

115TH CONGRESS
2D SESSION

S. 2965

To amend the Children’s Online Privacy Protection Act of 1998 to give Americans the option to delete personal information collected by internet operators as a result of the person’s internet activity prior to age 13.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2018

Mr. DURBIN (for himself and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Children’s Online Privacy Protection Act of 1998 to give Americans the option to delete personal information collected by internet operators as a result of the person’s internet activity prior to age 13.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Slate for Kids
5 Online Act of 2018”.

1 **SEC. 2. ENHANCING THE CHILDREN'S ONLINE PRIVACY**
2 **PROTECTION ACT OF 1998.**

3 (a) DEFINITIONS.—Section 1302 of the Children's
4 Online Privacy Protection Act of 1998 (15 U.S.C. 6501)
5 is amended by adding at the end the following:

6 “(13) DELETE.—The term ‘delete’ means to re-
7 move personal information such that the information
8 is not maintained in retrievable form and cannot be
9 retrieved in the normal course of business.”.

10 (b) REGULATION OF UNFAIR AND DECEPTIVE ACTS
11 AND PRACTICES IN CONNECTION WITH THE COLLECTION
12 AND USE OF PERSONAL INFORMATION FROM AND ABOUT
13 CHILDREN ON THE INTERNET.—Section 1303 of the Chil-
14 dren's Online Privacy Protection Act of 1998 (15 U.S.C.
15 6502) is amended—

16 (1) in subsection (a), by adding at the end the
17 following:

18 “(3) FAILURE TO DELETE.—It is unlawful for
19 an operator of a website or online service directed to
20 children, or any operator that has actual knowledge
21 that it is collecting personal information from a
22 child, to fail to delete personal information collected
23 from or about a child if a request for deletion is
24 made pursuant to regulations prescribed under sub-
25 section (e).”; and

26 (2) by adding at the end the following:

1 “(e) RIGHT OF AN INDIVIDUAL TO DELETE PER-
2 SONAL INFORMATION COLLECTED WHEN THE PERSON
3 WAS A CHILD.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this subsection, the Com-
6 mission shall promulgate under section 553 of title
7 5, United States Code, regulations that require the
8 operator of any website or online service directed to
9 children, or any operator that has actual knowledge
10 that it has collected personal information from a
11 child or maintains such personal information—

12 “(A) to provide notice on the website of
13 how an individual over the age of 13, or a legal
14 guardian of an individual over the age of 13
15 acting with the knowledge and consent of the
16 individual, can request that the operator delete
17 all personal information in the possession of the
18 operator that was collected from or about the
19 individual when the individual was a child not-
20 withstanding any parental consent that may
21 have been provided when the individual was a
22 child;

23 “(B) to promptly delete all personal infor-
24 mation in the possession of the operator that
25 was collected from or about an individual when

1 the individual was a child when such deletion is
2 requested by an individual over the age of 13
3 or by the legal guardian of such individual act-
4 ing with the knowledge and consent of the indi-
5 vidual, notwithstanding any parental consent
6 that may have been provided when the indi-
7 vidual was a child;

8 “(C) to provide written confirmation of de-
9 letion, after the deletion has occurred, to an in-
10 dividual or legal guardian of such individual
11 who has requested such deletion pursuant to
12 this subsection; and

13 “(D) to except from deletion personal in-
14 formation collected from or about a child—

15 “(i) only to the extent that the per-
16 sonal information is necessary—

17 “(I) to respond to judicial proc-
18 ess; or

19 “(II) to the extent permitted
20 under any other provision of law, to
21 provide information to law enforce-
22 ment agencies or for an investigation
23 on a matter related to public safety;
24 and

1 “(ii) if the operator retain such ex-
2 cepted personal information for only as
3 long as reasonably necessary to fulfill the
4 purpose for which the information has
5 been excepted and that the excepted infor-
6 mation not be used, disseminated or main-
7 tained in a form retrievable to anyone ex-
8 cept for the purposes specified in this sub-
9 paragraph.”.

10 (c) SAFE HARBORS.—Section 1304 of the Children’s
11 Online Privacy Protection Act of 1998 (15 U.S.C. 6503)
12 is amended—

13 (1) in subsection (a), by striking “section
14 1303(b)” and inserting “subsections (b) and (e) of
15 section 1303”; and

16 (2) in subsection (b)(1), by striking “subsection
17 (b)” and inserting “subsections (b) and (e)”.

18 (d) ACTIONS BY STATES.—Section 1305(a)(1) of the
19 Children’s Online Privacy Protection Act of 1998 (15
20 U.S.C. 6504(a)(1)) is amended by striking “1303(b)” and
21 inserting “subsection (b) or (e) of section 1303”.

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