2001 ASSEMBLY BILL 177

March 7, 2001 – Introduced by Representative Powers, by request of Governor's Task Force on Privacy. Referred to Committee on Personal Privacy.

AN ACT to create 134.44 of the statutes; relating to: written policies by businesses operating in this state concerning collection and disclosure of personally identifiable information of state residents.

Analysis by the Legislative Reference Bureau

Under this bill, a business that operates for profit in this state, that collects personally identifiable information from its customers who are state residents, and that discloses the information to third parties must establish a written policy regarding the collection, use, and disclosure of that information. The bill also imposes requirements on these businesses concerning the manner in which they must make the policy accessible to customers. Personally identifiable information includes items such as the customer's name and address.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **Section 1.** 134.44 of the statutes is created to read:
- 5 134.44 Policies for disclosing personally identifiable information by
- 6 **businesses.** (1) In this section:

ASSEMBLY BILL 177

1

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

- (a) "Business" means a person who is engaged in a business for profit or an employee of the business.
- (b) "Personally identifiable information" means the name of an individual or other information that can be used to identify that individual.
- (c) "Unaffiliated 3rd party," when used in relation to any business, means a person that does not control, is not controlled by, and is not under common control with the business.
- (2) Written Policy Required. Any business operating in this state that collects personally identifiable information from residents of this state and that discloses the personally identifiable information that it collects to unaffiliated 3rd parties shall establish a written policy for the collection, use, and disclosure of the personally identifiable information. The business shall make the policy reasonably available to the persons with whom it does, or may do, business and shall provide a copy of the policy to any such person who requests it. If the business uses the Internet in to conduct business, the business shall post the policy on its Internet site.

16 (END)