

1 S.241

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

5 Subject: Protection of personal information; electronic media and books;

6 reader privacy

7 Statement of purpose: This bill proposes to protect reader privacy by

8 prohibiting providers of digital and electronic books from releasing a user's

9 personal information unless directed to do so by a court order or when the user

10 has given his or her consent.

11 An act relating to protecting reader privacy

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 9 V.S.A. 2446 is added to read:

14 § 2446. PROTECTION OF ELECTRONIC BOOK READER PERSONAL

15 INFORMATION

16 (a) As used in this chapter:

17 (1) "Book" means paginated or similarly organized content in printed,

18 audio, electronic, or other format, including fiction, nonfiction, academic, or

19 other works of the type normally published in a volume or finite number of

20 volumes.

1 (2) “Book service” means a service that, as its primary purpose,
2 provides the electronic and digital rental, purchase, borrowing, browsing, or
3 viewing of books, newspapers, magazines, and other serial publications.
4 “Book service” does not include a store that sells a variety of consumer
5 products if the book service sales do not exceed two percent of the store’s total
6 annual gross sales of consumer products sold in the United States.

7 (3) “Consent” means a user providing prior, informed, and written
8 authorization for a provider to disclose the user’s personal information to a
9 specific person or persons, or to a specific government entity or entities, on a
10 specific date and for a specified purpose.

11 (4) “Government entity” means any federal, state, or local government
12 agency, department, division, bureau, board, and commission, and any person
13 purporting to act on behalf of a government entity.

14 (5) “Person” means any natural person, corporation, business,
15 partnership, unincorporated association, or other legal entity.

16 (6) “Personal information” means any information that identifies, relates
17 to, describes, or is associated with a particular user and includes either of the
18 following:

19 (A) A unique identifier or Internet Protocol address, when that
20 identifier or address is used to identify, relate to, describe, or be associated
21 with a particular user or book, in whole or in partial form; or

1 (B) Any information that relates to, or is capable of being associated
2 with, a particular user's access to or use of a book service or a book, in whole
3 or in partial form.

4 (7) "Provider" means any commercial entity offering a book service to
5 the public.

6 (8) "User" means any person that uses a book service.

7 (b) A provider shall not disclose or provide a user's personal information to
8 any person other than the user or to any government entity unless:

9 (1) the provider is directed to do so by a warrant or court order; or

10 (2) the user has consented to the disclosure.

11 (c) The attorney general and state's attorney shall have sole and full
12 authority to investigate potential violations of this subchapter and to enforce,
13 prosecute, obtain, and impose remedies for a violation of this subchapter or
14 any rules or regulations made pursuant to this chapter as the attorney general
15 and state's attorney have under chapter 63 of this title. The attorney general
16 may refer the matter to the state's attorney in an appropriate case. The superior
17 courts shall have jurisdiction over any enforcement matter brought by the
18 attorney general or a state's attorney under this subsection.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2012.