

Sec. 2b. STUDY AND REPORT ON PUBLIC AGENCY SALE OF  
PERSONAL DATA

(a) Definitions. As used in this section:

(1) “Controller” means a person who, alone or jointly with others, determines the purpose and means of processing personal data. For the purposes of this section, a State agency that sells personal data is a controller.

(2) “Deidentified data” means data that does not identify and cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable individual, or a device linked to the individual, if the controller that possesses the data:

(A) takes reasonable measures to ensure that the data cannot be associated with an individual;

(B) publicly commits to process the data only in a deidentified fashion and not attempt to reidentify the data; and

(C) contractually obligates any recipients of the data to satisfy the criteria set forth in subdivisions (A) and (B) of this subdivision (2).

(3)(A) “Personal data” means any information that is linked or reasonably linkable to an identified or identifiable individual.

(B) “Personal data” does not include deidentified data or publicly available information.

(4) “Processor” means a person who processes personal data on behalf of a controller.

(5) “Publicly available information” means information that:

(A) is lawfully made available through federal, state, or local government records or widely distributed media; or

(B) a controller has a reasonable basis to believe that the individual has lawfully made available to the general public.

(6)(A) “Sale of personal data” means the exchange of an individual’s personal data by the controller to a third party for monetary or other valuable consideration.

(B) “Sale of personal data” does not include:

(i) the disclosure of personal data to a processor that processes the personal data on behalf of the controller;

(ii) the disclosure of personal data where the individual directs the controller to disclose the personal data or intentionally uses the controller to interact with a third party; or

(iii) the disclosure of personal data that the individual:

(I) intentionally made available to the general public via a channel of mass media; and

(II) did not restrict to a specific audience.

(b) Study. The Agency of Digital Services, in consultation with the Agency of Administration, the Office of the Secretary of State, the Office of the Attorney General, and with other State agencies as requested by the Agency, shall conduct a study of the sale of personal data made by State agencies. The study shall include a finding of:

(1) the agencies that are selling personal data;

(2) the amount of revenue that agencies earn from the sale of personal data;

(3) the revenue determined in subdivision (2) of this subsection categorized by:

(A) the name of the agency or department;

(B) the names of the vendors to which data is being sold; and

(C) whether the vendors pursuant to subdivision (B) of this subdivision (3) are required to receive approval from the agency or department before it sells the personal data; and

(4) any additional related areas of study as determined by the Agency.

(c) Report. On or before January 15, 2026, the Agency of Digital Services shall submit a written report to the House Committees on Government Operations and Military Affairs and on Energy and Digital Infrastructure and the Senate Committees on Government Operations and on Institutions with a summary of its findings pursuant to the study set forth in subsection (b) of this section.