative, technical, and physical measures to protect the
15 confidentiality, integrity, and accessibility of the personal data
16 and to reduce reasonably foreseeable risks of harm to consumers
17 relating to the collection, use, or retention of personal data.

18 C. A controller that processes personal data under an exemption
19 in Section 18, 19, or 20 of this act bears the burden of
20 demonstrating that the processing of the personal data qualifies for
21 the exemption and complies with the requirements of subsections A
22 and B of this section.
23
24

1 D. The processing of personal data by an entity for the
2 purposes described by Section 18 of this act does not solely make
3 the entity a controller with respect to the processing of the data.

4 SECTION 22. This act shall become effective July 1, 2026.

5 SECTION 23. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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