

SENATE BILL 1658

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18, relative to consumer data.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 33, is amended by adding the following as a new section:

(a)

(1) On or before January 31 following a year in which this part applies to a controller, the controller shall register with the consumer protection division of the office of the attorney general and reporter in accordance with this section.

(2) In registering with the division, a controller shall pay a registration fee in an amount determined by the division, not to exceed the division's reasonable costs of establishing, maintaining, and providing a webpage on the division's website that contains the accessible deletion mechanism described in subdivision (b)(2). The fee collected pursuant to this subdivision (a)(2) must be deposited into the Information Protection Registry fund, described in subsection (e).

(b) By July 1, 2025, the division shall create:

(1) A webpage on the division's website that:

(A) Has the accessible deletion mechanism in a conspicuous location;

(B) Provides information about:

(i) How a consumer can utilize the accessible deletion mechanism, including the process for submitting a deletion

request and examples of the types of information that may be deleted; and

(ii) The additional rights a consumer may have under this part; and

(2) An accessible deletion mechanism that:

(A) Implements and maintains reasonable security procedures and practices, including administrative, physical, and technical safeguards appropriate to the nature of the information and the purposes for which the personal information will be used;

(B) Protects consumers' personal information from unauthorized use, disclosure, access, destruction, or modification; and

(C) Allows a consumer or the consumer's authorized agent to:

(i) Through a single authenticated consumer request, request that every controller to which this part applies and that maintains personal information about the consumer delete the personal information related to the consumer that is held by the controller, or an agent of the controller;

(ii) Selectively exclude a specific controller from a request made under subdivision (b)(2)(C)(i);

(iii) Make a request to alter a previous request made under subdivision (b)(2)(C)(i) after at least forty-five (45) days have passed since the consumer last made such a request; and

(iv) Verify the status of a deletion request submitted by the consumer.

(c) The accessible deletion mechanism described in subdivision (b)(2) must, at a minimum:

(1) Allow a controller registered with the division to determine whether a consumer has submitted an authenticated request to delete the personal information related to the consumer;

(2) Be available for use by a consumer at no cost to the consumer; and

(3) Be usable by a consumer with a disability.

(d)

(1) A controller shall access the accessible deletion mechanism required under this section at least once every forty-five (45) days and:

(A) Within forty-five (45) days after receipt of a deletion request made pursuant to subdivision (b)(2)(C), process the deletion request and delete all required personal information related to the consumer who made the request;

(B) Process the request as an opt-out of the sale or sharing of the consumer's personal information, consistent with the consumer right described under § 47-18-3304(a)(2)(E), if the controller denies a consumer's deletion request made pursuant to subdivision (b)(2)(C) because the controller is unable to authenticate the request using commercially reasonable efforts; and

(C) Direct any affiliates of the controller to:

(i) Delete all personal information in the affiliate's possession related to the consumer who submitted the deletion request; or

(ii) Process a request described in subdivision (d)(1)(B) as an opt-out of the sale or sharing of the consumer's personal information, consistent with the consumer right described under § 47-18-3304(a)(2)(E).

(2) A controller, or its affiliate, is not required to delete a consumer's personal information if such deletion would not be required if the request was submitted to the controller in accordance with § 47-18-3304(a)(1).

(e)

(1) There is created within the state general fund a special account to be known as the Information Protection Registry fund.

(2) The fee collected pursuant to subdivision (a)(2) must be deposited into the fund and used only to implement and administer the purposes set forth in this section. In addition to appropriations made to the fund, the division may accept other funds, public or private, by way of gift or grant to the fund. Any such gift or grant must be deposited into the fund to be expended in accordance with this section.

(3) The state treasurer shall invest moneys in the fund for the benefit of the fund in accordance with § 9-4-603. Interest accruing on investments and deposits of the fund must be credited to and remain part of the fund.

(4) Any unencumbered moneys and any unexpended balance of the fund remaining at the end of a fiscal year do not revert to the general fund, but must be carried forward until expended in accordance with this section. No part of the fund must be diverted to the general fund or another public fund.

(5) The division shall administer the fund, and moneys in the fund must be expended and obligated only in accordance with this section and in

accordance with appropriations made by the general assembly. All expenditures from the fund are subject to review in the form of an annual report submitted by the division to the commissioner of finance and administration no later than January 1, 2026, and by January 1 each year thereafter.

SECTION 2. This act takes effect July 1, 2025, the public welfare requiring it.