#### As Introduced

# 135th General Assembly Regular Session 2023-2024

H. B. No. 345

## Representatives Hall, Seitz

## A BILL

То	amend section 1345.51 and to enact sections	1
	1357.01, 1357.02, 1357.03, 1357.04, 1357.05,	2
	1357.06, 1357.07, 1357.08, 1357.09, 1357.10, and	3
	1357.11 of the Revised Code to enact the Ohio	4
	Personal Privacy Act.	5

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1345.51 be amended and sections	6
1357.01, 1357.02, 1357.03, 1357.04, 1357.05, 1357.06, 1357.07,	7
1357.08, 1357.09, 1357.10, and 1357.11 of the Revised Code be	8
enacted to read as follows:	9
Sec. 1345.51. (A) There is hereby created in the state	10
treasury the consumer protection enforcement fund. The fund	11
shall include eivil all of the following:	12
(1) Civil penalties ordered pursuant to divisions (A) and	13
(D) of section 1345.07 of the Revised Code and paid as provided	14
in division (G) of that section, all;	15
(2) All civil penalties assessed under division (A) of	16
section 1349.192 of the Revised Code, all;	17
(3) All moneys awarded under section 1357.11 of the	18

H. B. No. 345
As Introduced

Revised Code other than amounts awarded pursuant to division (D)	19
(4) of that section;	20
(4) All costs awarded to the attorney general and all	21
penalties imposed under section 4549.48 of the Revised Code, and	22
all;	23
(5) All money unclaimed under section 4549.50 of the	24
Revised Code.	25
(B) The money in the consumer protection enforcement fund	26
shall be used for the sole purpose of paying expenses incurred	27
by the consumer protection section of the office of the attorney	28
general.	29
Sec. 1357.01. As used in this chapter:	30
(A) (1) "Affiliate" means a legal entity that controls, is	31
controlled by, shares common branding with, or is under common	32
<pre>control with, another legal entity.</pre>	33
(2) For purposes of division (A)(1) of this section,	34
"control" or "controlled" means a relationship between two legal	35
entities characterized by any of the following:	36
(a) One entity having ownership of, or the power to vote,	37
more than fifty per cent of the outstanding shares of any class	38
of voting security of the other legal entity;	39
(b) One entity having control in any manner over the	40
election of a majority of the directors, or of individuals	41
exercising similar functions, of the other entity;	42
(c) One entity having the power to exercise a controlling	43
influence over the management of the other entity.	44
(B) "Aggregated data" means personal data that has been	45

aggregated using commercially reasonable methods such that a	46
consumer cannot be reasonably identified.	47
(C) "Business" means any limited liability company,	48
limited liability partnership, corporation, sole proprietorship,	49
association, or other group, however organized and regardless of	50
whether operating for profit or not for profit, including a	51
financial institution organized, chartered, or holding a license	52
authorizing operation under the laws of this state, any other	53
state, the United States, or any other country, that, alone or	54
jointly with others, determines the purpose and means of	55
processing personal data. "Business" does not include a public	56
entity, including this state, a political subdivision of this	57
state, or a processor to the extent that the processor is acting	58
in the role of a processor.	59
(D) "Child" mann and natural names under thirteen was	60
(D) "Child" means any natural person under thirteen years	
of age.	61
(E) "Consent" means a clear affirmative act signifying a	62
freely given, specific, informed, and unambiguous indication of	63
a consumer's agreement to the processing of personal data	64
relating to the consumer, such as by a written statement,	65
including by electronic means, or other course of action that	66
would clearly indicate that consent has been provided.	67
(F) "Consumer" means a natural person who is a resident of	68
this state acting only in an individual or household context.	69
"Consumer" does not include a natural person acting in a	70
business capacity or employment context, including contractors,	71
job applicants, officers, directors, or owners.	72
(G) "Deidentified data" means personal data that has been	73
deidentified using commercially reasonable methods such that a	74

consumer, or a device linked to a consumer, cannot be reasonably	75
<u>identified</u> .	76
(H) "HIPAA" has the same meaning as in section 3965.01 of	77
the Revised Code.	78
(I) "Personal data" means any information that is linked	79
or reasonably linkable to an identified or identifiable consumer	80
and that is processed by a business. "Personal data" does not	81
<pre>include either of the following:</pre>	82
(1) Any such data processed from publicly available	83
sources;	84
(2) Deidentified or aggregate data.	85
(J) "Process" or "processing" means any operation or set	86
of operations that are performed on personal data, whether or	87
not by automated means, including the collection, use, storage,	88
disclosure, analysis, deletion, transfer, or modification of	89
personal data.	90
(K) "Processor" means a natural or legal person who	91
processes personal data on behalf of a business subject to this	92
<pre>chapter.</pre>	93
(L) "Pseudonymized or pseudonymous data" means data that	94
no longer allows the identification of an individual without	95
combining it with other information, provided that such	96
additional information is kept separately and is subject to	97
appropriate technical and organizational measures to ensure that	98
the personal data is not attributed to an identified or	99
identifiable consumer.	100
(M) "Publicly available information" means information	101
that is lawfully made available from federal, state, or local	102

government records or widely available media.	103
(N)(1) "Sale," "sell," or "sold" means the exchange of	104
personal data for monetary or other valuable consideration by a	105
business to a third party.	106
(2) "Sale," "sell," or "sold" does not include any of the	107
<pre>following:</pre>	108
(a) The disclosure of personal data to a processor who	109
processes the personal data on behalf of a business;	110
(b) The disclosure of personal data to a third party for	111
purposes of providing a product or service requested by the	112
<pre>consumer;</pre>	113
(c) The disclosure of personal data from one business to	114
another business without monetary or other valuable	115
<pre>consideration;</pre>	116
(d) The disclosure or transfer of personal data to an	117
affiliate of the business;	118
(e) The disclosure of information that a consumer	119
intentionally made available to the general public via a channel	120
of mass media and did not restrict to a specific audience;	121
(f) The disclosure or transfer of personal data to a third	122
party as an asset that is part of a merger, acquisition,	123
bankruptcy, or other transaction in which the third party	124
assumes control of all or part of the business's assets.	125
(0) "Targeted advertising" means displaying to a consumer	126
an advertisement that is selected based on personal data	127
obtained or inferred over time from the consumer's activities	128
across nonaffiliated web sites, applications, or online services	129
to predict consumer preferences or interests. "Targeted	130

advertising" does not include any of the following:	131
(1) Advertising to a consumer in response to the	132
<pre>consumer's request for information or feedback;</pre>	133
(2) Advertisements based on activities within a business's	134
or processor's own web sites or online applications;	135
(3) Advertisements based on the context of a consumer's	136
current search query, visit to a web site, or online	137
application;	138
(4) Processing personal data solely for measuring or	139
reporting advertising performance, reach, or frequency.	140
(P) "Third party" means a natural or legal person, public	141
authority, agency, or body other than the consumer, business, or	142
processor, or an affiliate of the business or processor.	143
(Q) "Verified request" means a request submitted to a	144
business under sections 1357.03 to 1357.06 of the Revised Code	145
that has been verified by the business as being made by the	146
consumer in question or by the consumer's representative.	147
(R) "Consumer's representative" means a child's parent or	148
guardian or a representative of a person for whom a guardian of	149
the estate or conservator has been appointed.	150
Sec. 1357.02. (A) This chapter applies to businesses that	151
conduct business in this state, or produce products or services	152
targeted to consumers in this state, that satisfy one or more of	153
the following criteria:	154
(1) The business's annual gross revenues generated in this	155
<pre>state exceed twenty-five million dollars;</pre>	156
(2) During a calendar year, the business controls or	157

H. B. No. 345	Page 7
As Introduced	_

processes personal data of one hundred thousand or more	158
<pre>consumers;</pre>	159
(3) During a calendar year, the business derives over	160
fifty per cent of its gross revenue from the sale of personal	161
data and processes or controls personal data of twenty-five	162
thousand or more consumers.	163
(B) This chapter does not apply to any of the following:	164
(1) Any body, authority, board, bureau, commission,	165
district, or agency of this state or of any political	166
<pre>subdivision of this state;</pre>	167
(2) A financial institution, data, or an affiliate of a	168
financial institution governed by Title V of the federal "Gramm-	169
Leach-Bliley Act," 15 U.S.C. 6801, et seq. and related	170
regulations;	171
(3) A covered entity or business associate governed by the	172
privacy, security, and breach notification rules issued by the	173
United States department of health and human services, 45 C.F.R.	174
160 and 164 established pursuant to HIPAA, and the federal	175
"Health Information Technology for Economic and Clinical Health	176
Act," 42 U.S.C. 300jj, et seq;	177
(4) An institution of higher education;	178
(5) Business to business transactions;	179
(6) Any of the following:	180
(a) Any insurer or independent insurance agent, as defined	181
in section 3905.49 of the Revised Code;	182
(b) Any nonprofit organization established to detect or	183
<pre>prevent insurance-related crime or fraud;</pre>	184

(c) Any advisory organization described in section 3937.09	185
of the Revised Code;	186
(d) Any rating organization licensed pursuant to section	187
3937.05 of the Revised Code or an affiliate thereof.	188
(7) Personal data regulated by the federal "Children's	189
Online Privacy Protection Act," 15 U.S.C. 6501 to 6506, if	190
collected, processed, and maintained in compliance with that law	191
and its implementing regulations or exemptions.	192
(C) The following information and data are exempt from	193
<pre>this chapter:</pre>	194
(1) Protected health information, as defined by 45 C.F.R.	195
<u>160.103;</u>	196
(2) Health records, as described in Chapter 3798. of the	197
Revised Code;	198
(3) Patient identifying information for purposes of 42	199
U.S.C. 290dd-2;	200
(4) Any of the following types of information or data:	201
(a) Identifiable private information for purposes of the	202
federal policy for the protection of human subjects under 45	203
C.F.R. 46;	204
(b) Identifiable private information that is otherwise	205
information collected as part of human subjects research	206
pursuant to the good clinical practice guidelines issued by the	207
international council for harmonisation of technical	208
requirements for pharmaceuticals for human use;	209
(c) Data related to the protection of human subjects under	210
21 C.F.R. 6, 50, and 56, or personal data used or shared in	211

H. B. No. 345
As Introduced

research conducted in accordance with the requirements set forth	212
in this chapter, or other research conducted in accordance with	213
applicable law.	214
(5) Information and documents created for purposes of the	215
federal "Health Care Quality Improvement Act of 1986," 42 U.S.C.	216
<u>11101 et seq.;</u>	217
(6) Patient safety work product for purposes of the	218
federal "Patient Safety and Quality Improvement Act," 42 U.S.C.	219
299b-21 et seq.;	220
(7) Information derived from any of the health care-	221
related information listed in division (C) of this section that	222
is deidentified in accordance with the requirements for	223
deidentification under HIPAA;	224
(8) Information originating from, and intermingled to be	225
indistinguishable with, or information treated in the same	226
manner as information exempt under division (C) of this section	227
that is maintained by a covered entity or business associate as	228
defined by HIPAA or a program or a qualified service	229
organization as defined by 42 U.S.C. 290dd-2;	230
(9) Information used only for public health activities and	231
purposes as authorized by HIPAA;	232
(10) The collection, maintenance, disclosure, sale,	233
communication, or use of any personal information bearing on a	234
consumer's credit worthiness, credit standing, credit capacity,	235
character, general reputation, personal characteristics, or mode	236
of living by a consumer reporting agency or furnisher that	237
provides information for use in a consumer report, and by a user	238
of a consumer report, but only to the extent that such activity	239
is regulated by and authorized under the federal "Fair Credit	240

Reporting Act," 15 U.S.C. 1681 et seq.;	241
(11) Personal data collected, processed, sold, or	242
disclosed in compliance with the federal "Driver's Privacy	243
Protection Act of 1994," 18 U.S.C. 2721 et seq.;	244
(12) Personal data regulated by the federal "Family	245
Educational Rights and Privacy Act," 20 U.S.C. 1232g et seq.;	246
(13) Personal data collected, processed, sold, or	247
disclosed in compliance with the federal "Farm Credit Act," 12	248
<u>U.S.C. 2001 et seq.</u> ;	249
(14) Data processed or maintained in accordance with any	250
of the following:	251
(a) In the course of an individual applying to, employed	252
by, or acting as an agent or independent contractor of a	253
business subject to this chapter, processor, or a related third	254
party, to the extent that the data is collected and used within	255
the context of that role;	256
(b) For emergency contact purposes for individuals	257
described in division (C) (14) (a) of this section;	258
(c) As necessary to administer employment benefits to	259
those individuals described in division (C)(14)(a) of this	260
section, as well as to any persons related to those individuals,	261
such as dependents or spouses.	262
(D) This chapter does not apply to the extent necessary	263
for a business or processor to do any of the following:	264
(1) Comply with federal or state law;	265
(2) Comply with a civil, criminal, or regulatory inquiry,	266
investigation, subpoena, or summons by federal, state, or local	267

authorities;	268
(3) Cooperate with law enforcement agencies concerning	269
conduct or activity that the business, the processor, or a third	270
party reasonably and in good faith believes may violate federal,	271
<pre>state, or local law;</pre>	272
(4) Exercise, or defend against, legal claims;	273
(5) (a) Prevent, detect, or protect against, or provide a	274
response to, security incidents, identity theft, fraud,	275
harassment, malicious or deceptive activities, or any illegal	276
activity;	277
(b) Report or prosecute those responsible for any such	278
action.	279
(6) Preserve the integrity or security of systems;	280
(7) Engage in public or peer-reviewed scientific,	281
historical, or statistical research in the public interest that	282
adheres to all other applicable ethics and privacy laws, if the	283
deletion of the information is likely to render impossible or	284
seriously impair the achievement of the research and the	285
<pre>consumer in question has provided consent;</pre>	286
(8) Assist another business, processor, or third party	287
with any of the obligations imposed under division (C) of this	288
section;	289
(9) Provide a product or service specifically requested by	290
a consumer or a child's parent or guardian;	291
(10) Perform a contract to which a consumer or child's	292
parent or guardian is a party, including fulfilling the terms of	293
a written warrantv;	294

(11) Comply with the request of a consumer or child's	295
parent or guardian prior to entering into a contract;	296
(12) Take immediate steps to protect an interest that is	297
essential for the life of the consumer or of another natural	298
person, and where the processing cannot be manifestly based on	299
another legal basis.	300
(E) The requirements of this chapter do not apply to the	301
extent that compliance would violate or hinder an evidentiary	302
privilege under the laws of this state.	303
(F) The obligations imposed on businesses or processors	304
under this chapter shall not be construed as restricting a	305
business's or processor's ability to collect, use, or retain	306
data as necessary to do any of the following:	307
(1) Conduct internal research solely to improve or repair	308
<pre>products, services, or technology;</pre>	309
(2) Identify and repair technical errors that impair	310
<pre>existing or intended functionality;</pre>	311
(3) Perform solely internal operations that are reasonably	312
aligned with the expectations of the consumer based on the	313
consumer's existing relationship with the business, or are	314
otherwise compatible with processing in furtherance of the	315
provision of a product or service specifically requested by a	316
consumer or the performance of a contract or warranty to which	317
the consumer is a party;	318
(4) Effectuate a product recall.	319
(G) This chapter shall not be construed as requiring a	320
business or processor to collect personal data that it would not	321
otherwise collect in the ordinary course of its business, retain	322

personal data for longer than it would otherwise retain such	323
data in the ordinary course of its business, or reidentify or	324
otherwise link information that is not maintained in a manner	325
that would be considered personal data.	326
(H) Obligations imposed on businesses and processors under	327
this chapter shall not be construed as doing either of the	328
<pre>following:</pre>	329
(1) Adversely affecting the rights or freedoms of any	330
persons, such as exercising the right of free speech pursuant to	331
the first amendment of the United States Constitution or Article	332
I, Section 11, of the Ohio Constitution;	333
(2) Applying to the processing of personal data by a	334
natural person in the course of a purely personal or household	335
activity.	336
(I) Nothing in this chapter shall be construed to do	337
<pre>either of the following:</pre>	338
(1) Require a business or processor to reidentify	339
deidentified data or pseudonymous data;	340
(2) Maintain data in an identifiable form or collect,	341
obtain, retain, or access any data or technology in order to be	342
capable of associating an authenticated consumer request with	343
personal data.	344
(J) The consumer rights provided under sections 1357.04 to	345
1357.08 of the Revised Code do not apply to pseudonymous data in	346
cases where the business or processor is able to demonstrate	347
that any information necessary to identify the consumer is kept	348
separately and is subject to effective technical and	349
organizational controls to prevent the business or processor	350
from accessing such information.	351

(K) Nothing in this chapter requires a business or	352
processor to disclose a trade secret.	353
Sec. 1357.03. (A) A consumer has a right to know the	354
personal data that a business collects about that consumer, such	355
as by obtaining a privacy policy from the business.	356
(B) A business shall provide consumers notice about the	357
personal data that it processes about the consumer by providing	358
a reasonably accessible, clear, and conspicuously posted privacy	359
policy.	360
(C)(1) The privacy policy shall include all of the	361
<pre>following:</pre>	362
(a) The identity and the contact information of the	363
business, including the business's contact for privacy and data	364
security inquiries, and the identity of any affiliate to which	365
personal data may be transferred by the business;	366
(b) The categories of personal data the business	367
processes;	368
(c) The purposes of processing for each category of	369
<pre>personal data;</pre>	370
(d) The categories of sources from which the personal data	371
<pre>is collected;</pre>	372
(e) The categories of processors with whom the business	373
discloses personal data;	374
(f) If the business sells personal data to third parties,	375
the business shall clearly and conspicuously disclose such	376
processing, as well as the categories of third parties to whom	377
the business sells personal data, and how a consumer may	378
exercise the right to opt out of such processing;	379

(g) A description of the business's data retention	380
practices for personal data and the purposes for such retention;	381
(h) How individuals can exercise their rights under this	382
<pre>chapter;</pre>	383
(i) The effective date of the privacy policy;	384
(j) A description of the mechanism or mechanisms a	385
business can use to notify consumers, pursuant to division (E)	386
of this section, when it makes a material change to its privacy	387
policy or decides to process personal data for purposes	388
incompatible with the privacy policy.	389
(2)(a) The privacy policy shall also disclose any and all	390
purposes for which the company collects or processes personal	391
data.	392
(b) Failure on the part of a business to maintain a	393
privacy policy that reflects the business's data privacy	394
practices to a reasonable degree of accuracy shall be considered	395
an unfair and deceptive practice under Chapter 1345. of the	396
Revised Code, except that a consumer shall not be entitled to a	397
private cause of action under that chapter for a failure to	398
comply with division (C)(2)(a) of this section.	399
(D) A business, a co-business, or a processor may provide	400
the privacy policy to the consumer.	401
(E) If a business makes a material change to its privacy	402
policy or decides to process personal data for purposes	403
incompatible with the privacy policy, it shall do either of the	404
following prior to further processing previously collected	405
personal data:	406
(1) Obtain affirmative consent from the consumers	407

<pre>affected;</pre>	408
(2) (a) Provide notice outlining the changes to the	409
business's privacy policy and providing affected consumers a	410
reasonable means to opt out of having their data processed or	411
disseminated.	412
(b) Such notice shall be provided not less than sixty days	413
prior to implementing the change, taking into account available	414
technology and the nature of the relationship between the	415
business and the consumer.	416
(F) The business shall provide direct notification, where	417
possible, regarding a material change to the privacy policy to	418
affected consumers, taking into account available technology and	419
the nature of the relationship.	420
Sec. 1357.04. (A) A consumer, or the parent or guardian of	421
a known child on the child's behalf, may invoke the rights	422
provided under sections 1357.05 to 1357.08 of the Revised Code	423
at any time by making a verifiable request as described in this	424
section.	425
(B)(1)(a) A business shall provide at least one of the	426
following methods for consumers to make requests under sections	427
1357.05 to 1357.08 of the Revised Code:	428
(i) A toll-free telephone number;	429
(ii) An electronic mail address;	430
(iii) A web form;	431
(iv) A clear and conspicuous link on the business's main	432
internet homepage to an internet web page that enables a	433
consumer to exercise the rights provided under sections 1357.05	434
to 1357.08 of the Revised Code.	435

(b) If the consumer maintains an account with the	436
business, the business may require the consumer to submit the	437
request through that account. If the consumer does not maintain	438
an account, the business shall not require that an account be	439
<pre>created to submit the request.</pre>	440
(2) A business shall reasonably verify the identity of the	441
consumer before granting a request made under sections 1357.05	442
to 1357.08 of the Revised Code.	443
(3) A business need not respond to a consumer request made	444
pursuant to this section if the business is unable to reasonably	445
<pre>verify the consumer.</pre>	446
(C)(1) A business shall comply with a verified request	447
within forty-five calendar days of the request.	448
(2) (a) For reasonable cause, and upon notice to the	449
consumer citing the cause for the delay, a business may extend	450
the time required to respond to a request under this section by	451
an additional forty-five calendar days.	452
(b) Such a delay shall not be used more than one time per	453
request.	454
(D) Upon receipt of a request made pursuant to sections	455
1357.04 to 1357.08 of the Revised Code, a business shall comply	456
with all requirements of this chapter as they relate to the	457
request, including by notifying the necessary processors.	458
Sec. 1357.05. (A) A consumer may request a copy of the	459
consumer's personal data that the consumer previously provided	460
to the business electronically in a portable, and, to the extent	461
technically feasible, readily usable format.	462
(B) Upon receiving a verified request, a business shall	463

disclose both of the following to the consumer in question in	464
<pre>conformance with this section:</pre>	465
(1) The categories of third parties to whom the business	466
sells personal data, or if it does not sell personal data, that	467
<pre>fact;</pre>	468
(2) The personal data the business has collected about the	469
consumer or an accurate description or summary of such data.	470
(C) The disclosure shall cover the twelve-month period	471
preceding the business's receipt of the request. A business is	472
not obligated to provide access to a consumer's personal data	473
more than once in a twelve-month period, beginning from the	474
prior date on which the consumer made a request pursuant to this	475
section.	476
(D) A business may redact personal data in its responses	477
to consumers to protect the security of personal data,	478
including, without limitation, redacting social security	479
numbers, financial account numbers, or driver's license numbers.	480
Sec. 1357.06. (A) A consumer has a right to correct	481
inaccuracies in the consumer's personal data that the consumer	482
previously provided to the business, taking into account the	483
nature of the personal data and the purposes of the processing	484
of the consumer's personal data, by making a verifiable request	485
to have the consumer's data be corrected.	486
(B) Upon receiving a verified request, a business shall	487
correct inaccurate information as requested by the consumer,	488
taking into account the nature of the personal data and the	489
purposes of the processing of the consumer's personal data.	490
Sec. 1357.07. (A) A consumer has the right to request that	491
a business delete personal data that the business has collected	492

from the consumer and that the business maintains in an	493
electronic format.	494
(B) Such a verifiable request shall reasonably describe	495
the personal data the consumer is requesting be deleted.	496
(C)(1) If the consumer's personal data is stored on	497
archived or backup systems, the business may delay compliance	498
with the consumer's request to delete until the archived or	499
backup system relating to that data is restored to an active	500
system, next accessed, or used for a sale, disclosure, or other	501
purpose.	502
(2) If the consumer's personal data is stored on archived	503
or backup systems, the business may comply with the consumer's	504
request by deleting or overwriting the data in accordance with a	505
scheduled backup or creation of a new archive, so long as the	506
business employs encryption standards to protect that data both	507
when the data is in transit and is at rest.	508
(D) A business is not required to delete personal data	509
that it maintains or uses as aggregated, deidentified, or	510
pseudonymous data, provided that such data in the possession of	511
the business is not linked to a specific consumer.	512
(E) A business, or an associated processor, shall not be	513
required to comply with a consumer's request to delete personal	514
data if it is necessary for the business or processor to	515
maintain the consumer's personal data in order to adhere to its	516
written records retention schedule.	517
Sec. 1357.08. (A) A consumer has a right to request both	518
of the following from a business:	519
(1) That the business not sell the consumer's personal	520
data:	521

(2) That the business not process the consumer's personal	522
data for the purpose of targeted advertising.	523
(B) Upon receipt of a verified request made under division	524
(A) of this section, a business shall not sell the personal data	525
of the consumer in question or process the data for the purpose	526
of targeted advertising.	527
(C) A business shall not sell the personal data collected	528
online of a known child without complying with the requirements	529
of or exceptions in the "Children's Online Privacy Protection	530
Act of 1998," 15 U.S.C. 6501, et seq. and its regulations.	531
(D) A business that sells personal data or uses processed	532
personal data for the purposes of targeted advertising shall	533
provide clear and conspicuous notice of these facts in such a	534
manner as to enable a consumer to opt out of the sale of the	535
consumer's personal data, the use of that data for targeted	536
advertising, or both; such as by providing clear and conspicuous	537
notice on its web site privacy policy or other publicly	538
available notice.	539
(E) A business is not required to comply with an opt-out	540
request that the business reasonably determines to be	541
<pre>fraudulent.</pre>	542
(F) A business shall reasonably inform its processors or	543
third parties of a consumer's request to opt out and request	544
that they comply with the consumer's opt-out request.	545
Sec. 1357.09. (A) Subject to divisions (B) and (C) of this	546
section, a business shall not discriminate against a consumer	547
for exercising the rights provided to a consumer under this	548
<pre>chapter.</pre>	549
(B) A business may charge different prices or rates for	550

goods or services for individuals who exercise their rights	551
under this chapter for legitimate business reasons or as	552
otherwise permitted or required by applicable law.	553
(C) A business's denial of a consumer's request in	554
<pre>compliance with this chapter shall not be considered</pre>	555
discrimination against the consumer.	556
(D) Nothing in this section shall be construed as doing	557
<pre>either of the following:</pre>	558
(1) Requiring a business to provide a product or service	559
that requires the personal data of a consumer that the business	560
does not collect or maintain or requiring a business to provide	561
a product or service if the consumer has exercised the right to	562
opt-out pursuant to section 1357.08 of the Revised Code;	563
(2) Prohibiting a business from offering a different	564
price, rate, level, quality, or selection of goods or services	565
to a consumer, including offering goods or services for no fee,	566
if the offer is related to a consumer's voluntary participation	567
in a bona fide loyalty, rewards, premium features, discounts, or	568
club card program.	569
Sec. 1357.10. (A) A contract between a business and a	570
processor shall govern the data processing procedures of the	571
processor with respect to processing performed on behalf of the	572
business.	573
(B) A processor shall do all of the following:	574
(1) Taking into account the nature of the processing,	575
assist a business, to the extent reasonably possible and through	576
the use of appropriate technical and organizational measures, in	577
fulfilling the obligation of the business to respond to consumer	578
requests made pursuant to sections 1357.04 to 1357.08 of the	579

Revised Code;	580
(2) Develop, implement, and maintain reasonable	581
administrative, technical, and physical safeguards to protect	582
the security and confidentiality of personal data processed by	583
the processor. The safeguards shall reflect the nature and scope	584
of the activities of the processor and its role in processing	585
the personal data.	586
(3) At the direction of the business and pursuant to the	587
contract described in division (A) of this section, delete or	588
return, except as required by law, all personal data to the	589
business as requested at the end of the contract period;	590
(4) If the processor uses the services of a subprocessor	591
with respect to a business, require the subprocessor to meet the	592
obligations of the processor with respect to any personal data	593
collected.	594
(C) Whether a person acts as a business or a processor	595
with respect to a specific processing of personal data is a	596
fact-based determination that depends on the context in which	597
the personal data is processed. A processor adhering to the	598
instructions of a business with respect to a specific processing	599
of personal data is considered a processor.	600
Sec. 1357.11. (A) The attorney general has exclusive	601
authority to enforce this chapter.	602
(B) Except as provided in divisions (B)(1) to (4) of this	603
section, if, by the attorney general's own inquiries or as a	604
result of complaints, the attorney general has reasonable cause	605
to believe that a business or processor has engaged or is	606
engaging in an act or practice that violates this chapter, the	607
attorney general may investigate in accordance with section	608

1345.06 of the Revised Code.	609
(1) References to "person" in section 1345.06 of the	610
Revised Code shall be interpreted, for purposes of	611
investigations entered into under this section, as referring to	612
an individual or a business.	613
(2) References to a "supplier" in section 1345.06 of the	614
Revised Code shall be interpreted, for purposes of	615
investigations entered into under this section, as referring to	616
<u>a business.</u>	617
(3) Division (E) of section 1345.06 of the Revised Code	618
does not apply to investigations entered into under this	619
section.	620
(4) Nothing in this section shall be construed as granting	621
any additional rights or responsibilities under any other	622
section of Chapter 1345. of the Revised Code.	623
(C) The attorney general shall not disclose publicly the	624
identity of a business or processor investigated under this	625
section or the facts developed in investigations unless either	626
of the following are met:	627
(1) These matters have become a matter of public record in	628
enforcement proceedings, including if the business has entered	629
into an assurance of voluntary compliance with the attorney	630
general pursuant to section 1345.06 of the Revised Code.	631
(2) The business or processor that is the subject of the	632
investigation has consented in writing to public disclosure.	633
(D)(1) If the attorney general, by the attorney general's	634
own inquiries or as a result of complaints, has reasonable cause	635
to believe that a business or processor has engaged or is	636

engaging in an act or practice that violates this chapter, the	637
attorney general, subject to divisions (D)(2) to (4) of this	638
section, may bring an action in a court of common pleas of this	639
state seeking any or all of the following relief:	640
(a) Declaratory judgment that the act or practice violates	641
<pre>this chapter;</pre>	642
(b) Injunctive relief, including preliminary and permanent	643
injunctions, to prevent further violations of and compel	644
<pre>compliance with this chapter;</pre>	645
(c) Civil penalties described in division (D)(2)(c) of	646
this section;	647
(d) Attorneys' fees and investigative costs;	648
(e) Any other relief the court determines appropriate,	649
including relief described in division (D)(4) of this section.	650
(2) (a) Prior to initiating any action under this section,	651
the attorney general shall provide a business or processor	652
thirty-days' notice, in writing, identifying the specific	653
provisions of this chapter the attorney general alleges have	654
been or are being violated.	655
(b) If, within the thirty-day period, the business or	656
processor cures the noticed violation and provides the attorney	657
general an express written statement that the alleged violations	658
have been cured and that no further such violations will occur,	659
the attorney general shall not initiate an action against the	660
business or processor, except as provided in division (D)(2)(c)	661
of this section.	662
(c) If a business or processor continues to violate a	663
representation made in such written statement following the cure	664

period described in division (D)(2)(b) of this section or	665
breaches an express written statement provided to the attorney	666
general pursuant to that division, the attorney general may	667
initiate an action pursuant to division (D)(1) of this section	668
and seek civil penalties of up to five thousand dollars for each	669
violation under this chapter.	670
(3) Civil penalties levied in accordance with this	671
division shall be made in accordance with the following	672
<pre>criteria:</pre>	673
(a) Each provision of this chapter that was violated	674
counts as a separate violation.	675
(b) Each consumer affected counts as a separate violation.	676
(c) When calculating civil penalties, the court may	677
<pre>consider all of the following:</pre>	678
(i) The number of affected consumers;	679
(ii) The severity of the violation;	680
(iii) The size, nature, and complexity of the business;	681
(iv) The sensitivity of the information in question;	682
(v) The precautions taken to prevent a violation.	683
(4)(a) The court may award relief to each identified	684
consumer affected by a violation of a section of this chapter,	685
regardless of whether any actual damages were suffered, in an	686
amount that is not less than one hundred dollars and not more	687
than seven hundred fifty dollars per violation.	688
(b) If the court finds the business or processor willfully	689
or knowingly violated this chapter, the court may, in its	690
discretion, triple the award.	691

(E) Any moneys awarded under this section, with the	692
exception of amounts awarded under division (D) (4) of this	693
section, shall be deposited into the consumer protection	694
enforcement fund established in section 1345.51 of the Revised_	695
Code.	696
(F) The remedies available to the attorney general under	697
this section are cumulative and concurrent, and the exercise of	698
one remedy by the attorney general does not preclude or require	699
the exercise of any other remedy.	700
(G) Any violation of this chapter shall not serve as the	701
basis for, or be subject to, a private right of action,	702
including a class action lawsuit, under this chapter or under	703
any other law.	704
(H) A business or processor that discloses personal data	705
to another business or processor shall not be liable under this	706
chapter if the recipient uses it in violation of the	707
restrictions set forth in this chapter, provided that, at the	708
time of disclosing the personal data, the business or processor	709
does not have actual knowledge, or reason to believe, that the	710
processor intends to commit such a violation.	711
(I)(1)(a) A business has an affirmative defense against	712
allegations of violations of this chapter if that business	713
creates, maintains, and complies with a written privacy program	714
that does both of the following:	715
(i) Reasonably conforms to the national institute of	716
standards and technology privacy framework entitled "A Tool for	717
Improving Privacy through Enterprise Risk Management Version	718
1.0," including applicable controls selected by the business	719
from special publication 800-53 and 800-53a published by the	720

national institute of standards and technology and referenced by	721
the national institute of standards and technology privacy	722
<pre>framework;</pre>	723
(ii) Provides individuals with the substantive rights	724
provided to individuals by this chapter.	725
(b) When a final revision to the national institute of	726
standards and technology privacy framework is published, a	727
business shall reasonably conform its privacy program to the	728
revised framework not later than one year after the publication	729
date stated in the revision.	730
(2) The scale and scope of a business's privacy program	731
under division (I)(1) of this section is appropriate if it is	732
based on all of the following factors:	733
(a) The size and complexity of the business;	734
(b) The nature and scope of the activities of the	735
business;	736
(c) The sensitivity of the personal information processed;	737
(d) The cost and availability of tools to improve privacy	738
protections and data governance;	739
(e) Compliance with any comparable state or federal law.	740
(3) A business that satisfies divisions (I)(1) and (2) of	741
this section has an affirmative defense to any cause of action	742
brought under the laws of this state or in the courts of this	743
state that alleges a violation of this chapter or similar claim	744
based on a violation of privacy rights afforded to individuals	745
under this chapter or under Chapter 1345. of the Revised Code,	746
commonly referred to as the consumer sales practices act.	747

(J) Where more than one business or processor, or both a	748
business and a processor, involved in the same processing	749
violate this chapter, liability shall be apportioned according	750
to the amount of responsibility born by each.	751
(K) The intent of the general assembly in enacting this	752
chapter is to establish a statewide, comprehensive enactment	753
that applies to all parts of the state, operates uniformly	754
throughout the state, and sets forth police regulations. No	755
political subdivision as defined in section 2744.01 of the	756
Revised Code shall regulate the collection, processing, or sale	757
of personal data by a business.	758
Section 2. That existing section 1345.51 of the Revised	759
Code is hereby repealed.	760
Section 3. The Attorney General may use \$250,000 of	761
appropriation item 055321, Operating Expenses, in fiscal year	762
2025 for the purpose of enforcing the Ohio Personal Privacy Act	763
and enacted sections 1357.01 to 1357.11 of the Revised Code.	764
Section 4. Sections 1, 2, and 3 of this act take effect	765
one year after the effective date of this section.	766