

House Bill 798

By: Representative Carpenter of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling
2 and other trade practices, so as to prohibit a manufacturer of consumer electronic devices
3 from allowing consumers to opt out of certain data collection by third parties unless the
4 consumer can opt of the same data collection by the manufacturer; to provide for a short title;
5 to provide for definitions; to provide for enforcement, limitations, exclusions, construction,
6 and applicability; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
11 trade practices, is amended by adding a new article to read as follows:

12 "ARTICLE 37

13 10-1-950.

14 This article shall be known and may be cited as the 'Georgia Data Privacy Act.'

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15 10-1-951.

16 As used in this article, the term:

17 (1) 'Consumer' means a person that owns consumer electronic device purchased or used
18 in this state. Such term shall include ownership of a consumer electronic device
19 purchased under a financing or periodic payment plan.

20 (2) 'Consumer electronic device' means a device that may be purchased by a member of
21 the general public, and can be configured to store 1 gigabyte of data or more.

22 (3) 'Data' means transmitted or compiled information arising from the operation of a
23 consumer electronic device.

24 (4) 'Manufacturer of consumer electronic device' means any entity engaged in the
25 business of selling, leasing, or otherwise supplying new consumer electronic devices
26 manufactured by or on behalf of itself to any person.

27 (5) 'Third-party software developer' means a person that creates or develops a computer
28 program that is available for use on a consumer electronic device, and that is not affiliated
29 with the manufacturer of the consumer electronic device, except as is necessary to
30 integrate the computer program onto the consumer electronic device.

31 (6) 'Person' means an individual, partnership, corporation, company, or association.

32 (7) 'Trade secret' shall have the same meaning as provided in Code Section 10-1-761.

33 10-1-952.

34 A manufacturer of consumer electronic devices that offers consumers the ability to opt out
35 of data collection or usage of such data by third-party software developers, shall not collect
36 or use any consumer data for the same purposes for which the third-party software
37 developer intended to collect or use such data, unless the manufacturer also offers the
38 consumer the ability to opt out of data collection or usage of such data by the manufacturer
39 of consumer electronic devices for such purpose.

40 10-1-953.

41 A violation of this article constitutes an unfair or deceptive practice in consumer
42 transactions within the meaning of Part 2 of Article 15 of this chapter, the 'Fair Business
43 Practices Act of 1975.' All remedies, penalties, and authority granted to the Attorney
44 General by such part shall be available for the enforcement of this article.

45 10-1-954.

46 Nothing in this article shall be construed to require a manufacturer of consumer electronic
47 devices to:

48 (1) Divulge any trade secret or proprietary or confidential information; or

49 (2) Violate any federal, state, or local law or regulation.

50 10-1-955.

51 This article shall apply to consumer electronic devices sold or in use on or after July 1,
52 2023."

53 **SECTION 2.**

54 All laws and parts of laws in conflict with this Act are repealed.