

SENATE BILL 11

13

(PRE-FILED)

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By: **Senator Lee**

Requested: October 15, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2022

CHAPTER _____

1 AN ACT concerning

2 ~~**Maryland Online Consumer Protection and Child Safety Act**~~
3 ~~**Workgroup on Online Consumer Personal Information Privacy**~~

4 FOR the purpose of establishing the Workgroup on Online Consumer Personal Information
5 Privacy; ~~regulating the collection and use of consumers' personal information by~~
6 ~~businesses; establishing the right of a consumer to receive information regarding~~
7 ~~collection practices, have personal information deleted by a business, and prohibit~~
8 ~~the disclosure of personal information by a business; requiring businesses to provide~~
9 ~~certain notices to consumers and include certain information in online privacy~~
10 ~~policies; authorizing the Office of the Attorney General to adopt regulations to carry~~
11 ~~out this Act;~~ and generally relating to privacy of consumer personal information.

12 ~~BY repealing and reenacting, with amendments,~~
13 ~~Article — Commercial Law~~
14 ~~Section 13-301(14)(xxxiv) and (xxxv)~~
15 ~~Annotated Code of Maryland~~
16 ~~(2013 Replacement Volume and 2021 Supplement)~~

17 ~~BY adding to~~
18 ~~Article — Commercial Law~~
19 ~~Section 13-301(14)(xxxvi); and 14-4401 through 14-4415 to be under the new~~
20 ~~subtitle "Subtitle 44. Consumer Personal Information Privacy"~~
21 ~~Annotated Code of Maryland~~
22 ~~(2013 Replacement Volume and 2021 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That ~~the Laws of Maryland read as follows:~~

3 (a) There is a Workgroup on Online Consumer Personal Information Privacy.

4 (b) The Workgroup shall include the following members:

5 (1) three members of the Senate of Maryland, appointed by the President
6 of the Senate;

7 (2) three members of the House of Delegates, appointed by the Speaker of
8 the House;

9 (3) a representative of the Office of the Attorney General, Consumer
10 Protection Division, designated by the head of the Consumer Protection Division; and

11 (4) other persons who express interest in participating in the Workgroup.

12 (c) The President of the Senate and the Speaker of the House shall each appoint
13 one of their members as cochair of the Workgroup.

14 (d) The Department of Legislative Services shall provide staff for the Workgroup.

15 (e) The Workgroup shall:

16 (1) review the current practices of business entities relating to the
17 collection, use, storage, disclosure, analysis, deletion, and modification of online personal
18 information of consumers in the State;

19 (2) monitor and analyze approaches to protecting online consumer privacy
20 at the federal level, in other states, and internationally, including:

21 (i) notice and disclosure obligations on business entities relating to
22 online personal information;

23 (ii) establishing and protecting rights of consumers relating to the
24 processing of online personal information, including specific rights and protections relating
25 to:

26 1. personal information collected from children;

27 2. biometric and genetic information that may be used to
28 uniquely identify an individual;

1 3. personal information revealing racial or ethnic origin,
 2 religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or
 3 immigration status; and

4 4. precise geolocation data;

5 (iii) protections against discrimination for the exercise of consumer
 6 rights relating to online personal information;

7 (iv) obligations on business entities relating to online consumer data
 8 minimization and protection;

9 (v) the types of entities and information subject to online consumer
 10 privacy requirements and any exemptions from the requirements; and

11 (vi) enforcement mechanisms for protecting consumer online privacy
 12 and remedies available to consumers; and

13 (3) make findings and recommendations relating to online consumer
 14 personal information privacy, including any recommended legislation.

15 (f) On or before December 1, 2022, the Workgroup shall submit a report to the
 16 Governor and, in accordance with § 2-1257 of the State Government Article, the Senate
 17 Finance Committee and the House Economic Matters Committee that includes the findings
 18 and recommendations of the Workgroup, including any recommended legislation for the
 19 2023 regular legislative session.

20 ~~Article — Commercial Law~~

21 ~~13-301.~~

22 ~~Unfair, abusive, or deceptive trade practices include any:~~

23 ~~(14) Violation of a provision of:~~

24 ~~(xxxiv) The federal Servicemembers Civil Relief Act; [or]~~

25 ~~(xxxv) [§] SECTION 11-210 of the Education Article; or~~

26 ~~(xxxvi) TITLE 14, SUBTITLE 44 OF THIS ARTICLE; OR~~

27 ~~SUBTITLE 44. CONSUMER PERSONAL INFORMATION PRIVACY.~~

28 ~~14-4401.~~

1 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
2 ~~INDICATED.~~

3 ~~(B) (1) "AGGREGATE CONSUMER INFORMATION" MEANS INFORMATION~~
4 ~~THAT RELATES TO A GROUP OR CATEGORY OF CONSUMERS, FROM WHICH~~
5 ~~INDIVIDUAL CONSUMER IDENTITIES HAVE BEEN REMOVED, THAT IS NOT LINKED OR~~
6 ~~REASONABLY LINKABLE TO ANY CONSUMER, INCLUDING THROUGH A DEVICE.~~

7 ~~(2) "AGGREGATE CONSUMER INFORMATION" DOES NOT INCLUDE AN~~
8 ~~INDIVIDUAL CONSUMER RECORD THAT HAS BEEN DE-IDENTIFIED.~~

9 ~~(C) "BUSINESS" MEANS:~~

10 ~~(1) A SOLE PROPRIETORSHIP, A PARTNERSHIP, A LIMITED LIABILITY~~
11 ~~COMPANY, A CORPORATION, AN ASSOCIATION, OR ANY OTHER LEGAL ENTITY THAT:~~

12 ~~(I) IS ORGANIZED OR OPERATED FOR THE PROFIT OR~~
13 ~~FINANCIAL BENEFIT OF ITS OWNERS;~~

14 ~~(II) COLLECTS THE PERSONAL INFORMATION OF AN~~
15 ~~INDIVIDUAL OR A CONSUMER; AND~~

16 ~~(III) SATISFIES ONE OR MORE OF THE FOLLOWING THRESHOLDS:~~

17 ~~1. HAS ANNUAL GROSS REVENUES IN EXCESS OF~~
18 ~~\$25,000,000;~~

19 ~~2. ANNUALLY BUYS, RECEIVES FOR THE BUSINESS'S~~
20 ~~COMMERCIAL PURPOSES, SELLS, OR SHARES FOR COMMERCIAL PURPOSES, ALONE~~
21 ~~OR IN COMBINATION, THE PERSONAL INFORMATION OF 100,000 OR MORE~~
22 ~~CONSUMERS, HOUSEHOLDS, OR DEVICES; OR~~

23 ~~3. DERIVES AT LEAST 50% OF ITS ANNUAL REVENUES~~
24 ~~FROM SELLING CONSUMERS' PERSONAL INFORMATION; OR~~

25 ~~(2) ANY ENTITY THAT:~~

26 ~~(I) CONTROLS OR IS CONTROLLED BY A BUSINESS UNDER ITEM~~
27 ~~(1) OF THIS SUBSECTION; AND~~

28 ~~(II) SHARES A NAME, SERVICE MARK, OR TRADEMARK WITH THE~~
29 ~~BUSINESS.~~

1 ~~(D) "BUSINESS PURPOSE" MEANS THE USE OF PERSONAL INFORMATION BY~~
2 ~~A BUSINESS OR A SERVICE PROVIDER IN A MANNER REASONABLY NECESSARY TO~~
3 ~~ACHIEVE THE OPERATIONAL PURPOSE FOR WHICH THE INFORMATION WAS~~
4 ~~COLLECTED.~~

5 ~~(E) (1) "COLLECT" MEANS TO BUY, RENT, GATHER, OBTAIN, RECEIVE, OR~~
6 ~~ACCESS ANY PERSONAL INFORMATION RELATING TO A CONSUMER BY ANY MEANS.~~

7 ~~(2) "COLLECT" INCLUDES TO RECEIVE INFORMATION FROM THE~~
8 ~~CONSUMER OR BY OBSERVING THE CONSUMER'S BEHAVIOR.~~

9 ~~(F) "CONSUMER" MEANS AN INDIVIDUAL WHO RESIDES IN THE STATE.~~

10 ~~(G) "DE-IDENTIFIED" MEANS, WITH RESPECT TO INFORMATION,~~
11 ~~PROCESSED SO THAT THE INFORMATION CANNOT REASONABLY IDENTIFY, RELATE~~
12 ~~TO, DESCRIBE, BE CAPABLE OF BEING ASSOCIATED WITH, OR BE LINKED TO A~~
13 ~~PARTICULAR CONSUMER, IF A BUSINESS THAT USES DE-IDENTIFIED INFORMATION:~~

14 ~~(1) HAS IMPLEMENTED TECHNICAL SAFEGUARDS THAT PROHIBIT~~
15 ~~RE-IDENTIFICATION OF THE CONSUMER TO WHOM THE INFORMATION MAY RELATE;~~

16 ~~(2) HAS IMPLEMENTED BUSINESS PROCESSES THAT SPECIFICALLY~~
17 ~~PROHIBIT RE-IDENTIFICATION OF THE INFORMATION;~~

18 ~~(3) HAS IMPLEMENTED BUSINESS PROCESSES TO PREVENT~~
19 ~~INADVERTENT RELEASE OF DE-IDENTIFIED INFORMATION; AND~~

20 ~~(4) MAKES NO ATTEMPT TO RE-IDENTIFY THE INFORMATION.~~

21 ~~(H) (1) "DESIGNATED METHOD FOR SUBMITTING VERIFIABLE~~
22 ~~CONSUMER REQUESTS" MEANS A MAILING ADDRESS, AN E-MAIL ADDRESS, AN~~
23 ~~INTERNET WEBSITE, AN INTERNET PORTAL, A TELEPHONE NUMBER, OR ANY OTHER~~
24 ~~APPLICABLE CONTACT INFORMATION THROUGH WHICH A CONSUMER MAY SUBMIT~~
25 ~~A REQUEST OR DIRECTION UNDER THIS SUBTITLE.~~

26 ~~(2) "DESIGNATED METHOD FOR SUBMITTING VERIFIABLE~~
27 ~~CONSUMER REQUESTS" INCLUDES A CONSUMER-FRIENDLY MEANS OF CONTACTING~~
28 ~~A BUSINESS APPROVED BY THE ATTORNEY GENERAL UNDER § 14-4412(4) OF THIS~~
29 ~~SUBTITLE.~~

30 ~~(I) "DEVICE" MEANS A PHYSICAL OBJECT THAT IS CAPABLE OF~~
31 ~~CONNECTING TO THE INTERNET OR TO ANOTHER DEVICE.~~

32 ~~(J) "HOMEPAGE" MEANS:~~

~~(1) THE INTRODUCTORY PAGE OF AN INTERNET WEBSITE AND ANY INTERNET WEBPAGE WHERE PERSONAL INFORMATION IS COLLECTED; OR~~

~~(2) IN THE CASE OF AN ONLINE SERVICE OR APPLICATION:~~

~~(I) THE SERVICE OR APPLICATION PLATFORM PAGE OR DOWNLOAD PAGE;~~

~~(II) A LINK WITHIN THE SERVICE OR APPLICATION, SUCH AS FROM THE SERVICE OR APPLICATION CONFIGURATION, "ABOUT", "INFORMATION", OR SETTINGS PAGE; OR~~

~~(III) ANY OTHER LOCATION THAT ALLOWS A CONSUMER TO REVIEW THE NOTICE REQUIRED BY § 14-1403(A) OF THIS SUBTITLE, WHETHER BEFORE OR AFTER DOWNLOADING THE APPLICATION OR SERVICE.~~

~~(K) (1) "PERSONAL INFORMATION" MEANS INFORMATION THAT IDENTIFIES, RELATES TO, DESCRIBES, IS REASONABLY CAPABLE OF BEING ASSOCIATED WITH, OR COULD REASONABLY BE LINKED, DIRECTLY OR INDIRECTLY, WITH A PARTICULAR CONSUMER OR THE CONSUMER'S DEVICE.~~

~~(2) "PERSONAL INFORMATION" DOES NOT INCLUDE:~~

~~(I) PUBLICLY AVAILABLE INFORMATION THAT IS LAWFULLY MADE AVAILABLE FROM FEDERAL, STATE, OR LOCAL GOVERNMENT RECORDS;~~

~~(II) DE-IDENTIFIED CONSUMER INFORMATION; OR~~

~~(III) AGGREGATE CONSUMER INFORMATION.~~

~~(L) "PROBABILISTIC IDENTIFIER" MEANS THE IDENTIFICATION OF A CONSUMER OR A DEVICE TO A DEGREE OF CERTAINTY OF MORE PROBABLE THAN NOT BASED ON CATEGORIES OF PERSONAL INFORMATION INCLUDED IN, OR SIMILAR TO, THE CATEGORIES LISTED UNDER SUBSECTION (K) OF THIS SECTION.~~

~~(M) "PROCESSING" MEANS AN OPERATION OR A SET OF OPERATIONS THAT IS PERFORMED ON PERSONAL INFORMATION OR ON SETS OF PERSONAL INFORMATION, WHETHER OR NOT BY AUTOMATED MEANS.~~

~~(N) "PSEUDONYMIZE" MEANS THE PROCESSING OF PERSONAL INFORMATION IN A MANNER THAT RENDERS THE PERSONAL INFORMATION NO LONGER ATTRIBUTABLE TO A SPECIFIC CONSUMER WITHOUT THE USE OF ADDITIONAL INFORMATION, IF THE ADDITIONAL INFORMATION IS KEPT~~

1 ~~SEPARATELY AND IS SUBJECT TO TECHNICAL AND ADMINISTRATIVE SAFEGUARDS~~
2 ~~TO ENSURE THAT THE PERSONAL INFORMATION IS NOT ATTRIBUTED TO AN~~
3 ~~IDENTIFIED OR IDENTIFIABLE CONSUMER.~~

4 ~~(O) "RESEARCH" MEANS SCIENTIFIC, SYSTEMATIC STUDY AND~~
5 ~~OBSERVATION, INCLUDING BASIC RESEARCH OR APPLIED RESEARCH THAT IS IN THE~~
6 ~~PUBLIC INTEREST AND THAT ADHERES TO APPLICABLE ETHICS AND PRIVACY LAWS~~
7 ~~OR STUDIES CONDUCTED IN THE PUBLIC INTEREST IN THE AREA OF PUBLIC HEALTH.~~

8 ~~(P) "SERVICE" MEANS WORK, LABOR, AND SERVICES, INCLUDING SERVICES~~
9 ~~FURNISHED IN CONNECTION WITH THE SALE OR REPAIR OF GOODS.~~

10 ~~(Q) "SERVICE PROVIDER" MEANS A PERSON THAT PROCESSES~~
11 ~~INFORMATION ON BEHALF OF A BUSINESS AND TO WHICH THE BUSINESS DISCLOSES~~
12 ~~A CONSUMER'S PERSONAL INFORMATION FOR A BUSINESS PURPOSE IN~~
13 ~~ACCORDANCE WITH A WRITTEN CONTRACT IF THE CONTRACT PROHIBITS THE~~
14 ~~ENTITY RECEIVING THE INFORMATION FROM RETAINING, USING, OR DISCLOSING~~
15 ~~THE PERSONAL INFORMATION FOR ANY PURPOSE OTHER THAN FOR THE SPECIFIC~~
16 ~~PURPOSE OF PERFORMING THE SERVICES SPECIFIED IN THE CONTRACT FOR THE~~
17 ~~BUSINESS, OR AS OTHERWISE ALLOWED BY THIS SUBTITLE.~~

18 ~~(R) "THIRD PARTY" MEANS A PERSON THAT IS NOT THE BUSINESS THAT~~
19 ~~COLLECTS PERSONAL INFORMATION FROM CONSUMERS UNDER THIS SUBTITLE OR~~
20 ~~A SERVICE PROVIDER OF THAT BUSINESS.~~

21 ~~(S) (1) "THIRD PARTY DISCLOSURE" MEANS A TRANSFER OF A~~
22 ~~CONSUMER'S PERSONAL INFORMATION BY THE BUSINESS TO A THIRD PARTY,~~
23 ~~INCLUDING SELLING, RENTING, RELEASING, DISSEMINATING, MAKING AVAILABLE,~~
24 ~~TRANSFERRING, OR OTHERWISE COMMUNICATING ORALLY, IN WRITING, OR BY~~
25 ~~ELECTRONIC OR OTHER MEANS.~~

26 ~~(2) "THIRD PARTY DISCLOSURE" DOES NOT INCLUDE:~~

27 ~~(I) A DISCLOSURE BY A BUSINESS OF PERSONAL INFORMATION~~
28 ~~OF A CONSUMER TO A SERVICE PROVIDER THAT IS NECESSARY TO THE~~
29 ~~PERFORMANCE OF A BUSINESS PURPOSE INCLUDED IN A NOTICE UNDER § 14 4403~~
30 ~~OF THIS SUBTITLE;~~

31 ~~(II) IDENTIFICATION BY A BUSINESS OF A CONSUMER WHO HAS~~
32 ~~OPTED OUT OF THE SALE OF THE CONSUMER'S PERSONAL INFORMATION FOR THE~~
33 ~~PURPOSE OF ALERTING THIRD PARTIES THAT THE CONSUMER HAS OPTED OUT OF~~
34 ~~THE SALE OF THE CONSUMER'S PERSONAL INFORMATION; OR~~

~~(H) THE TRANSFER BY A BUSINESS TO A THIRD PARTY OF THE PERSONAL INFORMATION OF A CONSUMER AS AN ASSET THAT IS PART OF A MERGER, AN ACQUISITION, A BANKRUPTCY, OR ANY OTHER TRANSACTION IN WHICH THE THIRD PARTY ASSUMES CONTROL OF ALL OR PART OF THE BUSINESS IF THAT INFORMATION IS USED OR SHARED CONSISTENTLY WITH THE NOTICE RECEIVED BY CONSUMERS UNDER § 14-4403 OF THIS SUBTITLE.~~

~~(T) "UNIQUE IDENTIFIER" MEANS A PERSISTENT IDENTIFIER THAT CAN BE USED TO RECOGNIZE A CONSUMER OR A DEVICE THAT IS LINKED TO A CONSUMER OR HOUSEHOLD, OVER TIME AND ACROSS DIFFERENT TECHNOLOGIES, INCLUDING:~~

~~(1) A DEVICE IDENTIFIER;~~

~~(2) AN INTERNET PROTOCOL ADDRESS;~~

~~(3) A COOKIE, BEACON, PIXEL TAG, MOBILE AD IDENTIFIER, OR SIMILAR TECHNOLOGY;~~

~~(4) A CONSUMER NUMBER, UNIQUE PSEUDONYM, OR USER ALIAS; OR~~

~~(5) A TELEPHONE NUMBER OR ANY OTHER FORM OF PERSISTENT OR PROBABILISTIC IDENTIFIER THAT CAN BE USED TO IDENTIFY A PARTICULAR CONSUMER OR DEVICE.~~

~~14-4402.~~

~~THIS SUBTITLE DOES NOT APPLY:~~

~~(1) TO A BUSINESS COLLECTING OR DISCLOSING PERSONAL INFORMATION OF THE BUSINESS'S EMPLOYEES TO THE EXTENT THAT THE BUSINESS IS COLLECTING OR DISCLOSING THE INFORMATION WITHIN THE SCOPE OF ITS ROLE AS AN EMPLOYER;~~

~~(2) WITH RESPECT TO MEDICAL OR HEALTH INFORMATION THAT IS COLLECTED BY A COVERED ENTITY OR BUSINESS ASSOCIATE GOVERNED BY THE PRIVACY, SECURITY, AND BREACH NOTIFICATION RULES ISSUED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES IN 45 C.F.R. PARTS 160 AND 164, ESTABLISHED IN ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 AND THE FEDERAL HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT;~~

~~(3) TO A HEALTH CARE PROVIDER OR COVERED ENTITY GOVERNED BY THE PRIVACY, SECURITY, AND BREACH NOTIFICATION RULES ISSUED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES IN 45 C.F.R. PARTS 160 AND 164,~~

~~1 ESTABLISHED IN ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE
2 PORTABILITY AND ACCOUNTABILITY ACT OF 1996, TO THE EXTENT THE PROVIDER
3 OR COVERED ENTITY MAINTAINS PATIENT INFORMATION IN THE SAME MANNER AS
4 MEDICAL INFORMATION OR PROTECTED HEALTH INFORMATION AS DESCRIBED IN
5 ITEM (2) OF THIS SECTION;~~

~~6 (4) WITH RESPECT TO INFORMATION COLLECTED AS PART OF A
7 CLINICAL TRIAL SUBJECT TO THE FEDERAL POLICY FOR THE PROTECTION OF
8 HUMAN SUBJECTS, ALSO KNOWN AS THE COMMON RULE, IN ACCORDANCE WITH
9 GOOD CLINICAL PRACTICE GUIDELINES ISSUED BY THE INTERNATIONAL COUNCIL
10 FOR HARMONISATION OR IN ACCORDANCE WITH HUMAN SUBJECT PROTECTION
11 REQUIREMENTS OF THE U.S. FOOD AND DRUG ADMINISTRATION;~~

~~12 (5) WITH RESPECT TO THE SALE OF PERSONAL INFORMATION TO OR
13 FROM A CONSUMER REPORTING AGENCY IF THAT INFORMATION IS TO BE REPORTED
14 IN, OR USED TO GENERATE, A "CONSUMER REPORT" AS DEFINED BY 15 U.S.C. §
15 1681(A) AND USE OF THAT INFORMATION IS LIMITED BY THE FEDERAL FAIR CREDIT
16 REPORTING ACT;~~

~~17 (6) WITH RESPECT TO PERSONAL INFORMATION COLLECTED,
18 PROCESSED, SOLD, OR DISCLOSED UNDER THE FEDERAL GRAMM LEACH BLILEY
19 ACT AND IMPLEMENTING REGULATIONS;~~

~~20 (7) WITH RESPECT TO PERSONAL INFORMATION COLLECTED,
21 PROCESSED, SOLD, OR DISCLOSED UNDER THE FEDERAL DRIVER'S PRIVACY
22 PROTECTION ACT OF 1994; OR~~

~~23 (8) WITH RESPECT TO EDUCATION INFORMATION COVERED BY THE
24 FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, 20 U.S.C. § 1232G
25 AND 34 C.F.R. PART 99.~~

~~26 14-4403.~~

~~27 (A) A BUSINESS THAT COLLECTS A CONSUMER'S PERSONAL INFORMATION
28 SHALL, AT OR BEFORE THE POINT OF COLLECTION, CLEARLY AND CONSPICUOUSLY
29 NOTIFY A CONSUMER OF:~~

~~30 (1) THE CATEGORIES OF PERSONAL INFORMATION THE BUSINESS
31 WILL COLLECT ABOUT THAT CONSUMER;~~

~~32 (2) THE BUSINESS PURPOSES FOR WHICH THE CATEGORIES OF
33 PERSONAL INFORMATION MAY BE USED;~~

1 ~~(3) THE CATEGORIES OF THIRD PARTIES TO WHICH THE BUSINESS~~
2 ~~DISCLOSES PERSONAL INFORMATION;~~

3 ~~(4) THE BUSINESS PURPOSES FOR THIRD PARTY DISCLOSURE; AND~~

4 ~~(5) THE CONSUMER'S RIGHT TO REQUEST:~~

5 ~~(I) A COPY OF THE CONSUMER'S PERSONAL INFORMATION~~
6 ~~UNDER § 14 4404 OF THIS SUBTITLE;~~

7 ~~(II) DELETION OF THE CONSUMER'S PERSONAL INFORMATION~~
8 ~~UNDER § 14 4406 OF THIS SUBTITLE; AND~~

9 ~~(III) TO OPT OUT OF THIRD PARTY DISCLOSURE UNDER §~~
10 ~~14 4407 OF THIS SUBTITLE.~~

11 ~~(B) A BUSINESS MAY NOT COLLECT ADDITIONAL CATEGORIES OF PERSONAL~~
12 ~~INFORMATION OR USE PERSONAL INFORMATION COLLECTED FOR ADDITIONAL~~
13 ~~PURPOSES WITHOUT FIRST PROVIDING THE CONSUMER WITH NOTICE CONSISTENT~~
14 ~~WITH THIS SECTION.~~

15 ~~14 4404.~~

16 ~~(A) A CONSUMER MAY REQUEST THAT A BUSINESS THAT COLLECTS THE~~
17 ~~CONSUMER'S PERSONAL INFORMATION DISCLOSE TO THE CONSUMER:~~

18 ~~(1) THE SPECIFIC PIECES OF PERSONAL INFORMATION THE~~
19 ~~BUSINESS HAS COLLECTED ABOUT THE CONSUMER;~~

20 ~~(2) THE SOURCES FROM WHICH THE CONSUMER'S PERSONAL~~
21 ~~INFORMATION WAS COLLECTED;~~

22 ~~(3) THE NAMES OF THIRD PARTIES TO WHICH THE BUSINESS~~
23 ~~DISCLOSED THE CONSUMER'S PERSONAL INFORMATION; AND~~

24 ~~(4) THE BUSINESS PURPOSES FOR THIRD PARTY DISCLOSURE.~~

25 ~~(B) A BUSINESS SHALL PROVIDE THE INFORMATION SPECIFIED IN~~
26 ~~SUBSECTION (A) OF THIS SECTION TO A CONSUMER ONLY ON RECEIPT OF A~~
27 ~~VERIFIABLE CONSUMER REQUEST.~~

28 ~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AFTER~~
29 ~~RECEIVING A VERIFIABLE CONSUMER REQUEST, A BUSINESS SHALL PROMPTLY~~

~~1 TAKE STEPS TO PROVIDE, FREE OF CHARGE TO THE CONSUMER, THE PERSONAL
2 INFORMATION REQUIRED BY THIS SECTION.~~

~~3 (2) THE INFORMATION MAY BE PROVIDED BY:~~

~~4 (I) UNITED STATES MAIL; OR~~

~~5 (II) ELECTRONIC DELIVERY THAT IS PORTABLE AND, TO THE
6 EXTENT TECHNICALLY FEASIBLE, IN A READILY USABLE FORMAT THAT ALLOWS THE
7 CONSUMER TO TRANSMIT THIS INFORMATION TO ANOTHER ENTITY WITHOUT
8 HINDRANCE.~~

~~9 (D) NOTWITHSTANDING § 14 4405 OF THIS SUBTITLE, A BUSINESS MAY
10 PROVIDE PERSONAL INFORMATION TO A CONSUMER AT ANY TIME, BUT IS NOT
11 REQUIRED TO PROVIDE PERSONAL INFORMATION TO THE SAME CONSUMER MORE
12 THAN ONCE IN A 6 MONTH PERIOD.~~

~~13 (E) IF VERIFIED REQUESTS FROM A CONSUMER ARE EXCESSIVE, BECAUSE
14 OF THEIR REPETITIVE CHARACTER, A BUSINESS MAY:~~

~~15 (1) CHARGE A REASONABLE FEE, TAKING INTO ACCOUNT THE
16 ADMINISTRATIVE COSTS OF PROVIDING THE INFORMATION OR COMMUNICATION OR
17 TAKING THE ACTION REQUESTED; OR~~

~~18 (2) REFUSE TO ACT ON THE REQUEST AND NOTIFY THE CONSUMER OF
19 THE REASON FOR REFUSING THE REQUEST.~~

~~20 (F) A BUSINESS MAY NOT REQUIRE A CONSUMER TO CREATE AN ACCOUNT
21 WITH THE BUSINESS IN ORDER TO MAKE A VERIFIABLE CONSUMER REQUEST.~~

~~22 (G) A BUSINESS MAY NOT:~~

~~23 (1) RETAIN PERSONAL INFORMATION ABOUT A CONSUMER
24 COLLECTED FROM A SINGLE ONE-TIME TRANSACTION, UNLESS THE BUSINESS
25 REGULARLY RETAINS PERSONAL INFORMATION OF THAT TYPE IN THE ORDINARY
26 COURSE OF BUSINESS;~~

~~27 (2) RE-IDENTIFY OR LINK ANY DATA THAT IN THE ORDINARY COURSE
28 OF BUSINESS IS NOT MAINTAINED IN A MANNER THAT WOULD BE CONSIDERED
29 PERSONAL INFORMATION; OR~~

~~30 (3) DISCLOSE PERSONAL INFORMATION IF THE DISCLOSURE WOULD
31 ADVERSELY AFFECT THE LEGAL RIGHTS OF OTHER CONSUMERS.~~

1 ~~14-4405.~~

2 ~~(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A BUSINESS~~
3 ~~SHALL, IN A FORM THAT IS REASONABLY ACCESSIBLE TO CONSUMERS, MAKE~~
4 ~~AVAILABLE TO CONSUMERS TWO OR MORE DESIGNATED METHODS FOR SUBMITTING~~
5 ~~VERIFIABLE CONSUMER REQUESTS.~~

6 ~~(2) (I) IF A BUSINESS MAINTAINS AN INTERNET WEBSITE IN~~
7 ~~CONNECTION WITH THE BUSINESS, THE BUSINESS SHALL MAINTAIN A WEBSITE PAGE~~
8 ~~THAT MEETS THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

9 ~~(II) A BUSINESS SHALL PROVIDE A TOLL FREE TELEPHONE~~
10 ~~NUMBER FOR THE PURPOSE OF ACCEPTING VERIFIABLE CONSUMER REQUESTS~~
11 ~~UNDER THIS SUBSECTION, UNLESS THE BUSINESS MAINTAINS A DIRECT~~
12 ~~RELATIONSHIP WITH THE CONSUMER.~~

13 ~~(B) (1) WITHIN 45 DAYS AFTER RECEIVING A VERIFIABLE CONSUMER~~
14 ~~REQUEST FROM THE CONSUMER, A BUSINESS SHALL DELIVER TO THE CONSUMER~~
15 ~~FREE OF CHARGE THE INFORMATION REQUIRED UNDER § 14-4404 OF THIS~~
16 ~~SUBTITLE IN A READILY USABLE FORMAT THAT ALLOWS THE CONSUMER TO~~
17 ~~TRANSMIT THE INFORMATION FROM ONE ENTITY TO ANOTHER ENTITY WITHOUT~~
18 ~~HINDRANCE.~~

19 ~~(2) THE TIME PERIOD TO PROVIDE THE REQUIRED INFORMATION~~
20 ~~MAY BE EXTENDED ONCE BY UP TO AN ADDITIONAL 45 DAYS WHEN REASONABLY~~
21 ~~NECESSARY, IF THE CONSUMER IS PROVIDED NOTICE OF THE EXTENSION WITHIN~~
22 ~~THE FIRST 45-DAY PERIOD.~~

23 ~~(C) A BUSINESS IS NOT REQUIRED TO PROVIDE THE INFORMATION~~
24 ~~REQUIRED BY § 14-4404 OF THIS SUBTITLE TO THE SAME CONSUMER MORE THAN~~
25 ~~TWICE IN A 12-MONTH PERIOD.~~

26 ~~(D) (1) IF A BUSINESS HAS AN ONLINE PRIVACY POLICY, THE BUSINESS~~
27 ~~SHALL INCLUDE IN THE POLICY:~~

28 ~~(I) THE CATEGORIES OF PERSONAL INFORMATION THE~~
29 ~~BUSINESS COLLECTS ABOUT CONSUMERS;~~

30 ~~(II) THE BUSINESS PURPOSES FOR WHICH THE CATEGORIES OF~~
31 ~~PERSONAL INFORMATION ARE USED;~~

32 ~~(III) THE CATEGORIES OF THIRD PARTIES TO WHICH THE~~
33 ~~BUSINESS DISCLOSES PERSONAL INFORMATION;~~

1 ~~(IV) THE BUSINESS PURPOSE FOR THIRD PARTY DISCLOSURE;~~
2 ~~AND~~

3 ~~(V) THE CONSUMER'S RIGHT TO REQUEST:~~

4 ~~1. A COPY OF THE CONSUMER'S PERSONAL~~
5 ~~INFORMATION IN ACCORDANCE WITH § 14-4404 OF THIS SUBTITLE;~~

6 ~~2. THE DELETION OF THE CONSUMER'S PERSONAL~~
7 ~~INFORMATION IN ACCORDANCE WITH § 14-4406 OF THIS SUBTITLE; AND~~

8 ~~3. TO OPT OUT OF THIRD PARTY DISCLOSURE IN~~
9 ~~ACCORDANCE WITH § 14-4407 OF THIS SUBTITLE.~~

10 ~~(2) IF A BUSINESS DOES NOT HAVE AN ONLINE PRIVACY POLICY BUT~~
11 ~~DOES HAVE A BUSINESS WEBSITE, THE BUSINESS SHALL:~~

12 ~~(I) INCLUDE THE INFORMATION REQUIRED UNDER~~
13 ~~PARAGRAPH (1) OF THIS SUBSECTION ON THE WEBSITE; AND~~

14 ~~(II) UPDATE THE INFORMATION AT LEAST ONCE EVERY 12~~
15 ~~MONTHS.~~

16 ~~(E) A BUSINESS SHALL ENSURE THAT AN INDIVIDUAL RESPONSIBLE FOR~~
17 ~~HANDLING CONSUMER INQUIRIES ABOUT THE BUSINESS'S PRIVACY PRACTICES OR~~
18 ~~THE BUSINESS'S COMPLIANCE WITH THIS SUBTITLE IS INFORMED OF THE~~
19 ~~REQUIREMENTS IN THIS SUBTITLE AND HOW TO DIRECT A CONSUMER TO EXERCISE~~
20 ~~THE CONSUMER'S RIGHTS UNDER THIS SUBTITLE.~~

21 ~~(F) A BUSINESS MAY USE PERSONAL INFORMATION COLLECTED FROM A~~
22 ~~CONSUMER IN CONNECTION WITH THE BUSINESS'S VERIFICATION OF THE~~
23 ~~CONSUMER'S REQUEST ONLY FOR THE PURPOSES OF VERIFICATION.~~

24 ~~14-4406.~~

25 ~~(A) A CONSUMER MAY REQUEST THAT A BUSINESS DELETE ALL PERSONAL~~
26 ~~INFORMATION ABOUT THE CONSUMER THAT THE BUSINESS HAS COLLECTED FROM~~
27 ~~THE CONSUMER.~~

28 ~~(B) A BUSINESS THAT COLLECTS PERSONAL INFORMATION ABOUT A~~
29 ~~CONSUMER SHALL DISCLOSE, IN ACCORDANCE WITH § 14-4403 OF THIS SUBTITLE,~~
30 ~~THE CONSUMER'S RIGHT TO REQUEST THE DELETION OF THE CONSUMER'S~~
31 ~~PERSONAL INFORMATION.~~

~~(C) A BUSINESS THAT RECEIVES A VERIFIABLE CONSUMER REQUEST FROM A CONSUMER TO DELETE THE CONSUMER'S PERSONAL INFORMATION UNDER SUBSECTION (A) OF THIS SECTION SHALL DELETE THE PERSONAL INFORMATION FROM ITS RECORDS AND DIRECT SERVICE PROVIDERS TO DELETE THE PERSONAL INFORMATION FROM THE SERVICE PROVIDERS' RECORDS.~~

~~(D) A BUSINESS OR A SERVICE PROVIDER IS NOT REQUIRED TO COMPLY WITH A CONSUMER'S REQUEST TO DELETE THE CONSUMER'S PERSONAL INFORMATION IF IT IS NECESSARY FOR THE BUSINESS OR SERVICE PROVIDER TO MAINTAIN THE PERSONAL INFORMATION IN ORDER TO:~~

~~(1) COMPLETE THE TRANSACTION FOR WHICH THE PERSONAL INFORMATION WAS COLLECTED, PROVIDE A GOOD OR SERVICE REQUESTED BY THE CONSUMER OR REASONABLY ANTICIPATED WITHIN THE CONTEXT OF A BUSINESS'S ONGOING BUSINESS RELATIONSHIP WITH THE CONSUMER, OR OTHERWISE PERFORM A CONTRACT BETWEEN THE BUSINESS AND THE CONSUMER;~~

~~(2) DETECT SECURITY INCIDENTS, PROTECT AGAINST MALICIOUS, DECEPTIVE, FRAUDULENT, OR ILLEGAL ACTIVITY, OR PROSECUTE THOSE RESPONSIBLE FOR THAT ACTIVITY;~~

~~(3) IDENTIFY OR REPAIR ERRORS THAT IMPAIR EXISTING INTENDED FUNCTIONALITY;~~

~~(4) EXERCISE FREE SPEECH, ENSURE THE RIGHT OF ANOTHER CONSUMER TO EXERCISE THE RIGHT OF FREE SPEECH, OR EXERCISE ANOTHER RIGHT PROVIDED FOR BY LAW;~~

~~(5) ENGAGE IN PUBLIC OR PEER REVIEWED SCIENTIFIC, HISTORICAL, OR STATISTICAL RESEARCH IN THE PUBLIC INTEREST THAT ADHERES TO OTHER APPLICABLE ETHICS AND PRIVACY LAWS, WHEN THE BUSINESS'S DELETION OF THE INFORMATION IS LIKELY TO RENDER IMPOSSIBLE OR TO SERIOUSLY IMPAIR THE ACHIEVEMENT OF THE RESEARCH, IF THE CONSUMER HAS PROVIDED INFORMED CONSENT; OR~~

~~(6) COMPLY WITH A LEGAL OBLIGATION.~~

~~14-4407.~~

~~(A) (1) A CONSUMER MAY, AT ANY TIME, DEMAND THAT A BUSINESS NOT DISCLOSE THE CONSUMER'S PERSONAL INFORMATION TO THIRD PARTIES.~~

~~(2) THIS RIGHT MAY BE REFERRED TO AS THE "RIGHT TO OPT OUT OF THIRD PARTY DISCLOSURE".~~

1 ~~(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A BUSINESS MAY~~
2 ~~NOT DISCLOSE THE PERSONAL INFORMATION OF A CONSUMER TO A THIRD PARTY IF~~
3 ~~THE BUSINESS HAS ACTUAL KNOWLEDGE OR WILLFULLY DISREGARDS THE FACT~~
4 ~~THAT THE CONSUMER IS UNDER THE AGE OF 16 YEARS.~~

5 ~~(C) A BUSINESS THAT HAS RECEIVED DIRECTION FROM A CONSUMER NOT~~
6 ~~TO DISCLOSE THE CONSUMER'S PERSONAL INFORMATION TO THIRD PARTIES MAY~~
7 ~~NOT:~~

8 ~~(1) DISCLOSE THE PERSONAL INFORMATION TO THIRD PARTIES~~
9 ~~UNLESS THE CONSUMER LATER PROVIDES EXPRESS AUTHORIZATION FOR THAT~~
10 ~~DISCLOSURE; OR~~

11 ~~(2) REQUEST AUTHORIZATION TO DISCLOSE THE PERSONAL~~
12 ~~INFORMATION TO THIRD PARTIES FOR AT LEAST 12 MONTHS AFTER THE DATE ON~~
13 ~~WHICH THE BUSINESS RECEIVED THE DIRECTION FROM THE CONSUMER.~~

14 ~~(D) A BUSINESS SHALL PROVIDE A CLEAR AND CONSPICUOUS LINK ON THE~~
15 ~~INTERNET HOMEPAGE OF THE BUSINESS TO AN INTERNET WEBPAGE THAT ENABLES~~
16 ~~A CONSUMER OR A PERSON AUTHORIZED BY THE CONSUMER TO OPT OUT OF THE~~
17 ~~THIRD PARTY DISCLOSURE OF THE CONSUMER'S PERSONAL INFORMATION.~~

18 ~~(E) (1) A CONSUMER MAY EXERCISE THE RIGHT TO OPT OUT OF THE SALE~~
19 ~~OR DISCLOSURE OF THE CONSUMER'S PERSONAL INFORMATION THROUGH A~~
20 ~~TECHNOLOGY INDICATING THE CONSUMER'S INTENT TO OPT OUT, INCLUDING A~~
21 ~~PREFERENCE OR BROWSER SETTING, BROWSER EXTENSION, OR GLOBAL DEVICE~~
22 ~~SETTING.~~

23 ~~(2) A BUSINESS SHALL COMPLY WITH PARAGRAPH (1) OF THIS~~
24 ~~SUBSECTION IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE ATTORNEY~~
25 ~~GENERAL.~~

26 ~~(F) (1) A CONSUMER MAY AUTHORIZE ANOTHER PERSON TO OPT OUT OF~~
27 ~~THE SALE OR DISCLOSURE OF THE CONSUMER'S PERSONAL INFORMATION ON THE~~
28 ~~CONSUMER'S BEHALF.~~

29 ~~(2) A BUSINESS SHALL COMPLY WITH AN OPT OUT REQUEST~~
30 ~~RECEIVED FROM A PERSON AUTHORIZED BY THE CONSUMER TO ACT ON THE~~
31 ~~CONSUMER'S BEHALF, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE~~
32 ~~ATTORNEY GENERAL.~~

1 ~~(G) A BUSINESS MAY REQUIRE AUTHENTICATION OF A CONSUMER REQUEST~~
2 ~~RECEIVED UNDER THIS SECTION IN A MANNER THAT IS REASONABLE IN LIGHT OF~~
3 ~~THE NATURE OF THE PERSONAL INFORMATION REQUESTED.~~

4 ~~(H) A BUSINESS MAY NOT REQUIRE A CONSUMER TO CREATE AN ACCOUNT~~
5 ~~IN ORDER TO EXERCISE THE RIGHT TO OPT OUT OF THIRD PARTY DISCLOSURE.~~

6 ~~14-4408.~~

7 ~~(A) A BUSINESS MAY NOT DISCRIMINATE AGAINST A CONSUMER BASED ON~~
8 ~~THE CONSUMER'S DECISION TO EXERCISE RIGHTS UNDER THIS SUBTITLE.~~

9 ~~(B) FOR PURPOSES OF THIS SECTION, DISCRIMINATION INCLUDES:~~

10 ~~(1) DENYING GOODS OR SERVICES TO THE CONSUMER;~~

11 ~~(2) CHARGING DIFFERENT PRICES OR RATES FOR GOODS OR~~
12 ~~SERVICES, INCLUDING THROUGH THE USE OF DISCOUNTS OR OTHER BENEFITS OR~~
13 ~~PENALTIES;~~

14 ~~(3) PROVIDING A DIFFERENT LEVEL OR QUALITY OF GOODS OR~~
15 ~~SERVICES TO THE CONSUMER; OR~~

16 ~~(4) SUGGESTING THAT THE CONSUMER WILL RECEIVE A DIFFERENT~~
17 ~~PRICE OR RATE FOR GOODS OR SERVICES OR A DIFFERENT LEVEL OR QUALITY OF~~
18 ~~GOODS OR SERVICES.~~

19 ~~14-4409.~~

20 ~~THE OBLIGATIONS IMPOSED BY THIS SUBTITLE MAY NOT RESTRICT THE~~
21 ~~ABILITY OF A BUSINESS OR THIRD PARTY TO:~~

22 ~~(1) COMPLY WITH FEDERAL, STATE, OR LOCAL LAWS;~~

23 ~~(2) COMPLY WITH A CIVIL, CRIMINAL, OR REGULATORY INQUIRY,~~
24 ~~INVESTIGATION, SUBPOENA, OR SUMMONS BY A FEDERAL, STATE, OR LOCAL~~
25 ~~AUTHORITY;~~

26 ~~(3) COOPERATE WITH A LAW ENFORCEMENT AGENCY CONCERNING~~
27 ~~CONDUCT OR ACTIVITY THAT THE BUSINESS, SERVICE PROVIDER, OR THIRD PARTY~~
28 ~~REASONABLY AND IN GOOD FAITH BELIEVES MAY VIOLATE FEDERAL, STATE, OR~~
29 ~~LOCAL LAW;~~

30 ~~(4) EXERCISE LEGAL RIGHTS OR PRIVILEGES; OR~~

1 ~~(5) ENGAGE IN NEWS-GATHERING ACTIVITIES PROTECTED BY THE~~
2 ~~FIRST AMENDMENT OF THE U.S. CONSTITUTION.~~

3 ~~14-4410.~~

4 ~~RESEARCH WITH PERSONAL INFORMATION THAT MAY HAVE BEEN~~
5 ~~COLLECTED FROM A CONSUMER IN THE COURSE OF THE CONSUMER'S~~
6 ~~INTERACTIONS WITH A BUSINESS'S SERVICE OR DEVICE FOR OTHER PURPOSES~~
7 ~~SHALL BE:~~

8 ~~(1) USED SOLELY FOR RESEARCH PURPOSES THAT ARE COMPATIBLE~~
9 ~~WITH THE CONTEXT IN WHICH THE PERSONAL INFORMATION WAS COLLECTED;~~

10 ~~(2) RESTRICTED FROM USE FOR ANY COMMERCIAL PURPOSE;~~

11 ~~(3) SUBSEQUENTLY PSEUDONYMIZED AND DE-IDENTIFIED, OR~~
12 ~~DE-IDENTIFIED AND IN THE AGGREGATE, SO THAT THE INFORMATION CANNOT~~
13 ~~REASONABLY IDENTIFY, RELATE TO, DESCRIBE, BE CAPABLE OF BEING ASSOCIATED~~
14 ~~WITH, OR BE LINKED, DIRECTLY OR INDIRECTLY, TO A PARTICULAR CONSUMER;~~

15 ~~(4) SUBJECT TO TECHNICAL SAFEGUARDS THAT PROHIBIT~~
16 ~~RE-IDENTIFICATION OF THE CONSUMER TO WHOM THE INFORMATION MAY~~
17 ~~PERTAIN;~~

18 ~~(5) SUBJECT TO BUSINESS PROCESSES THAT SPECIFICALLY~~
19 ~~PROHIBIT RE-IDENTIFICATION OF THE INFORMATION;~~

20 ~~(6) SUBJECT TO BUSINESS PROCESSES TO PREVENT INADVERTENT~~
21 ~~RELEASE OF DE-IDENTIFIED INFORMATION;~~

22 ~~(7) PROTECTED FROM ANY RE-IDENTIFICATION ATTEMPTS; AND~~

23 ~~(8) SUBJECT TO THE ADDITIONAL SECURITY CONTROLS OF THE~~
24 ~~BUSINESS THAT LIMIT ACCESS TO THE RESEARCH DATA TO ONLY THOSE~~
25 ~~INDIVIDUALS IN A BUSINESS AS ARE NECESSARY TO CARRY OUT THE RESEARCH~~
26 ~~PURPOSE.~~

27 ~~14-4411.~~

28 ~~(A) A VIOLATION OF THIS SUBTITLE IS:~~

29 ~~(1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN~~
30 ~~THE MEANING OF TITLE 13 OF THIS ARTICLE; AND~~

1 ~~(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS~~
2 ~~CONTAINED IN TITLE 13 OF THIS ARTICLE.~~

3 ~~(B) (1) A BUSINESS THAT DISCLOSES PERSONAL INFORMATION TO A~~
4 ~~SERVICE PROVIDER MAY NOT BE LIABLE UNDER THIS SUBTITLE IF:~~

5 ~~(I) THE SERVICE PROVIDER RECEIVING THE PERSONAL~~
6 ~~INFORMATION USES THE PERSONAL INFORMATION IN VIOLATION OF THE~~
7 ~~RESTRICTIONS SET FORTH IN THIS SUBTITLE; AND~~

8 ~~(H) AT THE TIME OF THE DISCLOSURE, THE BUSINESS DOES NOT~~
9 ~~HAVE ACTUAL KNOWLEDGE OR REASON TO BELIEVE THAT THE SERVICE PROVIDER~~
10 ~~INTENDS TO COMMIT A VIOLATION.~~

11 ~~(2) A SERVICE PROVIDER MAY NOT BE LIABLE UNDER THIS SUBTITLE~~
12 ~~FOR THE OBLIGATIONS OF A BUSINESS FOR WHICH IT PROVIDES SERVICES AS SET~~
13 ~~FORTH IN THIS SUBTITLE.~~

14 ~~14-4412.~~

15 ~~THE OFFICE OF THE ATTORNEY GENERAL MAY ADOPT REGULATIONS~~
16 ~~NECESSARY TO CARRY OUT THIS SUBTITLE, INCLUDING REGULATIONS TO:~~

17 ~~(1) IDENTIFY CATEGORIES OF PERSONAL INFORMATION IN ADDITION~~
18 ~~TO THOSE DESCRIBED UNDER § 14-4402 OF THIS SUBTITLE IN ORDER TO ADDRESS~~
19 ~~CHANGES IN TECHNOLOGY, DATA COLLECTION PRACTICES, OBSTACLES TO~~
20 ~~IMPLEMENTATION, AND PRIVACY CONCERNS;~~

21 ~~(2) UPDATE AS NEEDED THE DEFINITION OF "UNIQUE IDENTIFIER"~~
22 ~~TO ADDRESS CHANGES IN TECHNOLOGY, DATA COLLECTION, OBSTACLES TO~~
23 ~~IMPLEMENTATION, AND PRIVACY CONCERNS;~~

24 ~~(3) ESTABLISH ANY EXCEPTIONS NECESSARY TO COMPLY WITH~~
25 ~~STATE OR FEDERAL LAW, INCLUDING EXCEPTIONS RELATING TO TRADE SECRETS~~
26 ~~AND INTELLECTUAL PROPERTY RIGHTS;~~

27 ~~(4) ADOPT STANDARDS AND PROCEDURES:~~

28 ~~(I) TO FACILITATE AND GOVERN THE SUBMISSION OF~~
29 ~~VERIFIABLE CONSUMER REQUESTS UNDER §§ 14-4404 THROUGH 14-4407 OF THIS~~
30 ~~SUBTITLE;~~

1 ~~(H) TO GOVERN RESPONSES BY BUSINESSES AND SERVICE~~
2 ~~PROVIDERS TO VERIFIABLE CONSUMER REQUESTS UNDER §§ 14 4404 THROUGH~~
3 ~~14 4407 OF THIS SUBTITLE; AND~~

4 ~~(HH) FOR THE DEVELOPMENT AND USE OF A RECOGNIZABLE AND~~
5 ~~UNIFORM OPT-OUT LOGO OR BUTTON BY ALL BUSINESSES TO PROMOTE CONSUMER~~
6 ~~AWARENESS OF THE OPPORTUNITY TO OPT OUT OF THIRD-PARTY DISCLOSURE OF~~
7 ~~CONSUMER PERSONAL INFORMATION;~~

8 ~~(5) ADJUST THE MONETARY THRESHOLD IN § 14 4401(D)(1)(H)1 OF~~
9 ~~THIS SUBTITLE TO REFLECT ANY INCREASE IN THE CONSUMER PRICE INDEX AS~~
10 ~~PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS;~~

11 ~~(6) ENSURE THAT THE NOTICES AND INFORMATION THAT~~
12 ~~BUSINESSES ARE REQUIRED TO PROVIDE UNDER THIS SUBTITLE ARE PROVIDED IN~~
13 ~~A MANNER THAT MAY BE EASILY UNDERSTOOD BY THE AVERAGE CONSUMER, ARE~~
14 ~~ACCESSIBLE TO CONSUMERS WITH DISABILITIES, AND ARE AVAILABLE IN THE~~
15 ~~LANGUAGE PRIMARILY USED TO INTERACT WITH THE CONSUMER, INCLUDING~~
16 ~~ADOPTING REGULATIONS, PROCEDURES, AND GUIDELINES REGARDING FINANCIAL~~
17 ~~INCENTIVE OFFERINGS; AND~~

18 ~~(7) FURTHER THE PURPOSES OF §§ 14 4404 THROUGH 14 4407 OF~~
19 ~~THIS SUBTITLE, WITH THE GOAL OF MINIMIZING THE ADMINISTRATIVE BURDEN ON~~
20 ~~CONSUMERS, TAKING INTO ACCOUNT AVAILABLE TECHNOLOGY, SECURITY~~
21 ~~CONCERNS, AND THE BURDEN ON THE BUSINESS, TO GOVERN A DETERMINATION BY~~
22 ~~A BUSINESS THAT A REQUEST FOR INFORMATION RECEIVED BY A CONSUMER IS A~~
23 ~~VERIFIABLE CONSUMER REQUEST, INCLUDING TREATING A REQUEST SUBMITTED~~
24 ~~THROUGH A PASSWORD-PROTECTED ACCOUNT MAINTAINED BY THE CONSUMER~~
25 ~~WITH THE BUSINESS WHILE THE CONSUMER IS LOGGED INTO THE ACCOUNT AS A~~
26 ~~VERIFIABLE CONSUMER REQUEST AND PROVIDING A MECHANISM FOR A CONSUMER~~
27 ~~WHO DOES NOT MAINTAIN AN ACCOUNT WITH THE BUSINESS TO REQUEST~~
28 ~~INFORMATION THROUGH THE BUSINESS'S AUTHENTICATION OF THE CONSUMER'S~~
29 ~~IDENTITY.~~

30 ~~14 4413.~~

31 ~~(A) WHEREVER POSSIBLE, LAW RELATING TO CONSUMERS' PERSONAL~~
32 ~~INFORMATION SHOULD BE CONSTRUED TO HARMONIZE WITH THE PROVISIONS OF~~
33 ~~THIS SUBTITLE.~~

34 ~~(B) IN THE EVENT OF A CONFLICT BETWEEN OTHER LAWS AND THIS~~
35 ~~SUBTITLE, THE PROVISIONS OF LAW THAT AFFORD THE GREATEST PROTECTION FOR~~
36 ~~THE RIGHT OF PRIVACY FOR CONSUMERS SHALL CONTROL.~~

1 ~~14-4414.~~

2 ~~IF A SERIES OF STEPS OR TRANSACTIONS IS ENGAGED WHERE COMPONENT~~
 3 ~~PARTS OF A SINGLE TRANSACTION ARE TAKEN WITH THE INTENT OF AVOIDING THE~~
 4 ~~REQUIREMENTS OF THIS SUBTITLE, A COURT SHALL DISREGARD THE~~
 5 ~~INTERMEDIATE STEPS OR TRANSACTIONS FOR PURPOSES OF CARRYING OUT THIS~~
 6 ~~SUBTITLE.~~

7 ~~14-4415.~~

8 ~~A PROVISION OF A CONTRACT OR AN AGREEMENT OF ANY KIND THAT~~
 9 ~~PURPORTS TO WAIVE OR LIMIT IN ANY WAY THE RIGHTS OF A CONSUMER UNDER~~
 10 ~~THIS SUBTITLE, INCLUDING A RIGHT TO A REMEDY OR MEANS OF ENFORCEMENT,~~
 11 ~~SHALL BE CONSIDERED CONTRARY TO PUBLIC POLICY AND SHALL BE VOID AND~~
 12 ~~UNENFORCEABLE.~~

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 14 ~~January~~ June 1, 2023 2022. It shall remain effective for a period of 1 year and 1 month and,
 15 at the end of June 30, 2023, this Act, with no further action required by the General
 16 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.