

126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 313

H.P. 222

House of Representatives, February 7, 2013

An Act To Create the Maine Online Privacy Protection Act

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative RUSSELL of Portland. Cosponsored by Representatives: BERRY of Bowdoinham, CAREY of Lewiston, DION of Portland, HICKMAN of Winthrop, McCLELLAN of Raymond.

1 2	Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4	Whereas, the online privacy of the personal information of consumers residing in Maine is of utmost importance; and
5 6	Whereas, each day thousands of consumers in Maine use online services and websites that have access to personal information; and
7 8 9	Whereas, consumers, in order to protect their personal information, need to know how online services and websites use or share that personal information and should have that information, as provided according to this Act, as soon as possible; and
10 11 12 13	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,
14	Be it enacted by the People of the State of Maine as follows:
15	Sec. 1. 10 MRSA c. 1057 is enacted to read:
16	<u>CHAPTER 1057</u>
17	MAINE ONLINE PRIVACY PROTECTION ACT
17 18	MAINE ONLINE PRIVACY PROTECTION ACT §9571. Short title
18	<u>§9571. Short title</u>
18 19	§9571. Short title This chapter may be known and cited as "the Maine Online Privacy Protection Act."
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 18 19 20 21 22 23 24 	 §9571. Short title This chapter may be known and cited as "the Maine Online Privacy Protection Act." §9572. Definitions As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. 1. Consumer. "Consumer" means an individual residing in this State who seeks or acquires, by purchase or lease, any goods, services, money or credit for personal, family

1	§9573. Privacy statement to protect personal information
2 3 4	1. Posting of privacy statement. An operator shall conspicuously post on its publicly accessible website in accordance with subsection 3 a privacy statement that contains the components described in subsection 2.
5 6	2. Privacy statement content. The privacy statement posted pursuant to subsection 1 must contain all of the following:
7	A. A list of the personal information that is collected by the operator;
8 9	B. A description of the entities with whom the operator may share a consumer's personal information;
10 11 12	C. If the operator has a process for a consumer who uses the operator's publicly accessible website to review and request changes to the consumer's personal information that is collected by the operator, a description of that process;
13 14 15	D. A description of the process used by the operator to notify a consumer who uses its publicly accessible website of material changes to that operator's privacy statement; and
16	E. The effective date of the privacy statement.
17 18	3. Conspicuously post. A privacy statement required under subsection 1 is considered conspicuously posted if it meets any the following criteria:
19 20	A. The privacy statement in its entirety is posted on the home page or the first page seen by a consumer upon entering the publicly accessible website;
21 22 23	B. An icon that links directly to the privacy statement in its entirety is located on the home page or the first page seen by a consumer upon entering the publicly accessible website; and
24 25 26	C. A hyperlink that links directly to the privacy statement in its entirety is located on the home page or the first page seen by a consumer upon entering the publicly accessible website, if that hyperlink:
27	(1) Includes the word "privacy"; and
28 29 30	(2) Is written in capital letters that are equal to or greater in size than the surrounding text or is set apart from surrounding text by using a contrasting typeface, font or color or other marks that call attention to the privacy statement.
31 32	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.
33	SUMMARY
34 35 36 37	This bill requires a person or company that owns a publicly accessible website or online service that collects personal information from an individual consumer who is a resident of this State to post a privacy statement in a conspicuous location on its publicly accessible website.

The bill also lists required content of the privacy statement.

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