

Potential Amendments to H.764

(1) “Business” means a commercial entity, including, sole proprietorship, partnership, corporation, association, limited liability company, or other group, however organized and whether or not organized to operate at a profit, including a financial institution organized, chartered, or holding a license or authorization certificate under the laws of this State, any other state, the United States, or any other country, or the parent, affiliate, or subsidiary of a financial institution, but does not include the State, a State agency, or any political subdivision of the State or a vendor acting solely on behalf of, and at the direction of, the State.

(3)(A) “Data broker” means a business that: (i) provides people search services; or (ii) collects and licenses or sells to one or more third parties the personal information of a consumer with whom the business does not have a direct relationship.

(B) For purposes of this definition, ~~a consumer has examples of~~ a direct relationship with a business include if the consumer is a past or present:

(i) customer, client, subscriber, or user of the business’s goods or services;

(ii) employee, contractor, or agent of the business;

(iii) investor in the business; or

~~(iiiiv)~~ donor to the business.

(C) The term “data broker” does not include businesses that solely develop or maintain third-party e-commerce or application platforms, or solely provide publicly available information via real-time or near-real-time alert services for health or safety purposes. The term “data broker” does not include a vendor acting solely on behalf of the State, a State agency, or a political subdivision of the State. For purposes of this section a license or sale of data that is merely incidental to a line of business does not effectuate the provisions of this act.

(8)-~~(A)~~ “Personal information” means one or more of the following digital data elements about a consumer, if categorized, or otherwise combined with non-public information:

~~(A)i~~ name;

~~(B)j~~ address;

~~(C) name or address of a member of his or her immediate family or household;~~

~~(D)iii~~ a personal identifier, including a Social Security number, other government-issued identification number, or biometric record;

(Eiv) an indirect identifier, including date of birth, place of birth, or mother’s maiden name; or

(Fv) other information that, alone or in combination, is linked or linkable to the consumer that would allow a reasonable person to identify the consumer with reasonable certainty.

(B) “Personal information” does not include publicly available information solely related to a consumer’s business or profession.

(#) “Biometric Record” means an individual's physiological, biological or behavioral characteristics that can be used, singly or in combination with each other or with other identifying data to establish individual identity. These include but are not limited to imagery of iris, retina, fingerprint, face, hand, palm, vein patterns, and voice recordings, from which an identifier template (e.g. a faceprint or a minutiae template or voiceprint, etc.) can be extracted as well as keystroke patterns or rhythms, gait patterns or rhythms, sleep health or exercise data that contain identifying information.

(#) “License” means a grant of access to, or distribution of, data by one person to another in exchange for consideration. A use of data for the sole benefit of the data provider, where the data provider maintains control over the use of the data, is not a license.

(#) “People Search Services” means an internet-based service in which an individual can pay a fee to search for a specific consumer, and which provides information about the consumer such as the consumer’s address, age, maiden name, alias, names or addresses of relatives, financial records, criminal records, background reports, or property details. “People Search Services” does not include a service that solely provides publicly available information related to a consumer’s business or profession.

(4) “Data broker security breach” means an unauthorized acquisition or a reasonable belief of an unauthorized acquisition of more than one element of personal information maintained by a data broker when the personal information is not encrypted, redacted, or protected by another method that renders the information unreadable or unusable by an unauthorized person. This definition only applies to unit or subunits of a business which, acting together, operate as a data broker or have access to personal information maintained by the data broker units.

§ 2433. ACQUISITION OF PERSONAL INFORMATION; PROHIBITIONS

Add: (b) For purposes of this section, personal information also includes information acquired from people search services.

§ 2446. ANNUAL REGISTRATION

Add: (#) the sources of the data collected by the data broker