



General Assembly

February Session, 2020

Raised Bill No. 134

LCO No. 1444



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT CONCERNING CONSUMER PRIVACY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2021*) As used in this section and
2 sections 2 to 18, inclusive, of this act:

3 (1) "Aggregate consumer information" means information that relates
4 to a group or category of consumers, from which individual consumer
5 identities have been removed, that is not linked or reasonably linkable
6 to any consumer or household, including via a device. "Aggregate
7 consumer information" does not mean one or more individual consumer
8 records that have been de-identified.

9 (2) "Biometric information" means an individual's physiological,
10 biological or behavioral characteristics, including an individual's
11 deoxyribonucleic acid (DNA), that can be used, singly or in combination
12 with each other or with other identifying data, to establish individual
13 identity. "Biometric information" includes, but is not limited to, imagery
14 of the iris, retina, fingerprint, face, hand, palm, vein patterns and voice
15 recordings, from which an identifier template, such as a faceprint, a

16 minutiae template or a voiceprint, can be extracted; and keystroke
17 patterns or rhythms, gait patterns or rhythms; and sleep, health or
18 exercise data that contain identifying information.

19 (3) "Business" means:

20 (A) A sole proprietorship, partnership, limited liability company,
21 corporation, association or other legal entity that is organized or
22 operated for the profit or financial benefit of its shareholders or other
23 owners, that collects consumers' personal information, or on the behalf
24 of which such information is collected and that alone, or jointly with
25 others, determines the purposes and means of the processing of
26 consumers' personal information, that does business in this state, and
27 that satisfies one or more of the following thresholds:

28 (i) Has annual gross revenues in excess of twenty-five million dollars,
29 as adjusted pursuant to subsection (a) of section 16 of this act,

30 (ii) Alone or in combination, annually buys, receives for the business'
31 commercial purposes, sells or shares for commercial purposes, alone or
32 in combination, the personal information of fifty thousand or more
33 consumers, households or devices, or

34 (iii) Derives fifty per cent or more of its annual revenues from selling
35 consumers' personal information; and

36 (B) Any entity that controls or is controlled by a business and that
37 shares common branding with the business. "Control" or "controlled"
38 means (i) ownership of, or the power to vote, more than fifty per cent of
39 the outstanding shares of any class of voting security of a business; (ii)
40 control in any manner over the election of a majority of the directors or
41 of individuals exercising similar functions; or (iii) the power to exercise
42 a controlling influence over the management of a company. "Common
43 branding" means a shared name, servicemark or trademark.

44 (4) "Business purpose" means the use of personal information for the

45 business' or a service provider's operational purposes, or other notified
46 purposes, provided the use of personal information is reasonably
47 necessary and proportionate to achieve the operational purpose for
48 which the personal information was collected or processed or for
49 another operational purpose that is compatible with the context in
50 which the personal information was collected. "Business purposes"
51 include:

52 (A) Auditing related to a current interaction with the consumer and
53 concurrent transactions, including, but not limited to, counting ad
54 impressions to unique visitors, verifying positioning and quality of ad
55 impressions and auditing compliance with this specification and other
56 standards;

57 (B) Detecting security incidents, protecting against malicious,
58 deceptive, fraudulent or illegal activity and prosecuting those
59 responsible for that activity;

60 (C) Debugging to identify and repair errors that impair existing
61 intended functionality;

62 (D) Short-term, transient use, provided the personal information is
63 not disclosed to another third party and is not used to build a profile
64 about a consumer or otherwise alter an individual consumer's
65 experience outside the current interaction, including, but not limited to,
66 the contextual customization of ads shown as part of the same
67 interaction;

68 (E) Performing services on behalf of the business or service provider,
69 including maintaining or servicing accounts, providing customer
70 service, processing or fulfilling orders and transactions, verifying
71 customer information, processing payments, providing financing,
72 providing advertising or marketing services, providing analytic services
73 or providing similar services on behalf of the business or service
74 provider;

75 (F) Undertaking internal research for technological development and
76 demonstration; and

77 (G) Undertaking activities to verify or maintain the quality or safety
78 of a service or device that is owned, manufactured, manufactured for or
79 controlled by the business, and to improve, upgrade or enhance the
80 service or device that is owned, manufactured, manufactured for or
81 controlled by the business.

82 (5) "Collects" or "collection" means buying, renting, gathering,
83 obtaining, receiving or accessing any personal information pertaining to
84 a consumer by any means, including, but not limited to, receiving
85 information from the consumer, either actively or passively, or by
86 observing the consumer's behavior.

87 (6) "Commercial purposes" means to advance a person's commercial
88 or economic interests, such as by inducing another person to buy, rent,
89 lease, join, subscribe to, provide or exchange products, goods, property,
90 information or services, or enabling or effecting, directly or indirectly, a
91 commercial transaction. "Commercial purposes" does not include
92 engaging in speech that state or federal courts have recognized as
93 noncommercial speech, including political speech and journalism.

94 (7) "Consumer" means a natural person who is a resident of this state.

95 (8) "De-identified information" means information that cannot
96 reasonably identify, relate to, describe, be capable of being associated
97 with, or be linked, directly or indirectly, to a particular consumer,
98 provided a business that uses de-identified information:

99 (A) Has implemented technical safeguards that prohibit re-
100 identification of the consumer to whom the information may pertain.

101 (B) Has implemented business processes that specifically prohibit re-
102 identification of the information.

103 (C) Has implemented business processes to prevent inadvertent

104 release of de-identified information.

105 (D) Makes no attempt to re-identify the information.

106 (9) "Designated methods for submitting requests" means a mailing
107 address, email address, Internet web page, Internet web portal, toll-free
108 telephone number or other applicable contact information, whereby
109 consumers may submit a request or direction under sections 1 to 18,
110 inclusive, of this act, and any new, consumer-friendly means of
111 contacting a business, as approved by the Commissioner of Consumer
112 Protection pursuant to section 16 of this act.

113 (10) "Device" means any physical object that is capable of connecting
114 to the Internet, directly or indirectly, or to another device.

115 (11) "Health insurance information" means a consumer's insurance
116 policy number or subscriber identification number, any unique
117 identifier used by a health insurer to identify the consumer, or any
118 information in the consumer's application and claims history, including
119 any appeals records, if the information is linked or reasonably linkable
120 to a consumer or household, including via a device, by a business or
121 service provider.

122 (12) "Homepage" means the introductory page of an Internet web site
123 and any Internet web page where personal information is collected. In
124 the case of an online service, such as a mobile application, "homepage"
125 means the application's platform page or download page, a link within
126 the application or settings page, and any other location that allows
127 consumers to review the notice required by subsection (a) of section 10
128 of this act, including, but not limited to, before downloading the
129 application.

130 (13) "Infer" or "inference" means the derivation of information, data,
131 assumptions or conclusions from facts, evidence or another source of
132 information or data.

133 (14) "Person" means an individual, proprietorship, firm, partnership,
134 joint venture, syndicate, business trust, company, corporation, limited
135 liability company, association, committee and any other organization or
136 group of persons acting in concert.

137 (15) (A) "Personal information" means information that identifies,
138 relates to, describes, is capable of being associated with, or could
139 reasonably be linked, directly or indirectly, with a particular consumer
140 or household. "Personal information" includes, but is not limited to, the
141 following:

142 (i) Identifiers such as a real name, alias, postal address, unique
143 personal identifier, online identifier Internet protocol address, email
144 address, account name, Social Security number, driver's license number,
145 passport number or other similar identifiers.

146 (ii) Characteristics of protected classifications under state or federal
147 law.

148 (iii) Commercial information, including records of personal property,
149 products or services purchased, obtained or considered, or other
150 purchasing or consuming histories or tendencies.

151 (iv) Biometric information.

152 (v) Internet or other electronic network activity information,
153 including, but not limited to, browsing history, search history and
154 information regarding a consumer's interaction with an Internet web
155 site, application or advertisement.

156 (vi) Geolocation data.

157 (vii) Audio, electronic, visual, thermal, olfactory or similar
158 information.

159 (viii) Professional or employment-related information.

160 (ix) Education information, defined as information that is not
161 publicly available, personally identifiable information, as defined in the
162 Family Educational Rights and Privacy Act, 20 USC 1232g, as amended
163 from time to time.

164 (x) Inferences drawn from any of the information identified in this
165 subparagraph to create a profile about a consumer reflecting the
166 consumer's preferences, characteristics, psychological trends,
167 preferences, predispositions, behavior, attitudes, intelligence, abilities
168 and aptitudes.

169 (B) "Personal information" does not include publicly available
170 information. As used in this subparagraph, "publicly available" means
171 information that is lawfully made available from federal, state or local
172 government records. "Publicly available" does not mean biometric
173 information collected by a business about a consumer without the
174 consumer's knowledge. Information is not "publicly available" if that
175 data is used for a purpose that is not compatible with the purpose for
176 which the data is maintained and made available in the government
177 records or for which it is publicly maintained. "Publicly available" does
178 not include consumer information that is de-identified or aggregate
179 consumer information.

180 (16) "Probabilistic identifier" means the identification of a consumer
181 or a device to a degree of certainty of more probable than not, based on
182 any categories of personal information included in, or similar to, the
183 categories enumerated in the definition of personal information.

184 (17) "Processing" means any operation or set of operations that are
185 performed on personal data or on sets of personal data, whether or not
186 by automated means.

187 (18) "Pseudonymization" means the processing of personal
188 information in a manner that renders the personal information no longer
189 attributable to a specific consumer without the use of additional
190 information, provided the additional information is kept separately and

191 is subject to technical and organizational measures to ensure that the
192 personal information is not attributed to an identified or identifiable
193 consumer.

194 (19) "Research" means scientific, systematic study and observation,
195 including, but not limited to, basic research or applied research that is
196 in the public interest and that adheres to all other applicable ethics and
197 privacy laws or studies conducted in the public interest in the area of
198 public health. Research with personal information that may have been
199 collected from a consumer in the course of the consumer's interactions
200 with a business' service or device for other purposes shall be:

201 (A) Compatible with the business purpose for which the personal
202 information was collected.

203 (B) Subsequently pseudonymized and de-identified, or de-identified
204 and in the aggregate, such that the information cannot reasonably
205 identify, relate to, describe, be capable of being associated with, or be
206 linked, directly or indirectly, to a particular consumer.

207 (C) Made subject to technical safeguards that prohibit re-
208 identification of the consumer to whom the information may pertain.

209 (D) Subject to business processes that specifically prohibit re-
210 identification of the information.

211 (E) Made subject to business processes to prevent inadvertent release
212 of de-identified information.

213 (F) Protected from any re-identification attempts.

214 (G) Used solely for research purposes that are compatible with the
215 context in which the personal information was collected.

216 (H) Not be used for any commercial purpose.

217 (I) Subjected by the business conducting the research to additional

218 security controls, limiting access to the research data to only those
219 individuals in a business as are necessary to carry out the research
220 purpose.

221 (20) "Sell" or "sale"

222 (A) (i) Means selling, renting, releasing, disclosing, disseminating,
223 making available, transferring or otherwise communicating orally, in
224 writing, or by electronic or other means, a consumer's personal
225 information by the business to another business or a third party for
226 monetary or other valuable consideration.

227 (ii) Includes the business transfers to a third party of personal
228 information of a consumer as an asset that is part of a merger,
229 acquisition, bankruptcy or other transaction in which the third party
230 assumes control of all or part of the business, provided information is
231 used or shared consistently with sections 4 and 6 of this act. If a third
232 party materially alters how it uses or shares the personal information of
233 a consumer in a manner that is materially inconsistent with the promises
234 made at the time of collection, it shall provide prior notice of the new or
235 changed practice to the consumer. The notice shall be sufficiently
236 prominent to ensure that existing consumers can easily exercise their
237 choices consistently with section 7 of this act. This subparagraph does
238 not authorize a business to make material, retroactive privacy policy
239 changes or make other changes in their privacy policy in a manner that
240 would violate chapter 735a of the general statutes.

241 (B) For purposes of sections 1 to 18, inclusive, of this act, a business
242 does not sell personal information when:

243 (i) A consumer uses or directs the business to intentionally disclose
244 personal information or uses the business to intentionally interact with
245 a third party, provided the third party does not also sell the personal
246 information, unless such disclosure would be consistent with the
247 provisions of sections 1 to 18, inclusive, of this act. An intentional
248 interaction occurs when the consumer intends to interact with the third

249 party via one or more deliberate interactions. Hovering over, muting,
250 pausing or closing a given piece of content does not constitute a
251 consumer's intent to interact with a third party.

252 (ii) The business uses or shares an identifier for a consumer, who has
253 opted out of the sale of the consumer's personal information, for the
254 purposes of alerting third parties that the consumer has opted out of the
255 sale of the consumer's personal information.

256 (iii) The business uses or shares with a service provider personal
257 information of a consumer that is necessary to perform a business
258 purpose, provided the service provider also does not sell the personal
259 information.

260 (iv) The business has provided notice that information being used or
261 shared in its terms and conditions are consistent with section 9 of this
262 act.

263 (v) The service provider does not further collect, sell or use the
264 personal information of the consumer, except as necessary to perform
265 the business purpose.

266 (21) "Service" or "services" means work, labor and services, including
267 services furnished in connection with the sale or repair of goods.

268 (22) "Service provider" means a sole proprietorship, partnership,
269 limited liability company, corporation, association or other legal entity
270 that is organized or operated for the profit or financial benefit of its
271 shareholders or other owners, that processes information on behalf of a
272 business and to which the business discloses a consumer's personal
273 information for a business purpose pursuant to a written contract,
274 provided the contract prohibits the entity receiving the information
275 from retaining, using or disclosing the personal information for any
276 purpose other than for the specific purpose of performing the services
277 specified in the contract for the business, or as otherwise permitted by
278 sections 1 to 18, inclusive, of this act, including retaining, using or

279 disclosing the personal information for a commercial purpose other
280 than providing the services specified in the contract with the business.

281 (23) "Third party" means a person who is not any of the following:

282 (A) The business that collects personal information from consumers
283 under sections 1 to 18, inclusive, of this act.

284 (B) A person to whom the business discloses a consumer's personal
285 information for a business purpose pursuant to a written contract,
286 provided the contract:

287 (i) Prohibits the person receiving the personal information from:

288 (I) Selling the personal information.

289 (II) Retaining, using or disclosing the personal information for any
290 purpose other than for the specific purpose of performing the services
291 specified in the contract, including retaining, using or disclosing the
292 personal information for a commercial purpose other than providing
293 the services specified in the contract.

294 (III) Retaining, using or disclosing the information outside of the
295 direct business relationship between the person and the business.

296 (ii) Includes a certification made by the person receiving the personal
297 information that the person understands the restrictions in
298 subparagraph (B)(i) of this subdivision and will comply with them.

299 (24) "Unique identifier" or "unique personal identifier" means a
300 consistent identifier that can be used to recognize a consumer, a family
301 or a device that is linked to a consumer or family, over time and across
302 different services, including, but not limited to, (A) a device identifier;
303 (B) an Internet protocol address; (C) cookies, beacons, pixel tags, mobile
304 ad identifiers or similar technology; (D) customer number, unique
305 pseudonym or user alias; (E) telephone numbers; or (F) other forms of
306 persistent or probabilistic identifiers that can be used to identify a

307 particular consumer or device. For purposes of this subdivision,
308 "family" means a custodial parent or guardian and any minor children
309 over which the parent or guardian has custody.

310 (25) "Verifiable consumer request" means a request that is made by a
311 (A) consumer, (B) consumer on behalf of the consumer's minor child, or
312 (C) natural person or a person registered with the Secretary of the State,
313 authorized by the consumer to act on the consumer's behalf, and that
314 the business can reasonably verify, pursuant to regulations adopted by
315 the Commissioner of Consumer Protection pursuant to section 16 of this
316 act, to be the consumer about whom the business has collected personal
317 information. A business is not obligated to provide information to the
318 consumer pursuant to sections 4 and 6 of this act if the business cannot
319 verify, pursuant this subdivision and such regulations, that the
320 consumer making the request is the consumer about whom the business
321 has collected information or is a person authorized by the consumer to
322 act on such consumer's behalf.

323 Sec. 2. (NEW) (*Effective January 1, 2021*) (a) A consumer has the right
324 to request that a business that collects a consumer's personal
325 information disclose to such consumer the categories and specific pieces
326 of personal information the business has collected.

327 (b) A business that collects a consumer's personal information shall,
328 at or before the point of collection, inform consumers as to the categories
329 of personal information to be collected and the purposes for which the
330 categories of personal information shall be used. A business shall not
331 collect additional categories of personal information or use personal
332 information collected for additional purposes without providing the
333 consumer with notice consistent with this section.

334 (c) A business shall provide the information specified in subsection
335 (a) of this section to a consumer only upon receipt of a verifiable
336 consumer request.

337 (d) A business that receives a verifiable consumer request from a

338 consumer to access personal information shall promptly take steps to
339 disclose and deliver, free of charge to the consumer, the personal
340 information required by this section. The information may be delivered
341 by mail or electronically, and, if provided electronically, the information
342 shall be in a portable and, to the extent technically feasible, in a readily
343 useable format that allows the consumer to transmit this information to
344 another entity without hindrance. A business may provide personal
345 information to a consumer at any time, but shall not be required to
346 provide personal information to a consumer more than twice in a
347 twelve-month period.

348 Sec. 3. (NEW) (*Effective January 1, 2021*) (a) A consumer has the right
349 to request that a business delete any personal information about the
350 consumer which the business has collected from the consumer.

351 (b) A business that collects personal information about consumers
352 shall disclose, pursuant to subsection (a) of section 9 of this act, the
353 consumer's right to request the deletion of the consumer's personal
354 information.

355 (c) A business that receives a verifiable request from a consumer to
356 delete the consumer's personal information pursuant to subsection (a)
357 of this section shall delete the consumer's personal information from its
358 records and direct any service providers to delete the consumer's
359 personal information from their records.

360 (d) A business or a service provider shall not be required to comply
361 with a consumer's request to delete the consumer's personal information
362 if it is necessary for the business or service provider to maintain the
363 consumer's personal information in order to:

364 (1) Complete the transaction for which the personal information was
365 collected, provide a good or service requested by the consumer or
366 reasonably anticipated within the context of a business ongoing
367 business relationship with the consumer, or otherwise perform a
368 contract between the business and the consumer;

369 (2) Detect security incidents, protect against malicious, deceptive,
370 fraudulent or illegal activity or prosecute those responsible for such
371 activity;

372 (3) Debug to identify and repair errors that impair existing intended
373 functionality;

374 (4) Exercise free speech, ensure the right of another consumer to
375 exercise his or her right of free speech, or exercise another right
376 provided for by law;

377 (5) Engage in public or peer-reviewed scientific, historical or
378 statistical research in the public interest that adheres to all other
379 applicable ethics and privacy laws, when the businesses' deletion of the
380 information is likely to render impossible or seriously impair the
381 achievement of such research, if the consumer has provided informed
382 consent;

383 (6) To enable solely internal uses that are reasonably aligned with the
384 expectations of the consumer based on the consumer's relationship with
385 the business;

386 (7) Comply with a legal obligation; or

387 (8) Otherwise use the consumer's personal information, internally, in
388 a lawful manner that is compatible with the context in which the
389 consumer provided the information.

390 Sec. 4. (NEW) (*Effective January 1, 2021*) (a) A consumer has the right
391 to request that a business that collects personal information about the
392 consumer disclose to the consumer the following:

393 (1) The categories of personal information it has collected about that
394 consumer;

395 (2) The categories of sources from which the personal information is
396 collected;

397 (3) The business or commercial purpose for collecting or selling
398 personal information;

399 (4) The categories of third parties with whom the business shares
400 personal information; and

401 (5) The specific pieces of personal information it has collected about
402 that consumer.

403 (b) A business that collects personal information about a consumer
404 shall disclose to the consumer the information specified in subsection
405 (a) of this section upon receipt of a verifiable request from the consumer.

406 (c) In complying with this section, a business shall:

407 (1) Identify the consumer, associate the information provided by the
408 consumer in the verifiable request to any personal information
409 previously collected by the business about the consumer.

410 (2) Identify by category or categories the personal information
411 collected about the consumer in the preceding twelve months by
412 reference to the enumerated category or categories of personal
413 information that most closely describes the personal information
414 collected.

415 Sec. 5. (NEW) (*Effective January 1, 2021*) Sections 2 and 3 of this act
416 shall not be construed to require a business to do the following:

417 (1) Retain any personal information about a consumer collected for a
418 single, one-time transaction if, in the ordinary course of business, that
419 information about the consumer is not retained; or

420 (2) Re-identify or otherwise link any data that, in the ordinary course
421 of business, is not maintained in a manner that would be considered
422 personal information.

423 Sec. 6. (NEW) (*Effective January 1, 2021*) (a) A consumer shall have the

424 right to request that a business that sells the consumer's personal
425 information, or that discloses it for a business purpose, disclose to that
426 consumer:

427 (1) The categories of personal information that the business collected
428 about the consumer.

429 (2) The categories of personal information about the consumer that
430 the business sold and the categories of third parties to whom the
431 personal information was sold, by category or categories of personal
432 information for each third party to whom the personal information was
433 sold.

434 (3) The categories of personal information about the consumer that
435 the business disclosed for a business purpose.

436 (b) A business that sells personal information about a consumer, or
437 that discloses a consumer's personal information for a business purpose,
438 shall disclose, pursuant to section 9 of this act, the information specified
439 in subsection (a) of this section to the consumer upon receipt of a
440 verifiable request from the consumer.

441 (c) A business that sells consumers' personal information, or that
442 discloses consumers' personal information for a business purpose, shall
443 disclose, pursuant to section 9 of this act:

444 (1) The category or categories of consumers' personal information it
445 has sold, if applicable, or, if the business has not sold consumers'
446 personal information, a statement to such effect.

447 (2) The category or categories of consumers' personal information it
448 has disclosed for a business purpose, if applicable, or, if the business has
449 not disclosed the consumers' personal information for a business
450 purpose, a statement to such effect.

451 (d) In complying with the provisions of this section, a business shall:

452 (1) Identify the consumer and associate the information provided by
453 the consumer in the verifiable request to any personal information
454 previously collected by the business about the consumer.

455 (2) Identify by category or categories the personal information of the
456 consumer that the business sold in the preceding twelve months by
457 reference to the enumerated category in the definition of personal
458 information that most closely describes the personal information, and
459 provide the categories of third parties to whom the consumer's personal
460 information was sold in the preceding twelve months by reference to
461 such enumerated categories that most closely describes the personal
462 information sold. The business shall disclose the information in a list
463 that is separate from a list generated for the purposes of subdivision (1)
464 of this subsection.

465 (3) Identify by category or categories the personal information of the
466 consumer that the business disclosed for a business purpose in the
467 preceding twelve months by reference to the enumerated category or
468 categories of personal information that most closely describes the
469 personal information, and provide the categories of third parties to
470 whom the consumer's personal information was disclosed for a business
471 purpose in the preceding twelve months by reference to the enumerated
472 category or categories that most closely describes the personal
473 information disclosed. The business shall disclose the information in a
474 list that is separate from a list generated for the purposes of subdivision
475 (2) of this subsection.

476 (e) A third party shall not sell personal information about a consumer
477 that has been sold to the third party by a business unless the consumer
478 has received explicit notice and is provided an opportunity to exercise
479 the right to opt out pursuant to section 7 of this act.

480 Sec. 7. (NEW) (*Effective January 1, 2021*) (a) A consumer has the right,
481 at any time, to opt out or direct a business that sells personal information
482 about the consumer to third parties not to sell the consumer's personal

483 information.

484 (b) A business that sells consumers' personal information to third
485 parties shall provide notice to consumers, pursuant to subsection (a) of
486 section 10 of this act, that this information may be sold and that
487 consumers have the right to opt out of the sale of their personal
488 information.

489 (c) A business that has received direction from a consumer not to sell
490 the consumer's personal information or, in the case of a minor
491 consumer's personal information, has not received consent to sell the
492 minor consumer's personal information, shall be prohibited, pursuant
493 to subdivision (4) of subsection (a) of section 10 of this act, from selling
494 the consumer's personal information after its receipt of the consumer's
495 direction, unless the consumer subsequently provides express
496 authorization for the sale of the consumer's personal information.

497 (d) A business shall not sell the personal information of consumers if
498 the business has actual knowledge that the consumer is less than sixteen
499 years of age, unless the consumer, in the case of consumers between
500 thirteen and sixteen years of age, or the consumer's parent or guardian,
501 in the case of consumers who are less than thirteen years of age, has
502 affirmatively authorized the sale of the consumer's personal
503 information. A business that wilfully disregards the consumer's age
504 shall be deemed to have had actual knowledge of the consumer's age.

505 Sec. 8. (NEW) (*Effective January 1, 2021*) (a) (1) A business shall not
506 discriminate against a consumer because the consumer exercised any of
507 the consumer's rights under sections 1 to 18, inclusive, of this act,
508 including, but not limited to:

509 (A) Denying goods or services to the consumer.

510 (B) Charging different prices or rates for goods or services, including
511 through the use of discounts or other benefits or imposing penalties.

512 (C) Providing a different level or quality of goods or services to the
513 consumer, if the consumer exercises the consumer's rights under
514 sections 1 to 18, inclusive, of this act.

515 (D) Suggesting that the consumer will receive a different price or rate
516 for goods or services or a different level or quality of goods or services.

517 (2) Nothing in this subsection prohibits a business from charging a
518 consumer a different price or rate, or from providing a different level or
519 quality of goods or services to the consumer, if that difference is
520 reasonably related to the value provided to the consumer by the
521 consumer's data.

522 (b) (1) A business may offer financial incentives, including payments
523 to consumers as compensation, for the collection of personal
524 information, the sale of personal information or the deletion of personal
525 information. A business may also offer a different price, rate, level or
526 quality of goods or services to the consumer if that price or difference is
527 directly related to the value provided to the consumer by the consumer's
528 data.

529 (2) A business that offers any financial incentives pursuant to
530 subsection (a) of this section shall notify consumers of the financial
531 incentives pursuant to section 9 of this act.

532 (3) A business may enter a consumer into a financial incentive
533 program only if (A) the consumer gives the business prior consent
534 pursuant to section 9 of this act, (B) the business clearly describes the
535 material terms of the financial incentive program, and (C) the consumer
536 may revoke the financial incentive program at any time.

537 (4) A business shall not use financial incentive practices that are
538 unjust, unreasonable, coercive or usurious in nature.

539 Sec. 9. (NEW) (*Effective January 1, 2021*) (a) In order to comply with
540 sections 2 to 4, inclusive, 6 and 8, of this act, in a form that is reasonably

541 accessible to consumers, a business shall:

542 (1) Make available to consumers two or more designated methods for
543 submitting requests for information required to be disclosed pursuant
544 to sections 4 and 6 of this act, including, at a minimum, a toll-free
545 telephone number, and, if the business maintains an Internet web site,
546 an Internet web site address.

547 (2) Disclose and deliver the required information to a consumer free
548 of charge not later than forty-five days after receiving a verifiable
549 request from the consumer. The business shall promptly take steps to
550 determine whether the request is a verifiable request, but this shall not
551 extend the business' duty to disclose and deliver the information within
552 forty-five days of receipt of the consumer's request. The time period to
553 provide the required information may be extended once by an
554 additional forty-five days when reasonably necessary, provided the
555 consumer is provided notice of the extension within the first forty-five-
556 day period. The disclosure shall cover the twelve-month period
557 preceding the business' receipt of the verifiable request and shall be
558 made in writing and delivered through the consumer's account with the
559 business, if the consumer maintains an account with the business, or by
560 mail or electronically at the consumer's option if the consumer does not
561 maintain an account with the business, in a readily useable format that
562 allows the consumer to transmit this information from one entity to
563 another entity without hindrance. The business shall not require the
564 consumer to create an account with the business in order to make a
565 verifiable request.

566 (3) Disclose the following information in its online privacy policy or
567 policies if the business has an online privacy policy or policies and in
568 any state-specific description of consumers' privacy rights, or, if the
569 business does not maintain those policies, on its Internet web site, and
570 update that information at least once every twelve months:

571 (A) A description of a consumer's rights pursuant to sections 4, 6 and

572 8 of this act and one or more designated methods for submitting
573 requests.

574 (B) For purposes of subsection (b) of section 4 of this act, a list of the
575 categories of personal information it has collected about consumers in
576 the preceding twelve months by reference to the category or categories
577 enumerated in subsection (a) of section 4 of this act that most closely
578 describe the personal information collected.

579 (C) For purposes of subsection (c) of section 6 of this act, two separate
580 lists:

581 (i) A list of the categories of personal information it has sold about
582 consumers in the preceding twelve months by reference to the category
583 or categories enumerated in subsection (c) of section 6 of this act that
584 most closely describe the personal information sold, if applicable, or, if
585 the business has not sold consumers' personal information in the
586 preceding twelve months, a statement to such effect.

587 (ii) A list of the categories of personal information it has disclosed
588 about consumers for a business purpose in the preceding twelve months
589 by reference to the category enumerated in subsection (c) of section 6 of
590 this act that most closely describe the personal information disclosed, if
591 applicable, or, if the business has not disclosed consumers' personal
592 information for a business purpose in the preceding twelve months, a
593 statement to such effect.

594 (4) Ensure that all individuals responsible for handling consumer
595 inquiries about the business' privacy practices or the business'
596 compliance with sections 1 to 18, inclusive, of this act are informed of all
597 requirements in this section and sections 4, 6 and 8 of this act, and how
598 to direct consumers to exercise their rights under those sections.

599 (5) Use any personal information collected from the consumer in
600 connection with the business' verification of the consumer's request
601 solely for the purposes of verification.

602 (b) A business is not obligated to provide the information required
603 by sections 4 and 6 of this act to the same consumer more than twice in
604 a twelve-month period.

605 (c) The categories of personal information required to be disclosed
606 pursuant to sections 4 and 6 of this act shall follow the definition of
607 personal information.

608 Sec. 10. (NEW) (*Effective January 1, 2021*) (a) A business that is
609 required to comply with section 7 of this act shall, in a form that is
610 reasonably accessible to consumers:

611 (1) Provide a clear and conspicuous link on the business' Internet
612 homepage, titled "Do Not Sell My Personal Information", to an Internet
613 web page that enables a consumer, or a person authorized by the
614 consumer, to opt out of the sale of the consumer's personal information.
615 A business shall not require a consumer to create an account in order to
616 direct the business not to sell the consumer's personal information.

617 (2) Include a description of a consumer's rights pursuant to section 7
618 of this act, along with a separate link to the "Do Not Sell My Personal
619 Information" Internet web page in:

620 (A) Its online privacy policy or policies if the business has an online
621 privacy policy or policies; and

622 (B) Any Connecticut-specific description of consumers' privacy
623 rights.

624 (3) Ensure that all individuals responsible for handling consumer
625 inquiries about the business' privacy practices or the business'
626 compliance with sections 1 to 18, inclusive, of this act are informed of all
627 requirements in this section and section 7 of this act and how to direct
628 consumers to exercise their rights under those sections.

629 (4) For consumers who exercise their right to opt out of the sale of
630 their personal information, refrain from selling personal information

631 collected by the business about the consumer.

632 (5) For a consumer who has opted out of the sale of the consumer's
633 personal information, respect the consumer's decision to opt out for at
634 least twelve months before requesting that the consumer authorize the
635 sale of the consumer's personal information.

636 (6) Use any personal information collected from the consumer in
637 connection with the submission of the consumer's opt-out request solely
638 for the purposes of complying with the opt-out request.

639 (b) Nothing in sections 1 to 18, inclusive, of this act shall be construed
640 to require a business to comply by including the required links and text
641 on the homepage that the business makes available to the public
642 generally, if the business maintains a separate and additional homepage
643 that is dedicated to consumers in this state and that includes the
644 required links and text, and the business takes reasonable steps to
645 ensure that consumers in this state are directed to the homepage for
646 consumers in this state and not the homepage made available to the
647 public generally.

648 (c) A consumer may authorize another person solely to opt out of the
649 sale of the consumer's personal information on the consumer's behalf,
650 and a business shall comply with an opt out request received from a
651 person authorized by the consumer to act on the consumer's behalf,
652 pursuant to regulations adopted by the Department of Consumer
653 Protection under section 16 of this act.

654 Sec. 11. (NEW) (*Effective January 1, 2021*) (a) The obligations imposed
655 on businesses by sections 1 to 18, inclusive, of this act shall not restrict a
656 business' ability to:

657 (1) Comply with federal, state or local laws.

658 (2) Comply with a civil, criminal or regulatory inquiry, investigation,
659 subpoena or summons by federal, state or local authorities.

660 (3) Cooperate with law enforcement agencies concerning conduct or
661 activity that the business, service provider or third party reasonably and
662 in good faith believes may violate federal, state or local law.

663 (4) Exercise or defend legal claims.

664 (5) Collect, use, retain, sell or disclose consumer information that is
665 de-identified or in the aggregate consumer information.

666 (6) Collect or sell a consumer's personal information if every aspect
667 of that commercial conduct takes place wholly outside of the state. For
668 purposes of sections 1 to 18, inclusive, of this act, commercial conduct
669 takes place wholly outside of the state if the business collected that
670 information while the consumer was outside of the state, no part of the
671 sale of the consumer's personal information occurred in the state and no
672 personal information was collected while the consumer was in the state
673 is sold. This subdivision shall not permit a business from storing,
674 including on a device, personal information about a consumer when the
675 consumer is in the state and then collecting that personal information
676 when the consumer and stored personal information is outside of the
677 state.

678 (b) The obligations imposed on businesses by sections 1 to 18,
679 inclusive, of this act shall not apply where compliance by the business
680 would violate an evidentiary privilege under state law and shall not
681 prevent a business from providing the personal information of a
682 consumer to a person covered by an evidentiary privilege under state
683 law as part of a privileged communication.

684 (c) The provisions of sections 1 to 18, inclusive, of this act shall not
685 apply to protected health information that is collected by a covered
686 entity governed by the privacy, security and breach notification rules
687 issued by the federal Department of Health and Human Services, 45
688 CFR Parts 160 and 164, as amended from time to time, established
689 pursuant to the Health Insurance Portability and Availability Act of
690 1996, as amended from time to time. For purposes of this subsection, the

691 definitions of "protected health information" and "covered entity" from
692 the federal privacy rule shall apply.

693 (d) Sections 1 to 18, inclusive, of this act shall not apply to the sale of
694 personal information to or from a consumer reporting agency if that
695 information is to be reported in, or used to generate, a consumer report,
696 as defined by 15 USC 1681a(d), as amended from time to time, and use
697 of that information is limited by the federal Fair Credit Reporting Act,
698 15 USC 1681 et seq., as amended from time to time.

699 (e) Sections 1 to 18, inclusive, of this act shall not apply to personal
700 information collected, processed, sold or disclosed pursuant to the
701 federal Gramm-Leach-Bliley Act, and implementing regulations, as
702 amended from time to time, if it is in conflict with that law.

703 (f) Sections 1 to 18, inclusive, of this act shall not apply to personal
704 information collected, processed, sold or disclosed pursuant to the
705 Driver's Privacy Protection Act of 1994, 18 USC 2721 et seq., as amended
706 from time to time, if it is in conflict with that act.

707 (g) Notwithstanding a business' obligations to respond to and honor
708 consumer rights requests pursuant to sections 1 to 18, inclusive, of this
709 act:

710 (1) A time period for a business to respond to any verified consumer
711 request may be extended by up to ninety additional days where
712 necessary, taking into account the complexity and number of the
713 requests. The business shall inform the consumer of any such extension
714 within forty-five days of receipt of the request, together with the reasons
715 for the delay.

716 (2) If the business does not take action on the request of the consumer,
717 the business shall inform the consumer, without delay and at the latest
718 within the time period permitted of response by this section, of the
719 reasons for not taking action and any rights the consumer may have to
720 appeal the decision to the business.

721 (3) If requests from a consumer are manifestly unfounded or
722 excessive, in particular because of their repetitive character, a business
723 may either charge a reasonable fee, taking into account the
724 administrative costs of providing the information or communication or
725 taking the action requested, or refuse to act on the request and notify the
726 consumer of the reason for refusing the request. The business shall bear
727 the burden of demonstrating that any verified consumer request is
728 manifestly unfounded or excessive.

729 (h) A business that discloses personal information to a service
730 provider shall not be liable under sections 1 to 18, inclusive, of this act if
731 the service provider receiving the personal information uses it in
732 violation of the restrictions set forth in sections 1 to 18, inclusive, of this
733 act, provided, at the time of disclosing the personal information, the
734 business does not have actual knowledge, or reason to believe, that the
735 service provider intends to commit such a violation. A service provider
736 shall likewise not be liable under sections 1 to 18, inclusive, of this act
737 for the obligations of a business for which it provides services as set
738 forth in sections 1 to 18, inclusive, of this act.

739 (i) Sections 1 to 18, inclusive, of this act shall not be construed to
740 require a business to re-identify or otherwise link information that is not
741 maintained in a manner that would be considered personal information.

742 (j) The rights afforded to consumers and the obligations imposed on
743 the business in sections 1 to 18, inclusive, of this act shall not adversely
744 affect the rights and freedoms of other consumers.

745 Sec. 12. (NEW) (*Effective January 1, 2021*) (a) Any consumer whose
746 nonencrypted or nonredacted personal information is subject to an
747 unauthorized access and exfiltration, theft or disclosure as a result of the
748 business' violation of the duty to implement and maintain reasonable
749 security procedures and practices appropriate to the nature of the
750 information to protect the personal information may institute a civil
751 action for any of the following: (1) To recover damages in an amount not

752 less than one hundred dollars and not greater than seven hundred fifty
753 dollars, per consumer, per incident or actual damages, whichever is
754 greater; (2) injunctive or declaratory relief; or (3) any other relief the
755 court deems proper.

756 (b) In assessing the amount of statutory damages, the court shall
757 consider any one or more of the relevant circumstances presented by
758 any of the parties to the case, including, but not limited to, the nature
759 and seriousness of the misconduct, the number of violations, the
760 persistence of the misconduct, the length of time over which the
761 misconduct occurred, the willfulness of the defendant's misconduct and
762 the defendant's assets, liabilities and net worth.

763 (c) Actions pursuant to this section may be brought by a consumer if
764 all of the following requirements are met:

765 (1) Prior to initiating any action against a business for statutory
766 damages on an individual or class-wide basis, a consumer shall provide
767 a business thirty days' written notice identifying the specific provisions
768 of sections 1 to 18, inclusive, of this act the consumer alleges have been
769 or are being violated. In the event a remedy is possible, if within the
770 thirty days the business actually remedies the noticed violation and
771 provides the consumer an express written statement that the violations
772 have been remedied and that no further violations shall occur, no action
773 for individual statutory damages or class-wide statutory damages may
774 be initiated against the business. No notice shall be required prior to an
775 individual consumer initiating an action solely for actual pecuniary
776 damages suffered as a result of the alleged violations of sections 1 to 18,
777 inclusive, of this act. If a business continues to violate sections 1 to 18,
778 inclusive, of this act in breach of the express written statement provided
779 to the consumer under this section, the consumer may initiate an action
780 against the business to enforce the written statement and may pursue
781 statutory damages for each breach of the express written statement, as
782 well as any other violation of sections 1 to 18, inclusive, of this act that
783 postdates the written statement.

784 (2) A consumer bringing an action as defined in subdivision (1) of this
785 subsection shall notify the Attorney General within thirty days that the
786 action has been filed.

787 (3) The Attorney General, upon receiving such notice shall, within
788 thirty days, do one of the following: (A) Notify the consumer bringing
789 the action of the Attorney General's intent to prosecute an action against
790 the violation, provided, if the Attorney General does not prosecute
791 within six months, the consumer may proceed with the action; (B)
792 refrain from acting within the thirty-day period, allowing the consumer
793 bringing the action to proceed; or (C) notify the consumer bringing the
794 action that the consumer shall not proceed with the action.

795 (d) Nothing in sections 1 to 18, inclusive, of this act shall be
796 interpreted to serve as the basis for a private right of action under any
797 other law. This shall not be construed to relieve any party from any
798 duties or obligations imposed under federal or state law or the federal
799 or state Constitution.

800 Sec. 13. (NEW) (*Effective January 1, 2021*) (a) Notwithstanding the
801 provisions of section 3-125 of the general statutes, any business or third
802 party may seek the opinion of the Attorney General for guidance on
803 how to comply with the provisions of sections 1 to 18, inclusive, of this
804 act.

805 (b) A business shall be in violation of the provisions of sections 1 to
806 18, inclusive, of this act if it fails to remedy any alleged violation within
807 thirty days after being notified of alleged noncompliance. Any business,
808 service provider or other person that violates sections 1 to 18, inclusive,
809 of this act shall be liable for a civil penalty in a civil action brought in the
810 name of the people of the state by the Attorney General. The civil
811 penalties provided for in this section shall be exclusively assessed and
812 recovered in a civil action brought in the name of the people of the state
813 by the Attorney General.

814 (c) Any person, business or service provider that intentionally

815 violates sections 1 to 18, inclusive, of this act may be liable for a civil
816 penalty of up to seven thousand five hundred dollars for each violation.

817 (d) Any civil penalty assessed pursuant to this section for a violation
818 of sections 1 to 18, inclusive, of this act, and the proceeds of any
819 settlement of an action brought pursuant to subsection (b) of this
820 section, shall be allocated as follows:

821 (1) Twenty per cent to the consumer privacy account, established
822 under section 14 of this act, with the intent to fully offset any costs
823 incurred by the state courts and the Attorney General in connection with
824 sections 1 to 18, inclusive, of this act.

825 (2) Eighty per cent to the jurisdiction on whose behalf the action
826 leading to the civil penalty was brought.

827 (e) The percentages specified in subsection (d) of this section shall be
828 adjusted as necessary to ensure that any civil penalties assessed for a
829 violation of sections 1 to 18, inclusive, of this act fully offset any costs
830 incurred by the state courts and the Attorney General in connection with
831 sections 1 to 18, inclusive, of this act, including a sufficient amount to
832 cover any deficit from a prior fiscal year.

833 Sec. 14. (NEW) (*Effective January 1, 2021*) (a) There is established an
834 account to be known as the "consumer privacy account" which shall be
835 a separate, nonlapsing account within the General Fund. The account
836 shall contain any moneys required by law to be deposited in the account.
837 Moneys in the account shall be expended by (1) the Chief Court
838 Administrator for the purposes of offsetting any costs incurred by the
839 state courts in connection with actions brought to enforce sections 1 to
840 18, inclusive, of this act, and (2) the Attorney General for the purpose of
841 offsetting any costs incurred by the Attorney General in carrying out the
842 Attorney General's duties under sections 1 to 18, inclusive, of this act.

843 (b) Funds transferred to the consumer privacy account shall not be
844 subject to appropriation or transfer by the General Assembly for any

845 other purpose, unless the Secretary of the Office of Policy and
846 Management determines that the funds are in excess of the funding
847 needed to fully offset the costs incurred by the state courts and the
848 Attorney General in connection with sections 1 to 18, inclusive, of this
849 act, in which case the General Assembly may appropriate excess funds
850 for other purposes.

851 Sec. 15. (NEW) (*Effective January 1, 2021*) (a) The provisions of sections
852 1 to 18, inclusive, of this act are not limited to information collected
853 electronically or over the Internet, but apply to the collection and sale of
854 all personal information collected by a business from consumers.
855 Wherever possible, existing provisions of the general statutes relating to
856 consumers' personal information should be construed to harmonize
857 with the provisions of sections 1 to 18, inclusive, of this act, but, in the
858 event of a conflict between other provisions of the general statutes and
859 the provisions of sections 1 to 18, inclusive, of this act, the provisions of
860 the law that afford the greatest protection for the right of privacy for
861 consumers shall control.

862 (b) Sections 1 to 18, inclusive, of this act supersede and preempt all
863 rules, regulations, codes, ordinances and other laws adopted by a city,
864 county, city and county, municipality or local agency regarding the
865 collection and sale of consumers' personal information by a business.

866 (c) Sections 1 to 18, inclusive, of this act supplement federal and state
867 law, if permissible, but shall not apply if such application is preempted
868 by, or in conflict with, federal and state law or the state Constitution.

869 Sec. 16. (NEW) (*Effective January 1, 2021*) (a) On or before January 1,
870 2021, the Commissioner of Consumer Protection, in consultation with
871 the Chief Information Officer, shall adopt regulations in accordance
872 with the provisions of chapter 54 of the general statutes to further the
873 purposes of sections 1 to 18, inclusive, of this act, including, but not
874 limited to, the following areas:

875 (1) Updating, as needed, categories of personal information in

876 addition to those enumerated in subdivision (15) of section 1 of this act
877 and section 9 of this act in order to address changes in technology, data
878 collection practices, obstacles to implementation and privacy concerns.

879 (2) Updating, as needed, the definition of unique identifiers to
880 address changes in technology, data collection, obstacles to
881 implementation and privacy concerns, and additional categories to the
882 definition of designated methods for submitting requests to facilitate a
883 consumer's ability to obtain information from a business pursuant to
884 section 9 of this act.

885 (3) Establishing any exceptions necessary to comply with state or
886 federal law, including, but not limited to, those relating to trade secrets
887 and intellectual property rights, not later than January 1, 2021, and as
888 needed thereafter.

889 (4) Establishing rules and procedures for the following, not later than
890 January 1, 2022, and as needed thereafter:

891 (A) To facilitate and govern the submission of a request by a
892 consumer to opt out of the sale of personal information pursuant to
893 section 10 of this act.

894 (B) To govern business compliance with a consumer's opt-out
895 request.

896 (C) The development and use of a recognizable and uniform opt-out
897 logo or button by all businesses to promote consumer awareness of the
898 opportunity to opt out of the sale of personal information.

899 (5) Adjusting the monetary threshold in subparagraph (A)(i) of
900 subdivision (3) of section 1 of this act in January of every odd-numbered
901 year to reflect any increase in the consumer price index.

902 (6) Establishing rules, procedures and any exceptions necessary to
903 ensure that the notices and information that businesses are required to
904 provide pursuant to sections 1 to 18, inclusive, of this act are provided

905 in a manner that may be easily understood by the average consumer,
906 are accessible to consumers with disabilities and are available in the
907 language primarily used to interact with the consumer, including
908 establishing rules and guidelines regarding financial incentive
909 offerings, not later than January 1, 2022, and as needed thereafter.

910 (7) Establishing rules and procedures to further the purposes of
911 sections 4 and 6 of this act and to facilitate a consumer's, or the
912 consumer's authorized agent's, ability to obtain information pursuant to
913 section 9 of this act, with the goal of minimizing the administrative
914 burden on consumers, taking into account available technology,
915 security concerns and the burden on the business, to govern a business'
916 determination that a request for information received by a consumer is
917 a verifiable request, including treating a request submitted through a
918 password-protected account maintained by the consumer with the
919 business while the consumer is logged into the account as a verifiable
920 request and providing a mechanism for a consumer who does not
921 maintain an account with the business to request information through
922 the business' authentication of the consumer's identity, not later than
923 January 1, 2022, and as needed thereafter.

924 (b) The Commissioner of Consumer Protection may adopt additional
925 regulations to further the purposes of sections 1 to 18, inclusive, of this
926 act.

927 Sec. 17. (NEW) (*Effective January 1, 2021*) If a series of steps or
928 transactions were component parts of a single transaction intended from
929 the beginning to be taken with the intention of avoiding the reach of
930 sections 1 to 18, inclusive, of this act, including the disclosure of
931 information by a business to a third party in order to avoid the definition
932 of sale, a court shall disregard the intermediate steps or transactions for
933 purposes of effectuating the purposes of sections 1 to 18, inclusive, of
934 this act.

935 Sec. 18. (NEW) (*Effective January 1, 2021*) Any provision of a contract

936 or agreement of any kind that purports to waive or limit in any way a
 937 consumer's rights under this section and sections 1 to 17, inclusive, of
 938 this act, including, but not limited to, any right to a remedy or means of
 939 enforcement, shall be void and unenforceable. This section shall not
 940 prevent a consumer from declining to request information from a
 941 business, declining to opt out of a business' sale of the consumer's
 942 personal information, or authorizing a business to sell the consumer's
 943 personal information after previously opting out.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2021</i>	New section
Sec. 2	<i>January 1, 2021</i>	New section
Sec. 3	<i>January 1, 2021</i>	New section
Sec. 4	<i>January 1, 2021</i>	New section
Sec. 5	<i>January 1, 2021</i>	New section
Sec. 6	<i>January 1, 2021</i>	New section
Sec. 7	<i>January 1, 2021</i>	New section
Sec. 8	<i>January 1, 2021</i>	New section
Sec. 9	<i>January 1, 2021</i>	New section
Sec. 10	<i>January 1, 2021</i>	New section
Sec. 11	<i>January 1, 2021</i>	New section
Sec. 12	<i>January 1, 2021</i>	New section
Sec. 13	<i>January 1, 2021</i>	New section
Sec. 14	<i>January 1, 2021</i>	New section
Sec. 15	<i>January 1, 2021</i>	New section
Sec. 16	<i>January 1, 2021</i>	New section
Sec. 17	<i>January 1, 2021</i>	New section
Sec. 18	<i>January 1, 2021</i>	New section

Statement of Purpose:

To require businesses to disclose the proposed use of any personal information and to give consumers the right to discover what personal information the business possesses and to opt out of the sale of such information and to create a cause of action and penalties for violations of such requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]