

1 ENGROSSED HOUSE
2 BILL NO. 1602

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Pae, Fetgatter, Lawson,
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Rosecrants, Wallace,
Virgin, Provenzano,
Hilbert, Fugate and
Caldwell (Trey) of the
House

and

Montgomery, Hicks, Dossett
(J.A.) and Kidd of the
Senate

15 An Act relating to privacy of computer data; enacting
16 the Oklahoma Computer Data Privacy Act; defining
17 terms; providing that this act applies to certain
18 businesses that collect consumers' personal
19 information; providing exemptions; prescribing
20 compliance with other laws and legal proceedings;
21 requiring this act to be liberally construed to align
22 its effects with other laws relating to privacy and
23 protection of personal information; providing that
24 when in conflict federal law controls; providing that
when in conflict with state law the law providing the
greatest privacy or protection to consumers controls;
providing for preemption of local law; providing
consumers the right to request disclosure of certain
information; providing consumers the right to request
the deletion of their information; providing
consumers the right to request and receive a
disclosure of personal information sold or disclosed;
providing consumers the right to opt in and out of

1 the sale of their personal information; finding that
2 individuals in Oklahoma have a right to prohibit
3 retention, use or disclosure of their own personal
4 data; finding that Oklahomans have been exploited for
5 monetary gain and manipulation by private ventures in
6 utilization of private data; finding that the
7 protection of individuals' data is a core
8 governmental function in order to protect the health,
9 safety and welfare of individuals in Oklahoma;
10 finding that this act is the least restrictive
11 alternative necessary to protect individuals and
12 their rights; finding that the use of a strictly
13 "opt-out" method for data privacy is ineffectual and
14 poses an immediate risk to health, safety and welfare
15 of Oklahomans; providing that contracts or other
16 agreements purporting to waive or limit a right,
17 remedy or means of enforcement are contrary to public
18 policy and are void; requiring that businesses
19 collecting consumer data information must inform the
20 consumer of each category of personal information
21 collected and for which purpose the information will
22 be used, and obtain the consumer's explicit consent;
23 requiring businesses that collect, sell, or for a
24 business purpose disclose consumers' personal
information to provide an online privacy policy or a
notice of the business's policies; requiring
businesses to designate and make available methods
for submitting a verifiable consumer request for
information that is required to be disclosed or
deleted; requiring businesses receiving consumer
requests to promptly take steps to reasonably verify
the identity of the requesting consumers; requiring
businesses that receive a verifiable consumer request
within a certain timeframe disclose the required
information; requiring businesses that use de-
identified information to not re-identify or attempt
to re-identify a consumer who is the subject of de-
identified information without obtaining permission;
providing that businesses may not discriminate
against consumers for exercising their rights;
providing that businesses may offer a financial
incentive to consumers for the collection, sale or
disclosure of their personal information; providing
that businesses may not divide a single transaction
into more than one transaction with the intent to
avoid the requirements of this act; requiring
businesses to ensure employees handling consumer

1 inquiries about privacy practices are informed of
2 certain rights, requirements and information;
3 providing civil penalties; authorizing the Oklahoma
4 Attorney General to take certain actions against
5 violating businesses; authorizing the Attorney
6 General to recover reasonable expenses incurred in
7 obtaining injunctive relief or civil penalties;
8 directing the Attorney General to deposit collected
9 penalties in a dedicated account in the General
10 Revenue Fund; providing certain immunities; providing
11 protections to service providers; providing for
12 codification; and providing an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 901.1 of Title 17, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Computer Data Privacy Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 901.2 of Title 17, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Aggregate consumer information" means information that
relates to a group or category of consumers from which individual
consumer identities have been removed and that is not linked or
reasonably linkable to a particular consumer or household, including

1 through a device. The term does not include one or more individual
2 consumer records that have been de-identified;

3 2. "Biometric information" means an individual's physiological,
4 biological or behavioral characteristics that can be used, alone or
5 in combination with other characteristics or other identifying data,
6 to establish the individual's identity. The term includes:

- 7 a. deoxyribonucleic acid (DNA),
- 8 b. an image of an iris, retina, fingerprint, face, hand,
9 palm or vein pattern or a voice recording from which
10 an identifier template can be extracted such as a
11 faceprint, minutiae template or voiceprint,
- 12 c. keystroke patterns or rhythms,
- 13 d. gait patterns or rhythms, and
- 14 e. sleep, health or exercise data that contains
15 identifying information;

16 3. "Business" means a for-profit entity, including a sole
17 proprietorship, partnership, limited liability company, corporation,
18 association or other legal entity that is organized or operated for
19 the profit or financial benefit of the entity's shareholders or
20 other owners, but does not include Internet service providers so
21 long as they are acting in their role as Internet service providers;

22 4. "Business purpose" means the use of personal information
23 for:

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1 a. the following operational purposes of a business or
2 service provider, provided that the use of the
3 information is reasonably necessary and proportionate
4 to achieve the operational purpose for which the
5 information was collected or processed or another
6 operational purpose that is compatible with the
7 context in which the information was collected:

8 (1) auditing related to a current interaction with a
9 consumer and any concurrent transactions,
10 including counting ad impressions to unique
11 visitors, verifying the positioning and quality
12 of ad impressions, and auditing compliance with a
13 specification or other standards for ad
14 impressions,

15 (2) detecting a security incident, protecting against
16 malicious, deceptive, fraudulent or illegal
17 activity, and prosecuting those responsible for
18 any illegal activity described by this division,

19 (3) identifying and repairing or removing errors that
20 impair the intended functionality of computer
21 hardware or software,

22 (4) using personal information in the short term or
23 for a transient use, provided that the
24 information is not:

1 (a) disclosed to a third party, and
2 (b) used to build a profile about a consumer or
3 alter an individual consumer's experience
4 outside of a current interaction with the
5 consumer, including the contextual
6 customization of an advertisement displayed
7 as part of the same interaction,

8 (5) performing a service on behalf of the business or
9 service provider, including:

10 (a) maintaining or servicing an account,
11 providing customer service, processing or
12 fulfilling an order or transaction,
13 verifying customer information, processing a
14 payment, providing financing, providing
15 advertising or marketing services, or
16 providing analytic services, or

17 (b) performing a service similar to a service
18 described by subdivision (a) of this
19 division on behalf of the business or
20 service provider,

21 (6) undertaking internal research for technological
22 development and demonstration,

23 (7) undertaking an activity to:
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1 (a) verify or maintain the quality or safety of
2 a service or device that is owned by,
3 manufactured by, manufactured for or
4 controlled by the business, or

5 (b) improve, upgrade or enhance a service or
6 device described by subdivision (a) of this
7 division, or

8 (8) retention of employment date, or

9 b. another operational purpose for which notice is given
10 under this act, but specifically excepting cross-
11 context targeted advertising, unless the customer has
12 opted in to the same;

13 5. "Collect" means to buy, rent, gather, obtain, receive or
14 access the personal information of a consumer by any means,
15 including by actively or passively receiving the information from
16 the consumer or by observing the consumer's behavior;

17 6. "Commercial purpose" means a purpose that is intended to
18 result in a profit or other tangible benefit or the advancement of a
19 person's commercial or economic interests, such as by inducing
20 another person to buy, rent, lease, subscribe to, provide or
21 exchange products, goods, property, information or services or by
22 enabling or effecting, directly or indirectly, a commercial
23 transaction. The term does not include the purpose of engaging in
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1 speech recognized by state or federal courts as noncommercial
2 speech, including political speech and journalism;

3 7. "Consumer" means an individual who is a resident of this
4 state;

5 8. "De-identified information" means information that cannot
6 reasonably identify, relate to, describe, be associated with, or be
7 linked to, directly or indirectly, a particular consumer;

8 9. "Device" means any physical object capable of connecting to
9 the Internet, directly or indirectly, or to another device;

10 10. "Identifier" means data elements or other information that
11 alone or in conjunction with other information can be used to
12 identify a particular consumer, household or device that is linked
13 to a particular consumer or household;

14 11. "Internet service provider" means a person who provides a
15 mass-market retail service by wire or radio that provides the
16 capability to transmit data and to receive data from all or
17 substantially all Internet endpoints, including any capabilities
18 that are incidental to and enable the operations of the service,
19 excluding dial-up Internet access service;

20 12. "Person" means an individual, sole proprietorship, firm,
21 partnership, joint venture, syndicate, business trust, company,
22 corporation, limited liability company, association, committee and
23 any other organization or group of persons acting in concert;

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1 13. "Personal information" means information that identifies,
2 relates to, describes, can be associated with or can reasonably be
3 linked to, directly or indirectly, a particular consumer or
4 household. The term includes the following categories of
5 information if the information identifies, relates to, describes,
6 can be associated with or can reasonably be linked to, directly or
7 indirectly, a particular consumer or household:

- 8 a. an identifier, including a real name, alias, mailing
9 address, account name, date of birth, driver license
10 number, unique identifier, Social Security number,
11 passport number, signature, telephone number or other
12 government-issued identification number, or other
13 similar identifier,
- 14 b. an online identifier, including an electronic mail
15 address or Internet Protocol address, or other similar
16 identifier,
- 17 c. a physical characteristic or description, including a
18 characteristic of a protected classification under
19 state or federal law,
- 20 d. commercial information, including:
 - 21 (1) a record of personal property,
 - 22 (2) a good or service purchased, obtained or
23 considered,
 - 24 (3) an insurance policy number, or

- 1 (4) other purchasing or consuming histories or
2 tendencies,
- 3 e. biometric information,
- 4 f. Internet or other electronic network activity
5 information, including:
- 6 (1) browsing or search history, and
7 (2) other information regarding a consumer's
8 interaction with an Internet website, application
9 or advertisement,
- 10 g. geolocation data,
- 11 h. audio, electronic, visual, thermal, olfactory or other
12 similar information,
- 13 i. professional or employment-related information,
- 14 j. education information that is not publicly available
15 personally identifiable information under the federal
16 Family Educational Rights and Privacy Act of 1974,
- 17 k. financial information, including a financial
18 institution account number, credit or debit card
19 number, or password or access code associated with a
20 credit or debit card or bank account,
- 21 l. medical information,
- 22 m. health insurance information, or
- 23 n. inferences drawn from any of the information listed
24 under this paragraph to create a profile about a

1 consumer that reflects the consumer's preferences,
2 characteristics, psychological trends,
3 predispositions, behavior, attitudes, intelligence,
4 abilities or aptitudes;

5 14. "Processing information" means performing any operation or
6 set of operations on personal data or on sets of personal data,
7 whether or not by automated means;

8 15. "Publicly available information" means information that is
9 lawfully made available to the public from federal, state or local
10 government records or information received from widely distributed
11 media or by the consumer in the public domain. The term does not
12 include:

- 13 a. biometric information of a consumer collected by a
14 business without the consumer's knowledge or consent,
15 or
- 16 b. de-identified or aggregate consumer information;

17 16. "Service provider" means a for-profit entity as described
18 by paragraph 3 of this section that processes information on behalf
19 of a business and to which the business discloses, for a business
20 purpose, a consumer's personal information under a written contract,
21 provided that the contract prohibits the entity receiving the
22 information from retaining, using or disclosing the information for
23 any purpose other than:

- 1 a. providing the services specified in the contract with
2 the business, or
3 b. for a purpose permitted by this act, including for a
4 commercial purpose other than providing those
5 specified services;

6 17. "Third party" means a person who is not:

- 7 a. a business to which this act applies that collects
8 personal information from consumers, or
9 b. a person to whom the business discloses, for a
10 business purpose, a consumer's personal information
11 under a written contract, provided that the contract:
12 (1) prohibits the person receiving the information
13 from:
14 (a) selling the information,
15 (b) retaining, using or disclosing the
16 information for any purpose other than
17 providing the services specified in the
18 contract, including for a commercial purpose
19 other than providing those services, and
20 (c) retaining, using or disclosing the
21 information outside of the direct business
22 relationship between the person and the
23 business, and
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1 (2) includes a certification made by the person
2 receiving the personal information that the
3 person understands and will comply with the
4 prohibitions under division (1) of this
5 subparagraph;

6 18. "Unique identifier" means a persistent identifier that can
7 be used over time and across different services to recognize a
8 consumer, a custodial parent or guardian, or any minor children over
9 which the parent or guardian has custody, or a device that is linked
10 to those individuals. The term includes:

- 11 a. a device identifier,
- 12 b. an Internet Protocol address,
- 13 c. a cookie, beacon, pixel tag, mobile ad identifier or
14 similar technology,
- 15 d. a customer number, unique pseudonym or user alias,
- 16 e. a telephone number, and
- 17 f. another form of a persistent or probabilistic
18 identifier that can be used to identify a particular
19 consumer or device;

20 19. "Verifiable consumer request" means a request:

- 21 a. that is made by a consumer, a consumer on behalf of
22 the consumer's minor child, or a natural person or
23 person who is authorized by a consumer to act on the
24 consumer's behalf, and

1 b. that a business can reasonably verify, in accordance
2 with Section 19 of this act, was submitted by the
3 consumer about whom the business has collected
4 personal information; and

5 20. "Consent" means an act that clearly and conspicuously
6 communicates the individual's authorization of an act or practice
7 that is made in the absence of any mechanism in the user interface
8 that has the purpose or substantial effect of obscuring, subverting
9 or impairing decision-making or choice to obtain consent.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 901.3 of Title 17, unless there
12 is created a duplication in numbering, reads as follows:

13 A. This act applies only to:

14 1. A business that:

- 15 a. does business in this state,
16 b. collects consumers' personal information or has that
17 information collected on the business's behalf,
18 c. alone or in conjunction with others, determines the
19 purpose for and means of processing consumers'
20 personal information, and
21 d. satisfies one or more of the following thresholds:

- 22 (1) has annual gross revenue in an amount that
23 exceeds Ten Million Dollars (\$10,000,000.00),
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1 (2) alone or in combination with others, annually
2 buys, sells or receives or shares for commercial
3 purposes the personal information of fifty
4 thousand or more consumers, households or
5 devices, or

6 (3) derives twenty-five percent (25%) or more of the
7 business's annual revenue from selling consumers'
8 personal information; and

9 2. An entity that controls or is controlled by a business
10 described by paragraph 1 of this subsection and that shares the same
11 or substantially similar brand name and/or common database for
12 consumers' personal information. For purposes of this paragraph,
13 "control" means the:

14 a. ownership of, or power to vote, more than fifty
15 percent (50%) of the outstanding shares of any class
16 of voting security of a business,

17 b. control in any manner over the election of a majority
18 of the directors or of individuals exercising similar
19 functions, or

20 c. power to exercise a controlling influence over the
21 management of a company.

22 B. For purposes of this act, a business sells a consumer's
23 personal information to another business or a third party if the
24 business sells, rents, discloses, disseminates, makes available,

1 transfers or otherwise communicates, orally, in writing, or by
2 electronic or other means, the information to the other business or
3 third party for monetary or other valuable consideration.

4 C. For purposes of this act, a business does not sell a
5 consumer's personal information if:

6 1. The consumer directs the business to intentionally disclose
7 the information or uses the business to intentionally interact with
8 a third party, provided that the third party does not sell the
9 information, unless that disclosure is consistent with this act; or

10 2. The business:

11 a. uses or shares an identifier of the consumer to alert
12 a third party that the consumer has opted out of the
13 sale of the information,

14 b. uses or shares with a service provider a consumer's
15 personal information that is necessary to perform a
16 business purpose if:

17 (1) the business provided notice that the information
18 is being used or shared in the business's terms
19 and conditions consistent with Sections 13 and 17
20 of this act, and

21 (2) the service provider does not further collect,
22 sell or use the information except as necessary
23 to perform the business purpose, or

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1 c. transfers to a third party a consumer's personal
2 information as an asset that is part of a merger,
3 acquisition, bankruptcy or other transaction in which
4 the third party assumes control of all or part of the
5 business, provided that information is used or shared
6 consistent with this act.

7 D. For purposes of paragraph 1 of subsection C of this section,
8 an intentional interaction occurs if the consumer does one or more
9 deliberate acts with the intent to interact with a third party.
10 Placing a cursor over, muting, pausing or closing online content
11 does not constitute a consumer's intent to interact with a third
12 party. Instead, said deliberate act must be consent to such
13 interaction as defined herein.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 901.4 of Title 17, unless there
16 is created a duplication in numbering, reads as follows:

17 A. This act does not apply to:

- 18 1. Publicly available information;
- 19 2. Medical information governed by state privacy health laws or
20 protected health information that is collected by a covered entity
21 or business associate governed by the privacy, security and data
22 breach notification rules issued by the United States Department of
23 Health and Human Services, Parts 160 and 164 of Title 45 of the Code
24 of Federal Regulations, established pursuant to the federal Health

1 Insurance Portability and Accountability Act of 1996 (Public Law
2 104-191) and the federal Health Information Technology for Economic
3 and Clinical Health Act, Title XIII of the federal American Recovery
4 and Reinvestment Act of 2009 (Public Law 111-5);

5 3. A provider of health care, or a health plan, governed by
6 state privacy health laws or a covered entity governed by the
7 privacy, security and data breach notification rules issued by the
8 United States Department of Health and Human Services, Parts 160 and
9 164 of Title 45 of the Code of Federal Regulations, established
10 pursuant to the federal Health Insurance Portability and
11 Accountability Act of 1996 (Public Law 104-191), to the extent the
12 provider or covered entity maintains, uses and discloses patient
13 information in the same manner as medical information or protected
14 health information as described in paragraph 2 of this subsection;

15 4. A business associate of a covered entity governed by the
16 privacy, security and data breach notification rules issued by the
17 United States Department of Health and Human Services, Parts 160 and
18 164 of Title 45 of the Code of Federal Regulations, established
19 pursuant to the federal Health Insurance Portability and
20 Accountability Act of 1996 (Public Law 104-191) and the federal
21 Health Information Technology for Economic and Clinical Health Act,
22 Title XIII of the federal American Recovery and Reinvestment Act of
23 2009 (Public Law 111-5), to the extent that the business associate
24 maintains, uses and discloses patient information in the same manner

1 as medical information or protected health information as described
2 in paragraph 2 of this subsection;

- 3 5. Information that meets both of the following conditions:
- 4 a. is de-identified in accordance with the requirements
5 for de-identification set forth in Section 164.514 of
6 Part 164 of Title 45 of the Code of Federal
7 Regulations, and
 - 8 b. is derived from patient information that was
9 originally collected, created, transmitted or
10 maintained by an entity regulated by the Health
11 Insurance Portability and Accountability Act of 1996
12 or the Federal Policy for the Protection of Human
13 Subjects, also known as the Common Rule.

14 Information that meets the requirements of subparagraph a or b
15 of this paragraph but is subsequently re-identified shall no longer
16 be eligible for the exemption in this paragraph and shall be subject
17 to applicable federal and state data privacy and security laws,
18 including, but not limited to, the Health Insurance Portability and
19 Accountability Act of 1996 and state medical privacy laws;

20 6. Information that is collected, used or disclosed in
21 research, as defined in Section 164.501 of Title 45 of the Code of
22 Federal Regulations, including, but not limited to, a clinical
23 trial, and that is conducted in accordance with applicable ethics,
24 confidentiality, privacy and security rules of Part 164 of Title 45

1 of the Code of Federal Regulations, the Federal Policy for the
2 Protection of Human Subjects, also known as the Common Rule, good
3 clinical practice guidelines issued by the International Council for
4 Harmonisation, or human subject protection requirements of the
5 United States Food and Drug Administration;

6 7. The sale of personal information to or by a consumer
7 reporting agency if the information is to be:

- 8 a. reported in or used to generate a consumer report, as
9 defined by Section 1681a(d) of the Fair Credit
10 Reporting Act (15 U.S.C., Section 1681 et seq.), and
- 11 b. used solely for a purpose authorized under that act;

12 8. Personal information collected, processed, sold or disclosed
13 in accordance with:

- 14 a. the federal Gramm-Leach-Bliley Act of 1999 (Public Law
15 106-102) and its implementing regulations, or
- 16 b. the federal Driver's Privacy Protection Act of 1994
17 (18 U.S.C., Section 2721 et seq.);

18 9. De-identified or aggregate consumer information; or

19 10. A consumer's personal information collected or sold by a
20 business, if every aspect of the collection or sale occurred wholly
21 outside of this state.

22 Provided further, nothing in this act shall be deemed to apply
23 in any manner to a financial institution or an affiliate of a

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1 financial institution that is subject to the federal Gramm-Leach-
2 Bliley Act of 1999 and the rules promulgated thereunder.

3 B. For the purposes of this section, a business or other person
4 shall not re-identify, or attempt to re-identify, information that
5 has met the requirements of paragraphs 2 through 6 of subsection A
6 of this section, except for one or more of the following purposes:

7 1. Treatment, payment or health care operations conducted by a
8 covered entity or business associate acting on behalf of, and at the
9 written direction of, the covered entity. For purposes of this
10 paragraph, "treatment", "payment", "health care operations" and
11 "covered entity" have the same meaning as defined in Section 164.501
12 of Title 45 of the Code of Federal Regulations, and "business
13 associate" has the same meaning as defined in Section 160.103 of
14 Title 45 of the Code of Federal Regulations;

15 2. Public health activities or purposes as described in Section
16 164.512 of Title 45 of the Code of Federal Regulations;

17 3. Research, as defined in Section 164.501 of Title 45 of the
18 Code of Federal Regulations, that is conducted in accordance with
19 Part 46 of Title 45 of the Code of Federal Regulations and the
20 Federal Policy for the Protection of Human Subjects, also known as
21 the Common Rule;

22 4. Pursuant to a contract where the lawful holder of the de-
23 identified information expressly engages a person or entity to
24 attempt to re-identify the de-identified information in order to

1 conduct testing, analysis, or validation of de-identification, or
2 related statistical techniques, if the contract bans any other use
3 or disclosure of the re-identified information and requires the
4 return or destruction of the information that was re-identified upon
5 completion of the contract; and

6 5. If otherwise required by law.

7 C. In accordance with paragraphs 2 through 6 of subsection A of
8 this section, information re-identified pursuant to this section
9 shall be subject to applicable federal and state data privacy and
10 security laws, including, but not limited to, the Health Insurance
11 Portability and Accountability Act of 1996 and state health privacy
12 laws.

13 D. Beginning January 1, 2023, any contract for the sale or
14 license of de-identified information that has met the requirements
15 of paragraphs 2 through 6 of subsection A of this section, where one
16 of the parties is a person residing or doing business in the state,
17 shall include the following, or substantially similar, provisions:

18 1. A statement that the de-identified information being sold or
19 licensed includes de-identified patient information;

20 2. A statement that re-identification, and attempted re-
21 identification, of the de-identified information by the purchaser or
22 licensee of the information is prohibited pursuant to this section;
23 and

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1 3. A requirement that, unless otherwise required by law, the
2 purchaser or licensee of the de-identified information may not
3 further disclose the de-identified information to any third party
4 unless the third party is contractually bound by the same or
5 stricter restrictions and conditions.

6 E. For purposes of this section, "re-identify" means the
7 process of reversal of de-identification techniques, including, but
8 not limited to, the addition of specific pieces of information or
9 data elements that can, individually or in combination, be used to
10 uniquely identify an individual or usage.

11 F. For purposes of paragraph 10 of subsection A of this
12 section, the collection or sale of a consumer's personal information
13 occurs wholly outside of this state if:

14 1. The business collects that information while the consumer is
15 outside of this state;

16 2. No part of the sale of the information occurs in this state;
17 and

18 3. The business does not sell any personal information of the
19 consumer collected while the consumer is in this state.

20 G. For purposes of subsection F of this section, the collection
21 or sale of a consumer's personal information does not occur wholly
22 outside of this state if a business stores a consumer's personal
23 information, including on a device, when the consumer is in this
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1 state and subsequently collects or sells that stored information
2 when the consumer and the information are outside of this state.

3 H. For purposes of this section, all of the following shall
4 apply:

5 1. "Business associate" has the same meaning as defined in
6 Section 160.103 of Title 45 of the Code of Federal Regulations;

7 2. "Covered entity" has the same meaning as defined in Section
8 160.103 of Title 45 of the Code of Federal Regulations;

9 3. "Identifiable private information" has the same meaning as
10 defined in Section 46.102 of Title 45 of the Code of Federal
11 Regulations;

12 4. "Individually identifiable health information" has the same
13 meaning as defined in Section 160.103 of Title 45 of the Code of
14 Federal Regulations;

15 5. "Medical information" means any individually identifiable
16 information, in electronic or physical form, in possession of or
17 derived from a provider of health care, health care service plan,
18 pharmaceutical company, or contractor regarding a patient's medical
19 history, mental or physical condition, or treatment;

20 6. "Patient information" means identifiable private
21 information, protected health information individually identifiable
22 health information, or medical information;

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1 7. "Protected health information" has the same meaning as
2 defined in Section 160.103 of Title 45 of the Code of Federal
3 Regulations; and

4 8. "Provider of health care" means a person or entity that is a
5 covered entity.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 901.5 of Title 17, unless there
8 is created a duplication in numbering, reads as follows:

9 A right or obligation under this act does not apply to the
10 extent that the exercise of the right or performance of the
11 obligation infringes on a noncommercial activity of:

12 1. A publisher, editor, reporter or other person connected with
13 or employed by a newspaper, magazine or other publication of general
14 circulation, including a periodical newsletter, pamphlet or report;

15 2. A radio or television station that holds a license issued by
16 the Federal Communications Commission; or

17 3. An entity that provides an information service, including a
18 press association or wire service.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 901.6 of Title 17, unless there
21 is created a duplication in numbering, reads as follows:

22 This act does not:

23 1. Restrict a business's ability to:

24 a. comply with:

- 1 (1) applicable federal, state or local laws, or
2 (2) a civil, criminal or regulatory inquiry,
3 investigation, subpoena or summons by a federal,
4 state or local authority,

5 b. cooperate with a law enforcement agency concerning
6 conduct or activity that the business, a service
7 provider of the business or a third party reasonably
8 and in good faith believes may violate other
9 applicable federal, state or local laws,

10 c. pursue or defend against a legal claim,

11 d. detect a security incident; protect against malicious,
12 deceptive, fraudulent or illegal activity; or
13 prosecute those responsible for any illegal activity
14 described by this paragraph, or

15 e. assist another party with any of the foregoing; or

16 2. Require a business to violate an evidentiary privilege under
17 federal or state law or prevent a business from disclosing to a
18 person covered by an evidentiary privilege the personal information
19 of a consumer as part of a privileged communication.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 901.7 of Title 17, unless there
22 is created a duplication in numbering, reads as follows:
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1 A. This act shall be liberally construed to effect its purposes
2 and to harmonize, to the extent possible, with other laws of this
3 state relating to the privacy or protection of personal information.

4 B. To the extent of a conflict between a provision of this act
5 and a provision of federal law, including a regulation or an
6 interpretation of federal law, federal law controls and conflicting
7 requirements or other provisions of this act do not apply. Further,
8 should the federal government pass comprehensive data privacy
9 regulations that conflict with the provisions herein, federal law
10 shall prevail.

11 C. To the extent of a conflict between a provision of this act
12 and another statute of this state with respect to the privacy or
13 protection of consumers' personal information, the provision of law
14 that affords the greatest privacy or protection to consumers
15 prevails.

16 SECTION 8. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 901.8 of Title 17, unless there
18 is created a duplication in numbering, reads as follows:

19 This act preempts and supersedes any ordinance, order or rule
20 adopted by a political subdivision of this state relating to the
21 collection or sale by a business of a consumer's personal
22 information.

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1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.9 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 Except as used in Section 4 of this act, for purposes of this
5 act, "research" means scientific, systematic study and observation,
6 including basic research or applied research that is in the public
7 interest and that adheres to all other applicable ethics and privacy
8 laws or studies conducted in the public interest in the area of
9 public health. Research with personal information that may have
10 been collected from a consumer in the course of the consumer's
11 interactions with a business's service or device for other purposes
12 must:

13 1. Be compatible with the business purpose for which the
14 personal information was collected;

15 2. Be subsequently pseudonymized and de-identified, or de-
16 identified and in the aggregate, such that the information cannot
17 reasonably identify, relate to, describe, be capable of being
18 associated with, or be linked, directly or indirectly, to a
19 particular consumer;

20 3. Be made subject to technical safeguards that prohibit re-
21 identification of the consumer to whom the information may pertain;

22 4. Be subject to business processes that specifically prohibit
23 re-identification of the information;

24

1 5. Be made subject to business processes to prevent inadvertent
2 release of de-identified information;

3 6. Be protected from any re-identification attempts;

4 7. Be used solely for research purposes that are compatible
5 with the context in which the personal information was collected;

6 8. Not be used for any commercial purpose; and

7 9. Be subjected by the business conducting the research to
8 additional security controls that limit access to the research data
9 to only those individuals in a business as are necessary to carry
10 out the research purpose.

11 SECTION 10. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 901.10 of Title 17, unless there
13 is created a duplication in numbering, reads as follows:

14 A. A consumer is entitled to request that a business that
15 collects the consumer's personal information disclose to the
16 consumer the categories and specific items of personal information
17 the business has collected.

18 B. To receive the disclosure of information under subsection A
19 of this section, a consumer must submit to the business a verifiable
20 consumer request using a method designated by the business under
21 Section 18 of this act.

22 C. On receipt of a verifiable consumer request under this
23 section, a business shall disclose to the consumer in the time and
24 manner provided by Section 20 of this act:

1 1. Each enumerated category and item within each category of
2 personal information under paragraph 13 of Section 2 of this act
3 that the business collected about the consumer during the twelve
4 (12) months preceding the date of the request;

5 2. Each category of sources from which the information was
6 collected;

7 3. The business or commercial purpose for collecting or selling
8 the personal information; and

9 4. Each category of third parties with whom the business shares
10 the personal information.

11 D. This section does not require a business to:

12 1. Retain a consumer's personal information that was collected
13 for a one-time transaction if the information is not sold or
14 retained in the ordinary course of business; or

15 2. Re-identify or otherwise link any data that, in the ordinary
16 course of business, is not maintained in a manner that would be
17 considered personal information.

18 SECTION 11. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 901.11 of Title 17, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A consumer is entitled to request that a business that
22 collects the consumer's personal information delete any personal
23 information the business has collected from the consumer by

24

1 submitting a verifiable consumer request using a method designated
2 by the business under Section 18 of this act.

3 B. Except as provided by subsection C of this section, on
4 receipt of a verifiable consumer request under this section, a
5 business shall delete from the business's records any personal
6 information collected from the consumer and direct a service
7 provider of the business to delete the information from the
8 provider's records in the time provided for in Section 20 of this
9 act.

10 C. A business or service provider of the business is not
11 required to comply with a verifiable consumer request received under
12 this section if the business or service provider needs to retain the
13 consumer's personal information to:

14 1. Complete the transaction for which the information was
15 collected;

16 2. Provide a good or service requested by the consumer in the
17 context of the ongoing business relationship between the business
18 and consumer;

19 3. Perform under a contract between the business and the
20 consumer;

21 4. Detect a security incident; protect against malicious,
22 deceptive, fraudulent or illegal activity; or prosecute those
23 responsible for any illegal activity described by this paragraph;

24

1 5. Identify and repair or remove errors from computer hardware
2 or software that impair its intended functionality;

3 6. Exercise free speech or ensure the right of another consumer
4 to exercise the right of free speech or another right afforded by
5 law;

6 7. Comply with a court order or subpoena or other lawful
7 process; or

8 8. Engage in public or peer-reviewed scientific, historical or
9 statistical research that is in the public interest and that adheres
10 to all other applicable ethics and privacy laws, provided that:

11 a. the business's deletion of the information is likely
12 to render impossible or seriously impair the
13 achievement of that research, and

14 b. the consumer has previously provided to the business
15 informed consent to retain the information for such
16 use.

17 D. Where a business, service provider or third party has made a
18 consumer's personal information public, said business, service
19 provider or third party shall:

20 1. Take all reasonable steps, including technical measures, to
21 erase the personal information that the business, service provider
22 or third party made public, taking into account available technology
23 and the cost of implementation; and

24

1 2. Advise any other business, service provider or third party
2 with whom a contract regarding the consumer exists that the consumer
3 has requested the erasure of any links to, copies of or replication
4 of that personal information.

5 SECTION 12. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 901.12 of Title 17, unless there
7 is created a duplication in numbering, reads as follows:

8 A. A consumer is entitled to request that a business that
9 sells, or discloses for a business purpose, the consumer's personal
10 information disclose to the consumer:

11 1. The categories of personal information the business
12 collected about the consumer;

13 2. The categories of personal information about the consumer
14 the business sold, or disclosed for a business purpose; and

15 3. The categories of third parties to whom the personal
16 information was sold or disclosed.

17 B. To receive the disclosure of information under subsection A
18 of this section, a consumer must submit to the business a verifiable
19 consumer request using a method designated by the business under
20 Section 18 of this act.

21 C. On receipt of a verifiable consumer request under this
22 section, a business shall disclose to the consumer in the time and
23 manner provided by Section 20 of this act:

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1 1. Each enumerated category of personal information under
2 paragraph 13 of Section 2 of this act that the business collected
3 about the consumer during the twelve (12) months preceding the date
4 of the request;

5 2. The categories of third parties to whom the business sold
6 the consumer's personal information during the twelve (12) months
7 preceding the date of the request by reference to each enumerated
8 category of information under paragraph 13 of Section 2 of this act
9 sold to each third party; and

10 3. The categories of third parties to whom the business
11 disclosed for a business purpose the consumer's personal information
12 during the twelve (12) months preceding the date of the request by
13 reference to each enumerated category of information under paragraph
14 13 of Section 2 of this act disclosed to each third party.

15 D. A business shall provide the information described by
16 paragraphs 2 and 3 of subsection C of this section in two separate
17 lists.

18 E. A business that did not sell, or disclose for a business
19 purpose, the consumer's personal information during the twelve (12)
20 months preceding the date of receiving the consumer's verifiable
21 consumer request under this section shall disclose that fact to the
22 consumer.

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1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.13 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A consumer is entitled at any time to opt out of the sale of
5 the consumer's personal information by a business to third parties
6 by directing the business not to sell the information. A consumer
7 may authorize another person solely to opt out of the sale of the
8 consumer's personal information on the consumer's behalf. A
9 business shall comply with a direction not to sell that is received
10 under this subsection.

11 B. To exercise the right to opt out specified in subsection A
12 of this section, a consumer shall submit to the business a
13 verifiable consumer request using a method designated by the
14 business under Section 18 of this act.

15 C. A business that sells consumers' personal information to a
16 third party shall provide on the business's Internet website:

17 1. Notice to consumers that:

18 a. the information may be sold,

19 b. identifies the categories of persons to whom the
20 information will or could be sold, and

21 c. consumers have the right to opt in to the sale; and

22 2. A clear and conspicuous link that enables a consumer, or
23 person authorized by the consumer, to opt in to the sale of the
24 consumer's personal information.

1 D. A business may not sell to a third party the personal
2 information of a consumer who does not opt in to the sale of that
3 information after the effective date of this act or after a consumer
4 submits a verifiable request to opt out of any future sale.

5 E. A business may use any personal information collected from
6 the consumer in connection with the consumer's opting out under this
7 section solely to comply with this section.

8 F. A third party to whom a business has sold the personal
9 information of a consumer may not sell the information unless the
10 consumer receives explicit notice of the potential sale and is
11 provided the opportunity to, and in fact does, exercise the right to
12 opt in to the sale as provided by this section.

13 G. A business may not require a consumer to create an account
14 with the business to opt in to the sale of the consumer's personal
15 information.

16 H. A business or service provider shall implement and maintain
17 reasonable security procedures and practices, including
18 administrative, physical and technical safeguards appropriate to the
19 nature of the information and the purposes for which the personal
20 information will be used, to protect consumers' personal information
21 from unauthorized use, disclosure, access, destruction or
22 modification, irrespective of whether a customer has opted in or out
23 of a sale of data.

24

1 SECTION 14. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.14 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Legislature of the State of Oklahoma finds that
5 individuals within Oklahoma have a right to prohibit retention, use
6 or disclosure of their own personal data.

7 B. The Legislature of the State of Oklahoma further finds that
8 individuals within Oklahoma have previously been exploited for
9 monetary gain and manipulation by private ventures in utilization of
10 private data.

11 C. The Legislature of the State of Oklahoma further finds that
12 the protection of individuals within Oklahoma and their data is a
13 core governmental function in order to protect the health, safety
14 and welfare of individuals within Oklahoma.

15 D. The Legislature of the State of Oklahoma further finds that
16 the terms and conditions set forth in this act are the least
17 restrictive alternative necessary to protect individuals within
18 Oklahoma and their rights and that the use of a strictly "opt-out"
19 method for data privacy is ineffectual and poses an immediate risk
20 to the health, safety and welfare of individuals within Oklahoma.

21 SECTION 15. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 901.15 of Title 17, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. A provision of a contract or other agreement that purports
2 to waive or limit a right, remedy or means of enforcement under this
3 act is contrary to public policy and is void.

4 B. This section does not prevent a consumer from:

5 1. Declining to request information from a business;

6 2. Declining to opt in to a business's sale of the consumer's
7 personal information; or

8 3. Authorizing a business to sell the consumer's personal
9 information after previously opting out.

10 SECTION 16. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 901.16 of Title 17, unless there
12 is created a duplication in numbering, reads as follows:

13 A. After the effective date of this act, a business shall not
14 collect a consumer's personal information directly from the consumer
15 prior to notifying the consumer of each category of personal
16 information to be collected and for what purposes information will
17 be used, as well as obtaining the consumer's consent, which may be
18 provided electronically by the consumer, to collect a consumer's
19 personal information.

20 B. A business may not collect an additional category of
21 personal information directly from the consumer or use personal
22 information collected for an additional purpose unless the business
23 provides notice to the consumer of the additional category or
24 purpose in accordance with subsection A of this section.

1 C. If a third party that assumes control of all or part of a
2 business as described by subparagraph c of paragraph 2 of subsection
3 C of Section 3 of this act materially alters the practices of the
4 business in how personal information is used or shared, and the
5 practices are materially inconsistent with a notice provided to a
6 consumer under subsection A or B of this section, the third party
7 must notify the consumer of the third party's new or changed
8 practices in a conspicuous manner that allows the consumer to easily
9 exercise a right provided under this act before the third party uses
10 or shares the personal information.

11 D. Subsection C of this section does not authorize a business
12 to make a material, retroactive change or other change to a
13 business's privacy policy in a manner that would be a deceptive
14 trade practice actionable under Oklahoma law.

15 SECTION 17. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 901.17 of Title 17, unless there
17 is created a duplication in numbering, reads as follows:

18 A. A business that collects, sells or for a business purpose
19 discloses a consumer's personal information shall disclose the
20 following information in the business's online privacy policy or
21 other notice of the business's policies:

22 1. A description of a consumer's rights under Sections 10, 11,
23 12, 13 and 16 of this act and designated methods for submitting a
24 verifiable consumer request under this act;

1 2. For a business that collects personal information about
2 consumers, a description of the consumer's right to request the
3 deletion of the consumer's personal information;

4 3. Separate lists containing the categories of consumers'
5 personal information described by paragraph 13 of Section 2 of this
6 act that, during the twelve (12) months preceding the date the
7 business updated the information as required by subsection C of this
8 section, the business:

- 9 a. collected,
- 10 b. sold, if applicable, or
- 11 c. disclosed for a business purpose, if applicable;

12 4. The categories of sources from which the information under
13 paragraph 3 of this subsection is collected;

14 5. The business or commercial purposes for collecting personal
15 information;

16 6. If the business does not sell consumers' personal
17 information or disclose the information for a business or commercial
18 purpose, a statement of that fact;

19 7. The categories of third parties to whom the business sells
20 or discloses personal information;

21 8. If the business sells consumers' personal information, the
22 Internet link required by subsection C of Section 13 of this act;

23 and

24

1 9. If applicable, the financial incentives offered to consumers
2 under Section 23 of this act.

3 B. If a business described by subsection A of this section does
4 not have an online privacy policy or other notice of the business's
5 policies, the business shall make the information required under
6 subsection A of this section available to consumers on the
7 business's Internet website or another website the business
8 maintains that is dedicated to consumers in this state.

9 C. A business must update the information required by
10 subsection A of this section at least once each year.

11 SECTION 18. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 901.18 of Title 17, unless there
13 is created a duplication in numbering, reads as follows:

14 A. A business shall designate and make available to consumers,
15 in a form that is reasonably accessible, at least two methods for
16 submitting a verifiable consumer request for information required to
17 be disclosed or deleted under this act. The methods must include,
18 at a minimum:

19 1. A toll-free telephone number that a consumer may call to
20 submit the request; and

21 2. The business's Internet website at which the consumer may
22 submit the request.

23 B. The methods designated under subsection A of this section
24 may also include:

- 1 1. A mailing address;
- 2 2. An electronic mail address; or
- 3 3. Another Internet webpage or portal.

4 C. A business may not require a consumer to create an account
5 with the business to submit a verifiable consumer request.

6 SECTION 19. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 901.19 of Title 17, unless there
8 is created a duplication in numbering, reads as follows:

9 A. A business that receives a verifiable consumer request under
10 Section 10, 11, 12 or 13 of this act shall promptly take steps to
11 reasonably verify that:

12 1. The consumer who is the subject of the request is a consumer
13 about whom the business has collected, sold, or for a business
14 purpose disclosed personal information; and

15 2. The request is made by:

16 a. the consumer,

17 b. a consumer on behalf of the consumer's minor child, or

18 c. a person authorized to act on the consumer's behalf.

19 B. A business may use any personal information collected from
20 the consumer in connection with the business's verification of a
21 request under this section solely to verify the request.

22 C. A business that is unable to verify a consumer request under
23 this section is not required to comply with the request.

24

1 SECTION 20. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.20 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Not later than forty-five (45) days after the date a
5 business receives a verifiable consumer request under Section 10,
6 11, 12 or 13 of this act, the business shall disclose free of charge
7 to the consumer the information required to be disclosed under those
8 sections or take the requested actions, as applicable.

9 B. A business may extend the time in which to comply with
10 subsection A of this section once by an additional forty-five (45)
11 days if reasonably necessary or by an additional ninety (90) days
12 after taking into account the number and complexity of verifiable
13 consumer requests received by the business. A business that extends
14 the time in which to comply with subsection A of this section shall
15 notify the consumer of the extension and reason for the delay within
16 the period prescribed by that subsection.

17 C. The disclosure required by subsection A of this section
18 must:

19 1. Cover personal information collected, sold or disclosed for
20 a business purpose, as applicable, during the twelve (12) months
21 preceding the date the business receives the request; and

22 2. Be made in writing and delivered to the consumer:
23
24

1 a. by mail or electronically, at the consumer's option,
2 if the consumer does not have an account with the
3 business, or

4 b. through the consumer's account with the business.

5 D. An electronic disclosure under subsection C of this section
6 must be in a readily accessible format that allows the consumer to
7 electronically transmit the information to another person or entity.

8 E. A business is not required to make the disclosure required
9 by subsection A of this section to the same consumer more than once
10 in a twelve-month period.

11 F. Notwithstanding subsection A of this section, if a
12 consumer's verifiable consumer request is manifestly baseless or
13 excessive, in particular because of repetitiveness, a business may
14 charge a reasonable fee after taking into account the administrative
15 costs of compliance or refusal to comply with the request. The
16 business has the burden of demonstrating that a request is
17 manifestly baseless or excessive.

18 G. A business that does not comply with a consumer's verifiable
19 consumer request under subsection A of this section shall notify the
20 consumer, within the time the business is required to respond to a
21 request under this section, of the reasons for the refusal and the
22 rights the consumer may have to appeal that decision.

1 SECTION 21. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.21 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A business that uses de-identified information may not re-
5 identify or attempt to re-identify a consumer who is the subject of
6 de-identified information without obtaining the consumer's consent
7 or authorization.

8 B. A business that uses de-identified information shall
9 implement:

10 1. Technical safeguards and business processes to prohibit re-
11 identification of the consumer to whom the information may pertain;
12 and

13 2. Business processes to prevent inadvertent release of de-
14 identified information.

15 C. This act may not be construed to require a business to re-
16 identify or otherwise link information that is not maintained in a
17 manner that would be considered personal information.

18 SECTION 22. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 901.22 of Title 17, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A business may not discriminate against a consumer because
22 the consumer exercised a right under this act, including by:

23 1. Denying a good or service to the consumer;

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1 2. Charging the consumer a different price or rate for a good
2 or service, including denying the use of a discount or other benefit
3 or imposing a penalty;

4 3. Providing a different level or quality of a good or service
5 to the consumer; or

6 4. Suggesting that the consumer will be charged a different
7 price or rate for, or provided a different level or quality of, a
8 good or service.

9 B. This section does not prohibit a business from offering or
10 charging a consumer a different price or rate for a good or service,
11 or offering or providing to the consumer a different level or
12 quality of a good or service, if the difference is reasonably
13 related to the value provided to the consumer by the consumer's
14 data.

15 SECTION 23. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 901.23 of Title 17, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Subject to subsection B of this section, a business may
19 offer a financial incentive to a consumer, including a payment as
20 compensation, for the collection, sale or disclosure of the
21 consumer's personal information.

22 B. A business may enroll a customer in a financial incentive
23 program only if the business provides to the consumer a clear
24

1 description of the material terms of the program and obtains the
2 consumer's prior opt-in consent, which:

- 3 1. Contains a clear description of those material terms; and
- 4 2. May be revoked by the consumer at any time.

5 C. A business may not use financial incentive practices that
6 are unjust, unreasonable, coercive or usurious in nature.

7 SECTION 24. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 901.24 of Title 17, unless there
9 is created a duplication in numbering, reads as follows:

10 A. A business may not divide a single transaction into more
11 than one transaction with the intent to avoid the requirements of
12 this act.

13 B. For purposes of this act, two or more substantially similar
14 or related transactions are considered a single transaction if the
15 transactions:

- 16 1. Are entered into contemporaneously; and
- 17 2. Have at least one common party.

18 C. A court shall disregard any intermediate transactions
19 conducted by a business with the intent to avoid the requirements of
20 this act, including the disclosure of information by a business to a
21 third party to avoid complying with the requirements under this act
22 applicable to a sale of the information.

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1 SECTION 25. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.25 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A business shall ensure that each person responsible for
5 handling consumer inquiries about the business's privacy practices
6 or compliance with this act is informed of the requirements of this
7 act and of how to direct a consumer in exercising any of the rights
8 to which a consumer is entitled under this act.

9 SECTION 26. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 901.26 of Title 17, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A person who violates this act is liable to this state for
13 injunctive relief and/or a civil penalty in an amount not to exceed:

14 1. Two Thousand Five Hundred Dollars (\$2,500.00) for each
15 violation; or

16 2. Seven Thousand Five Hundred Dollars (\$7,500.00) for each
17 violation, if the violation is intentional.

18 B. The Oklahoma Attorney General is entitled to recover
19 reasonable expenses, including reasonable attorney fees, court costs
20 and investigatory costs, incurred in obtaining injunctive relief or
21 civil penalties, or both, under this section. Amounts collected
22 under this section shall be deposited in a dedicated account in the
23 General Revenue Fund and shall be appropriated only for the purposes
24 of the administration and enforcement of this act.

1 SECTION 27. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 901.27 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A business that discloses to a third party, or discloses for a
5 business purpose to a service provider, a consumer's personal
6 information in compliance with this act may not be held liable for a
7 violation of this act by the third party or service provider if the
8 business does not have actual knowledge or a reasonable belief that
9 the third party or service provider intends to violate this act.

10 SECTION 28. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 901.28 of Title 17, unless there
12 is created a duplication in numbering, reads as follows:

13 A business's service provider may not be held liable for a
14 violation of this act by the business.

15 SECTION 29. This act shall become effective January 1, 2023.

16 Passed the House of Representatives the 4th day of March, 2021.

17

18

19

Presiding Officer of the House
of Representatives

20

21

Passed the Senate the ____ day of _____, 2021.

22

23

Presiding Officer of the Senate

24