

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 2968

By: Walke

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5
6 AS INTRODUCED

7 An Act relating to privacy of computer data; enacting
8 the Oklahoma Computer Data Privacy Act of 2022;
9 providing intent and construction; defining terms;
10 prescribing that the Attorney General is responsible
11 for enforcement; providing disclosure requirements;
12 providing limitations; providing consumers the right
13 to opt out of data collection; providing consumers
14 the right to deletion of their information; providing
15 exceptions to request for deletion of information;
16 providing consumers with the right to request for an
17 audit of their information; providing consumers with
18 the right to have their personal information
19 corrected; requiring business to not discriminate;
20 providing guidelines for implementation; providing
21 exemptions; preempting intermediate transactions from
22 circumventing regulations; providing waivers are void
23 and unenforceable; prohibiting businesses from
24 modifying or manipulating user interfaces to obscure,
subvert or impair user autonomy, decision-making or
choice; providing severability of provisions;
providing for codification; and providing an
effective date.

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 20m-1 of Title 74, unless there
is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Oklahoma
2 Computer Data Privacy Act of 2022".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 20m-2 of Title 74, unless there
5 is created a duplication in numbering, reads as follows:

6 The Oklahoma Legislature acknowledges the people's
7 Constitutional right to privacy and further acknowledges that any
8 collection of Oklahoma citizens' data without their knowledge and
9 consent is a violation of such right to privacy. This act is
10 intended to complement other data privacy laws, both state and
11 federal, and to the extent there is a conflict with a state law, the
12 law conferring the greatest privacy shall control. Further, the
13 Oklahoma Legislature has determined the provisions of this act are
14 the least restrictive possible.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 20m-3 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 As used in this act:

19 1. "Aggregate consumer information" means information that
20 relates to a group of consumers, from which individual consumer
21 identities have been removed, that is not linked or reasonably
22 linkable to any consumer or household, including via a device.
23 Aggregate consumer information does not mean one or more individual
24 consumer records that have been de-identified;

1 2. "Biometric information" means an individual's physiological,
2 biological or behavioral characteristics or an electronic
3 representation of such, including an individual's deoxyribonucleic
4 acid (DNA), that can be used, singly or in combination with each
5 other or with other identifying data, to establish an individual's
6 identity. Biometric information includes, but is not limited to,
7 imagery of the iris, retina, fingerprint, face, hand, palm, vein
8 patterns, and voice recordings from which an identifier template,
9 such as a faceprint, a minutiae template, or a voiceprint, can be
10 extracted, and keystroke patterns or rhythms, gait patterns or
11 rhythms, and sleep, health, or exercise data that contain
12 identifying information;

13 3. "Business" means:

14 a. a sole proprietorship, partnership, limited liability
15 company, corporation, association, or other legal
16 entity that collects consumers' personal information,
17 or on the behalf of which such information is
18 collected and that alone, or jointly with others,
19 determines the purposes and means of the processing of
20 consumers' personal information, that does business in
21 the State of Oklahoma, and that satisfies one or more
22 of the following thresholds:
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- 1 (1) has annual gross revenues in excess of Ten
2 Million Dollars (\$10,000,000.00) in the preceding
3 calendar year,
4 (2) alone or in combination, annually buys, receives,
5 shares, or discloses for commercial purposes,
6 alone or in combination, the personal information
7 of twenty-five thousand or more consumers,
8 households or devices, or
9 (3) derives fifty percent (50%) or more of its annual
10 revenues from sharing consumers' personal
11 information,

12 b. any entity that controls or is controlled by a
13 business, as defined in subparagraph a of this
14 paragraph, and that shares common branding with the
15 business and with whom the business shares consumers'
16 personal information. "Control" or "controlled" means
17 ownership of, or the power to vote, more than fifty
18 percent (50%) of the outstanding shares of any class
19 of voting security of a business; control in any
20 manner over the election of a majority of the
21 directors, or of individuals exercising similar
22 functions; or the power to exercise a controlling
23 influence over the management of a company. "Common
24 branding" means a shared name, service mark, or

1 trademark, such that the average consumer would
2 understand that two or more entities are commonly
3 owned,

4 c. a joint venture or partnership composed of businesses
5 in which each business has at least a forty-percent-
6 interest. For purposes of this act, the joint venture
7 or partnership and each business that comprises the
8 joint venture or partnership shall separately be
9 considered a single business, except that personal
10 information in the possession of each business and
11 disclosed to the joint venture or partnership shall
12 not be shared with the other businesses;

13 4. "Collects", "collected", or "collection" means buying,
14 renting, gathering, obtaining, receiving, or accessing any personal
15 information pertaining to a consumer by any means. This includes
16 receiving information from the consumer, either actively or
17 passively, or by observing the consumer's behavior;

18 5. "Commercial purposes" means to advance a person's commercial
19 or economic interests, such as by inducing another person to buy,
20 rent, lease, join, subscribe to, provide, or exchange products,
21 goods, property, information or services, or enabling or effecting,
22 directly or indirectly, a commercial transaction. Commercial
23 purposes do not include engaging in speech that state or federal
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1 courts have recognized as noncommercial speech, including political
2 speech and journalism.

3 6. "Consumer" means a natural person who is an Oklahoma
4 resident. It does not include an employee or contractor of a
5 business acting in his or her role as an employee or contractor;

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

- 10 a. takes reasonable measures to ensure that the data
11 could not be reidentified,
- 12 b. publicly commits to maintain and use the data in a de-
13 identified fashion and not to attempt to reidentify
14 the data, and
- 15 c. contractually prohibits downstream recipients from
16 attempting to reidentify the data;

17 8. "Designated methods for submitting requests" means a mailing
18 address, email address, Internet web page, Internet web portal,
19 telephone number, or other applicable contact information, whereby
20 consumers may submit a request under this act;

21 9. "Device" means any physical object that is capable of
22 connecting to the Internet, directly or indirectly, or to another
23 device;

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1 10. "Intentionally interacts" means when the consumer intends
2 to interact with a person via one or more deliberate interactions,
3 such as visiting the person's website or purchasing a good or
4 service from the person. Hovering over, muting, pausing, or closing
5 a given piece of content, or using a communications service to
6 interact with a third-party website, does not constitute a
7 consumer's intent to interact with a person;

8 11. "Operational purpose" means the use of personal information
9 when reasonably necessary and proportionate to achieve one of the
10 following purposes, if such usage is limited to the first-party
11 relationship and customer experience:

- 12 a. debugging to identify and repair errors that impair
13 existing intended functionality,
- 14 b. undertaking internal research for technological
15 development, analytics, and product improvement, based
16 on information collected by the business,
- 17 c. undertaking activities to verify or maintain the
18 quality or safety of a service or device that is
19 owned, manufactured, manufactured for, or controlled
20 by the business, or to improve, upgrade, or enhance
21 the service or device that is owned, manufactured,
22 manufactured for, or controlled by the business,
- 23 d. customization of content based on information
24 collected by the business, or

1 e. customization of advertising or marketing based on
2 information collected by the business;

3 12. "Person" means an individual, proprietorship, firm,
4 partnership, joint venture, syndicate, business trust, company,
5 corporation, limited liability company, association, committee, and
6 any other organization or group of persons acting in concert;

7 13. "Personal information" means information that identifies or
8 could reasonably be linked, directly or indirectly, with a
9 particular consumer, household, or consumer device. Personal
10 information does not include publicly available information. For
11 the purposes of this paragraph, publicly available means information
12 that is lawfully made available from federal, state or local
13 government records. Personal information does not include consumer
14 information that is de-identified or aggregate consumer information;

15 14. "Processing" means any operation or set of operations that
16 are performed on personal information or on sets of personal
17 information, whether or not by automated means;

18 15. "Service" or "services" means work, labor, and services,
19 including services furnished in connection with the production, sale
20 or repair of goods;

21 16. "Service provider" means a person who processes personal
22 information on behalf of a business and to which the business
23 discloses a consumer's personal information pursuant to a written or
24 electronic contract, provided that:

- 1 a. the contract prohibits the person from retaining,
2 using, or disclosing the personal information for any
3 purpose other than for the specific purpose of
4 performing the services specified in the contract for
5 the business, including a prohibition on retaining,
6 using, or disclosing the personal information for a
7 commercial purpose other than providing the services
8 specified in the contract with the business, and
- 9 b. the service provider does not combine the personal
10 information which the service provider receives from,
11 or on behalf of, the business with personal
12 information which the service provider receives from,
13 or on behalf of, another person or persons, or
14 collects from its own interaction with consumers;

15 17. "Share" means renting, releasing, disclosing,
16 disseminating, making available, transferring, or otherwise
17 communicating orally, in writing, or by electronic or other means, a
18 consumer's personal information by the business to a third party for
19 monetary or other valuable consideration, or otherwise for a
20 commercial purpose. For purposes of this act, a business does not
21 share personal information when:

- 22 a. a consumer uses or directs the business to
23 intentionally disclose personal information or uses
24 the business to intentionally interact with one or

1 more third parties, provided the third party or
2 parties do not also share the personal information,
3 unless that disclosure would be consistent with the
4 provisions of this act,

5 b. the business discloses the personal information of a
6 consumer with a service provider and the business has
7 provided notice that the information is being used or
8 disclosed in its terms and conditions consistent with
9 Section 5 of this act, and

10 c. when a business transfers to a third party the
11 personal information of a consumer as an asset that is
12 part of a merger, acquisition, bankruptcy, or other
13 transaction in which the third party assumes control
14 of all or part of the business; provided that
15 information is used or disclosed consistently with
16 this act. A third party may not materially alter how
17 it uses or discloses the personal information of a
18 consumer in a manner that is materially inconsistent
19 with the promises made at the time of collection;

20 18. "Third party" means a person who is not any of the
21 following:

22 a. the business with whom the consumer intentionally
23 interacts and that collects personal information from
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1 the consumer as part of the consumer's current
2 interaction with the business under this act, or

3 b. a service provider to whom the business discloses a
4 consumer's personal information pursuant to a written
5 contract, which includes a certification made by the
6 person receiving the personal information that the
7 person understands the restrictions created under this
8 act and will comply with them; and

9 19. "Verifiable consumer request" means a request that is made
10 by a consumer, by a consumer on behalf of the consumer's minor
11 child, or by a natural person or a person registered with the
12 Secretary of State, authorized by the consumer to act on the
13 consumer's behalf, and that the business can reasonably verify. A
14 business is not obligated to provide any personal information to a
15 consumer pursuant to Section 8 of this act, to delete personal
16 information pursuant to Section 6 of this act, or to correct
17 inaccurate personal information pursuant to Section 9 of this act,
18 if the business cannot verify that the consumer making the request
19 is the consumer about whom the business has collected personal
20 information or is a person authorized by the consumer to act on such
21 consumer's behalf.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 20m-4 of Title 74, unless there
24 is created a duplication in numbering, reads as follows:

1 The Attorney General shall be responsible for enforcing this
2 act. Any person, business, or service provider that violates this
3 act may be liable for a civil penalty of up to Seven Thousand Five
4 Hundred Dollars (\$7,500.00) for each intentional violation and up to
5 Two Thousand Five Hundred Dollars (\$2,500.00) for each unintentional
6 violation. The court may consider punitive damages in addition to
7 the statutorily provided damages if requested by the Attorney
8 General. Additionally, the Attorney General may seek injunctive
9 relief to prevent repetitive violations of this act. The Attorney
10 General shall be entitled to recover all reasonable fees and costs,
11 including any expert witness fees, if a prevailing party. Any funds
12 recovered under this statute shall be retained in a dedicated
13 revolving account for the Attorney General.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 20m-5 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 A business covered by this act shall disclose the following
18 information to consumers in a clear and conspicuous manner in its
19 privacy policies, which shall be written in plain language and shall
20 be available prior to any data collection, and shall be updated if
21 any terms or conditions change:

22 1. The manner and method by which a consumer may exercise his
23 or her rights pursuant to Sections 6, 7, 8, and 9 of this act;

24 2. The personal information collected from consumers;

1 3. The reasons the business collects, discloses, or retains
2 personal information;

3 4. Whether the business discloses personal information and, if
4 so, what information is disclosed and to whom;

5 5. Whether the business shares personal information with
6 service providers and, if so, the categories of service providers;
7 and

8 6. The length of time that the business retains personal
9 information.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 20m-6 of Title 74, unless there
12 is created a duplication in numbering, reads as follows:

13 A. A business covered by this act shall only collect and/or
14 share information with third parties that is reasonably necessary to
15 provide a good or service to a consumer who has requested the same
16 or is reasonably necessary for security purposes or fraud detection.
17 The monetization of personal information shall never be considered
18 reasonably necessary for any purpose.

19 B. A business covered by this act shall limit its use and
20 retention of a consumer's personal information to that which is
21 reasonably necessary to provide a service or conduct an activity
22 that a consumer has requested or for a related operational purpose.

23 C. A business covered by this act shall apprise any consumer
24 whose data is collected that the consumer has the right to opt out

1 of personalized advertising and the business shall have the duty to
2 comply with the request promptly and free of charge. Such
3 notification shall be made in a clear and conspicuous manner on the
4 business's homepage.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 20m-7 of Title 74, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Consumers have the right to request that a business delete
9 any personal information retained by the business about the
10 consumer, and a business covered by this act shall inform consumers
11 of such right in accordance with Section 5 of this act.

12 B. Upon receipt of a verifiable consumer request to delete a
13 consumer's personal information, a business shall delete the
14 personal information from its records and advise any service
15 providers holding the consumer's personal information to delete the
16 consumer's personal information as well.

17 C. If the consumer's personal information is necessary:

18 1. To complete the transaction that was requested by the
19 consumer;

20 2. To fulfill contractual obligations between the consumer and
21 the business;

22 3. To detect or act upon security threats, including malicious
23 or illegal activities, to prosecute individuals responsible for
24 security threats;

- 1 4. To ensure quality control functions;
- 2 5. To exercise constitutionally protected speech;
- 3 6. To engage in public- or peer-reviewed research that adheres
- 4 to all applicable ethics and privacy laws; or
- 5 7. To comply with legal obligations,
- 6 then the business shall have the right to reject such consumer's
- 7 request and shall advise the consumer of the reason why such request
- 8 was rejected.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 20m-8 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 After receiving a verifiable consumer request from a consumer
13 requesting to know what information is retained by a business about
14 the consumer, the business shall disclose the specific personal
15 information retained by the business about the consumer. Such
16 disclosure shall be in an electronic, portable, machine-readable,
17 and readily useable format to the consumer. Additionally, to the
18 extent the business has disclosed personal information of a consumer
19 to a third party or service provider, said business shall disclose,
20 in the same manner and method as previously described, the names and
21 contact information of such third parties or service providers.

22 SECTION 9. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 20m-9 of Title 74, unless there
24 is created a duplication in numbering, reads as follows:

1 A business shall advise a consumer, in accordance with Section
2 11 of this act that the consumer has the right to request correction
3 of inaccurate personal information, and a consumer shall have the
4 right to require a business to correct such inaccurate information.
5 Upon receipt of a verifiable consumer request, a business shall take
6 all reasonable steps to correct the inaccurate information, in
7 accordance with Section 11 of this act.

8 SECTION 10. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 20m-10 of Title 74, unless there
10 is created a duplication in numbering, reads as follows:

11 No business shall deny goods or services to a consumer by virtue
12 of the consumer's exercise of any rights in this act. Further, no
13 business shall charge a different price or provide a different
14 quality of service or good by virtue of the consumer's exercise of
15 any rights under this act. Provided, a business may offer
16 discounted or free goods or services to a consumer if the consumer
17 voluntarily participates in a program that rewards consumers for
18 repeated transactions with the business and if the business does not
19 share the consumer's data with third parties.

20 SECTION 11. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 20m-11 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 A. A business covered by this act shall provide at least two
24 points of contact that are easily accessible and readily

1 identifiable by which a consumer may make the requests permitted
2 under this act, at least one of which must be the business's
3 website, unless a business covered by this act does not have a
4 website, in which case the business must provide a telephone number
5 as one of the two methods by which a consumer may contact the
6 business.

7 B. Any disclosure and/or delivery of information from a
8 business to a consumer under this act must be provided free of
9 charge and within forty-five (45) days of receipt of a verifiable
10 consumer request. If it is not reasonably possible to provide the
11 information within forty-five (45) days, the business may extend the
12 deadline by forty-five (45) days by providing notice to the consumer
13 of such election and the basis for the same.

14 C. If personal information is collected by a business to verify
15 the consumer's identity, then that personal information is limited
16 in usage solely to the verification process and shall thereafter be
17 permanently deleted.

18 D. A business is not obligated to provide the information
19 identified in Section 8 of this act more than twice during any
20 twelve-month period for each consumer.

21 E. A business or service provider shall implement and maintain
22 reasonable security procedures and practices, including
23 administrative, physical, and technical safeguards, appropriate to
24 the nature of the information and the purposes for which the

1 personal information will be used, to protect consumers' personal
2 information from unauthorized use, disclosure, access, destruction,
3 or modification.

4 SECTION 12. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 20m-12 of Title 74, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The obligations imposed on businesses by this act shall not
8 restrict a business's or service provider's ability to:

- 9 1. Comply with federal, state, or local laws;
- 10 2. Comply with a civil, criminal, or regulatory inquiry,
11 investigation, subpoena, or summons by federal, state, or local
12 authorities;
- 13 3. Cooperate with law enforcement agencies concerning conduct
14 or activity that the business, service provider, or third party
15 reasonably and in good faith believes may violate federal, state, or
16 local law;
- 17 4. Exercise or defend legal claims;
- 18 5. Collect, use, retain, share, or disclose consumer
19 information that is de-identified or in the aggregate derived from
20 personal information; and
- 21 6. Collect or share a consumer's personal information if every
22 aspect of that commercial conduct takes place wholly outside of the
23 State of Oklahoma. For purposes of this act, commercial conduct
24 takes place wholly outside of the State of Oklahoma if a business

1 collected that information while the consumer was present outside of
2 the State of Oklahoma, no part of the sharing of the consumer's
3 personal information occurred in the State of Oklahoma, and no
4 personal information was collected while the consumer was present in
5 the State of Oklahoma is shared. This paragraph shall not permit a
6 business from storing, including on a device, personal information
7 about a consumer when the consumer is present in the State of
8 Oklahoma and then later collecting that personal information when
9 the consumer and stored personal information is located outside of
10 the State of Oklahoma.

11 B. Nothing in this act shall require a business to violate an
12 evidentiary privilege under Oklahoma law or federal law, or prevent
13 a business from providing the personal information of a consumer who
14 is covered by an evidentiary privilege under Oklahoma law as part of
15 a privileged communication.

16 C. 1. This act shall not apply to any of the following:

17 a. protected health information that is collected by a
18 covered entity or business associate governed by the
19 privacy, security, and breach notification rules
20 issued by the United States Department of Health and
21 Human Services, Parts 160 and 164 of Title 45 of the
22 Code of Federal Regulations, established pursuant to
23 the Health Insurance Portability and Accountability
24 Act of 1996 (Public Law 104-191) and the Health

1 Information Technology for Economic and Clinical
2 Health Act (Public Law 111-5),

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

14 c. personal information collected as part of a clinical
15 trial subject to the Federal Policy for the Protection
16 of Human Subjects, also known as the Common Rule,
17 pursuant to good clinical practice guidelines issued
18 by the International Council for Harmonisation of
19 Technical Requirements for Human Use or pursuant to
20 human subject protection requirements of the United
21 States Food and Drug Administration.

22 2. For purposes of this subsection, the definition of "medical
23 information" means any individually identifiable information, in
24 electronic or physical form, in possession of or derived from a

1 provider of health care, health care service plan, pharmaceutical
2 company, or contractor regarding a patient's medical history, mental
3 or physical condition, or treatment. "Individually identifiable"
4 means that the medical information includes or contains any element
5 of personal identifying information sufficient to allow
6 identification of the individual, such as the patient's name,
7 address, electronic mail address, telephone number, or Social
8 Security number, or other information that, alone or in combination
9 with other publicly available information, reveals the individual's
10 identity. Furthermore, the definitions of "business associate",
11 "covered entity", and "protected health information" in Section
12 160.103 of Title 45 of the Code of Federal Regulations shall apply.

13 D. This act shall not apply to activity involving the
14 collection, maintenance, disclosure, sale, communication, or use of
15 any personal information bearing on a consumer's credit worthiness,
16 credit standing, credit capacity, character, general reputation,
17 personal characteristics, or mode of living by a consumer reporting
18 agency, as defined by subdivision (f) of Section 1681a of Title 15
19 of the United States Code, by a furnisher of information, as set
20 forth in Section 1681s-2 of Title 15 of the United States Code, who
21 provides information for use in a consumer report, as defined in
22 subdivision (d) of Section 1681a of Title 15 of the United States
23 Code, and by a user of a consumer report as set forth in Section
24 1681b of Title 15 of the United States Code. This subsection shall

1 only apply to the extent that such activity involving the
2 collection, maintenance, disclosure, sale, communication, or use of
3 such information by that agency, furnisher, or user is subject to
4 regulation under the Fair Credit Reporting Act, Section 1681 et seq.
5 of Title 15 of the United States Code and the information is not
6 collected, maintained, disclosed, sold, communicated, or used except
7 as authorized by the Fair Credit Reporting Act.

8 E. This act shall not apply to personal information collected,
9 processed, sold, or disclosed pursuant to the federal Gramm-Leach-
10 Bliley Act (Public Law 106-102), and implementing regulations.

11 F. This act shall not apply to personal information collected,
12 processed, sold, or disclosed pursuant to the Driver's Privacy
13 Protection Act of 1994 (18 U.S.C. Sec. 2721 et seq.);

14 G. Notwithstanding a business's obligations to respond to and
15 honor consumer rights requests pursuant to this title:

16 1. If a business does not take action on the request of a
17 consumer, the business shall inform the consumer, without delay and
18 at the latest within the time period permitted by this act, of the
19 reasons for not taking action and any rights the consumer may have
20 to appeal the decision to the business;

21 2. If requests from a consumer are manifestly unfounded or
22 excessive, in particular because of his or her repetitive character,
23 a business may either charge a reasonable fee, taking into account
24 the administrative costs of providing the information or

1 communication or taking the action requested, or refuse to act on
2 the request and notify the consumer of the reason for refusing the
3 request. The business shall bear the burden of demonstrating that
4 any verifiable consumer request is manifestly unfounded or
5 excessive.

6 H. A business that discloses personal information to a service
7 provider in compliance with this act shall select as service
8 providers entities that are capable of adhering to the restrictions
9 set forth in this act, and enforce compliance in adhering to these
10 restrictions, through effective enforceable contractual obligations
11 and regular evaluation of compliance. A service provider shall not
12 be liable under this title for the obligations of a business for
13 which it provides services as set forth in this act; provided that
14 the service provider shall be liable for its own violations of this
15 act.

16 I. This act shall not be construed to require a business to:

17 1. Comply with a verifiable consumer request to access, delete,
18 or correct personal information pursuant to Sections 7, 8, or 9 of
19 this act if all of the following are true:

20 a. (1) the business is not reasonably capable of linking
21 or associating the request with the personal
22 information, or
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1 (2) it would be unreasonably burdensome for the
2 business to link or associate the request with
3 the personal information,

4 b. the business does not use the information to recognize
5 or respond to the specific consumer who is the subject
6 of the personal information or link or associate the
7 personal information with other personal information
8 about the same specific consumer, and

9 c. the business does not share the personal information
10 to any third party, or otherwise voluntarily disclose
11 the personal information to any third party other than
12 a service provider except as otherwise permitted in
13 this subsection.

14 2. Maintain information in identifiable, linkable or associable
15 form, or to collect, obtain, retain, or access any data or
16 technology, in order to be capable of linking or associating a
17 verifiable consumer request with personal information.

18 J. Nothing herein shall apply to the publication of newsworthy
19 information to the public, or to the collection or editing of
20 information for that purpose.

21 SECTION 13. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 20m-13 of Title 74, unless there
23 is created a duplication in numbering, reads as follows:

1 If a series of steps or transactions were component parts of a
2 single transaction intended from the beginning to be taken with the
3 intention of avoiding the reach of this title, a court shall
4 disregard the intermediate steps or transactions for purposes of
5 effectuating the purposes of this title.

6 SECTION 14. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 20m-14 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 Any provision of a contract or agreement of any kind, including
10 an arbitration agreement, that purports to waive or limit in any way
11 rights under this title, including, but not limited to, any right to
12 a remedy or means of enforcement, shall be deemed contrary to public
13 policy and shall be void and unenforceable.

14 SECTION 15. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 20m-15 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 It shall be unlawful for any company to design, modify, or
18 manipulate a user interface with the purpose or substantial effect
19 of obscuring, subverting, or impairing user autonomy, decision-
20 making, or choice, as further defined by regulation.

21 SECTION 16. The provisions of this act are severable and if any
22 part or provision shall be held void the decision of the court so
23 holding shall not affect or impair any of the remaining parts or
24 provisions of this act.

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SECTION 17. This act shall become effective November 1, 2023.

58-2-8440 JL 09/09/21