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**1999 DRAFTING REQUEST**

**Bill**

Received: **09/10/98**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **Mike**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Trade Regulation**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Requests by sellers for personal information

**Instructions:**

Prohibition on sellers from asking for personal identification information for marketing purposes except for zip codes (does not apply to information needed to pay by personal check)

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 10/15/98	gilfokm 10/21/98	martykr 10/22/98	_____	gretskl 10/22/98		
/2	gibsom 03/8/99	gilfokm 03/9/99	jfrantze 03/10/99	_____	lrb_docadmin 03/10/99		
/3	gibsom 03/11/99		jfrantze 03/11/99	_____	lrb_docadmin 03/11/99	lrb_docadmin 03/26/99	

FE Sent For:

<END>

↳ Not Needed



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**Instructions:**

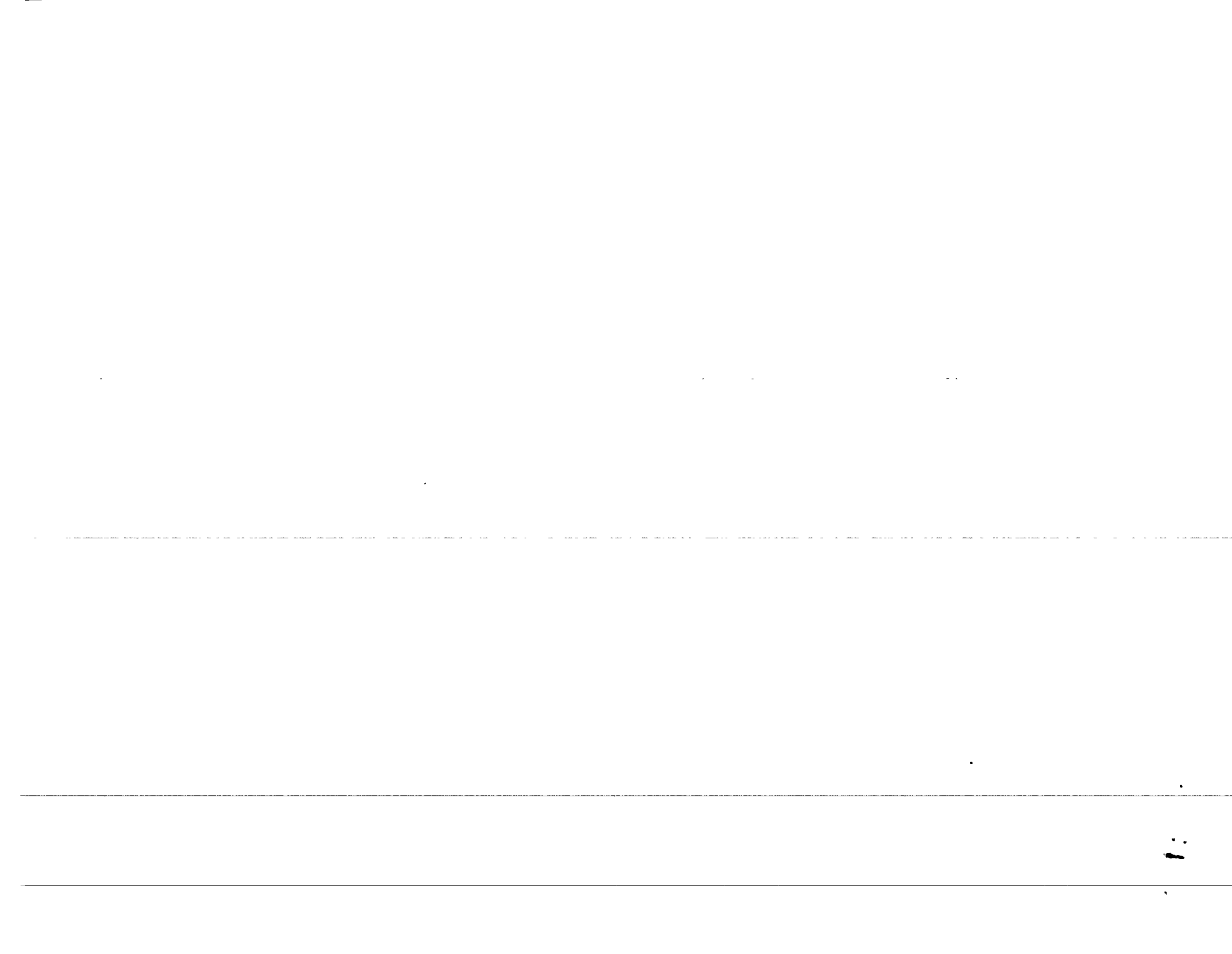
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/3	gibsom 03/11/99		jfrantze 03/11/99	_____	lrb_docadmin 03/11/99		

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&lt;END&gt;



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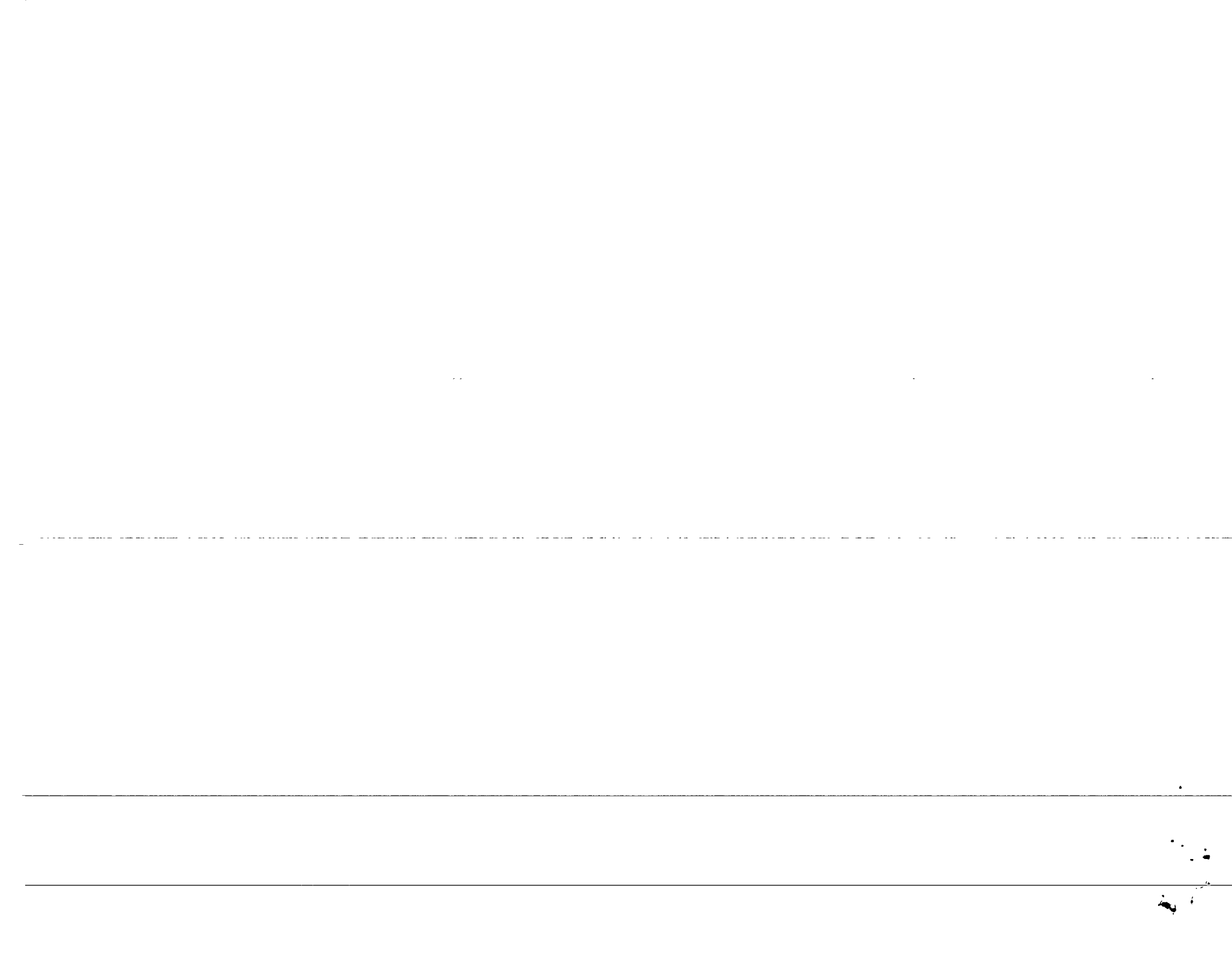
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/2	gibsom 03/8/99	gilfokm 03/9/99	jfrantze 03/10/99	_____	lrb_docadmin 03/10/99		

FE Sent For:

Handwritten signatures and dates: 133/11 jlg, 3/11, and a signature with <END> below it.



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May Contact:

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Subject: **Trade Regulation**

Extra Copies:

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/1	gibsom 10/15/98	gilfokm 10/21/98	martykr 10/22/98	_____	gretskl 10/22/98		

FE Sent For: *12-3-99 Hmg* *Jb 3/10* *Jb /rh*  
 <END>  
 3/10

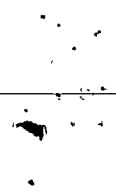


11/11/11

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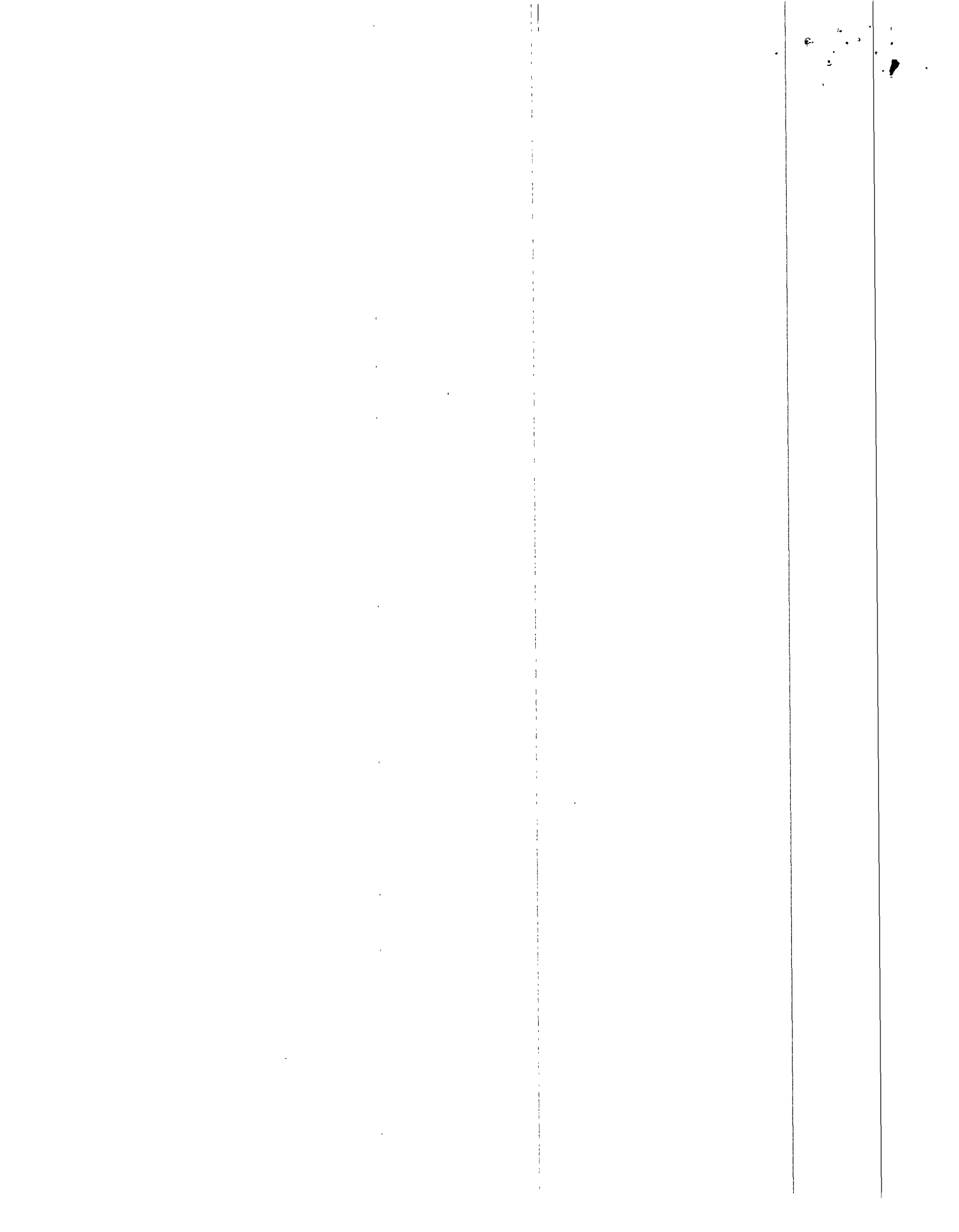
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1?	gibsom	1-10-21 KMG	KM 10/22	QS 10 KM 22			

FE Sent For:

<END>





D - Note

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT <sup>Gen. Stat.</sup> relating to: personally identifiable information used for marketing  
2 or advertising purposes and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

This bill prohibits a business from using any information received from a customer that may be associated with the particular customer for marketing or advertising purposes. The bill exempts from the prohibition zip codes of customers' residences.

---

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

3 SECTION 1. 134.44 of the statutes is created to read:

4 **134.44 Personally identifiable information for marketing purposes.** (1)

5 In this section, "personally identifiable information" has the meaning given in s.  
6 19.62 (5).

7 (2) No person engaged in, or employed by, a business operated for profit may  
8 use personally identifiable information received from a customer for marketing or  
9 advertising purposes, except for the zip code of the customer's residence.





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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0135/Edn

MGG.....

*img*

*es*  
1. Please review and think through this draft carefully. In so doing please consider the following:

a. I have drafted this bill in this manner so that businesses may still ask for personally identifiable information to verify checks, check credit limits, etc.

b. It is my understanding that this bill will prohibit the use of discount cards at certain businesses, such as grocery stores since when the card is scanned information is collected as to the type of products the customer is buying. This information is then used to send free offers or other advertising to customers for products that they often purchase. There may be other marketing scenarios to which this prohibition will apply.

2. I arbitrarily picked the penalty; let me know what penalty you do want. If no penalty is specified, the penalty will be a forfeiture of \$200. See s. 939.61 (1).

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215



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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0135/1dn  
MGG:kmg:km

October 22, 1998

1. Please review and think through this draft carefully. In so doing please consider the following:

a. I have drafted this bill in this manner so that businesses may still ask for personally identifiable information to verify checks, check credit limits, etc.

b. It is my understanding that this bill will prohibit the use of discount cards at certain businesses such as grocery stores since when the card is scanned information is collected as to the type of products the customer is buying. This information is then used to send free offers or other advertising to customers for products that they often purchase. There may be other marketing scenarios to which this prohibition will apply.

2. I arbitrarily picked the penalty; let me know what penalty you do want. If no penalty is specified, the penalty will be a forfeiture of \$200. See s. 939.61 (1).

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215

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# ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

## Memorandum

**To:** Mary Gibson-Glass  
**From:** Tony  
**Date:** March 2, 1999  
**Re:** LRB-0135-1

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I have several questions for your regarding the above draft and perhaps some changes to the bill.

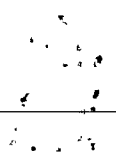
The drafter's note in paragraph 1-B states that it is your understanding that this bill will prohibit the use of discount cards at certain businesses such as grocery stores. I disagree with that analysis. Paragraph #2 of the bill draft states that the personally identifiable information received from a customer may not be used for marketing or advertising purposes other than the zip code. It does not state that a grocery store may not ask for and obtain this information. It only prohibits a certain use of the information.

However, the bill draft may have actually touched upon a better approach to what I am trying to prevent, which is the widespread dissemination of personally identifiable information. Given that these discount cards are used for many legitimate purposes at grocery stores, department stores and other retailers, I do not believe that I want to limit or eliminate the right of these retailers to obtain personal information in order to issue a discount card. However, I do wish to limit the use of the personally identifiable information only to marketing and advertising of those customers by the retailer to whom the information was given.

In other words, I would like a bill draft that would prevent the retailer who originally obtained the information from selling, giving or distributing the personally identifiable information to a third party. In this way, I believe an acceptable compromise may be reached. The original retailer, to whom the information was given freely can issue a discount card and can still include that customer on their advertising and marketing list. However, they would be unable to divulge the personal information to a third party, which the consumer may or may not want to have that information.

OFFICE: P.O. BOX 8953 • MADISON, WI 53708 • (608) 266-0620  
HOME: 2010 SOUTH 103RD COURT • WEST ALLIS, WI 53227 • (414) 541-9440  
TOLL-FREE NUMBER: 1-888-534-0015 • FAX: (608) 282-3615

PRINTED ON RECYCLED PAPER



March 2, 1999

As far as the penalty found in paragraph #3 of the bill draft, I would like that section changed to say that "any person who violates this section is subject to a forfeiture of \$100.00 per occurrence." Certainly, a large retailer such as Kohl's Food Store would not be deterred from selling its customer list to a third party marketer by a \$100.00 forfeiture. However, if they were subject to a \$100.00 forfeiture for each and every name given, sold, or disclosed, perhaps that would be a deterrent.

If you have any questions regarding this bill draft, please contact me. Otherwise, please proceed to modify LRB-0135-1.





soon

# 1999 BILL

1 **AN ACT to create** 134.44 of the statutes; **relating to:** personally identifiable  
 2 information used for marketing or advertising purposes and providing a  
 3 penalty.

by businesses and their employees  
 the disclosure of

to another person

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*Analysis by the Legislative Reference Bureau*

This bill prohibits a business from ~~using~~ <sup>disclosing</sup> any information received from a customer that may be associated with the particular customer for marketing or advertising purposes. The bill exempts from the prohibition zip codes of customers' residences.

---

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

4 **SECTION 1.** 134.44 of the statutes is created to read:  
 5 134.44 <sup>Disclosure of</sup> **Personally identifiable information** <sup>by businesses</sup> ~~for marketing purposes.~~

6 (1) In this section, "personally identifiable information" has the meaning given in s.  
 7 19.62 (5).



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**BILL**

**SECTION 1**

*to ~~a~~ another person*

1 (2) No person engaged in, or employed by, a business operated for profit may  
2 <sup>disclose</sup> use personally identifiable information received from a customer for marketing or  
3 advertising purposes, except for the zip code of the customer's residence.

4 (3) Any person who violates <sup>Sub. (2)</sup> this section is subject to a forfeiture of \$100.

5 (END)

*for each violation*

1000  
1000  
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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0135/3  
MGG:kmg:jf

sent to  
WPOS

D-note

Now

1999 BILL

identify  
or

that may be associated with that particular customer

Regen

1 AN ACT to create 134.44 of the statutes; relating to: the disclosure of personally  
2 identifiable information by businesses and their employees and providing a  
3 penalty.

to another person ✓

**Analysis by the Legislative Reference Bureau**

This bill prohibits a business from disclosing any information received from a customer to another person.

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

4 SECTION 1. 134.44 of the statutes is created to read:  
5 134.44 Disclosure of personally identifiable information by  
6 businesses. (1) In this section, "personally identifiable information" has the  
7 meaning given in s. 19.62 (5).  
8 (2) No person engaged in, or employed by, a business operated for profit may  
9 disclose personally identifiable information received from a customer to another  
10 person.

**BILL**

1 (3) Any person who violates sub. (2) is subject to a forfeiture of \$100 for each  
2 violation.

3 (END)

D-Note

This draft rewrites the analysis. Language in the analysis was inadvertently deleted in LBB-0135/2.

MBB

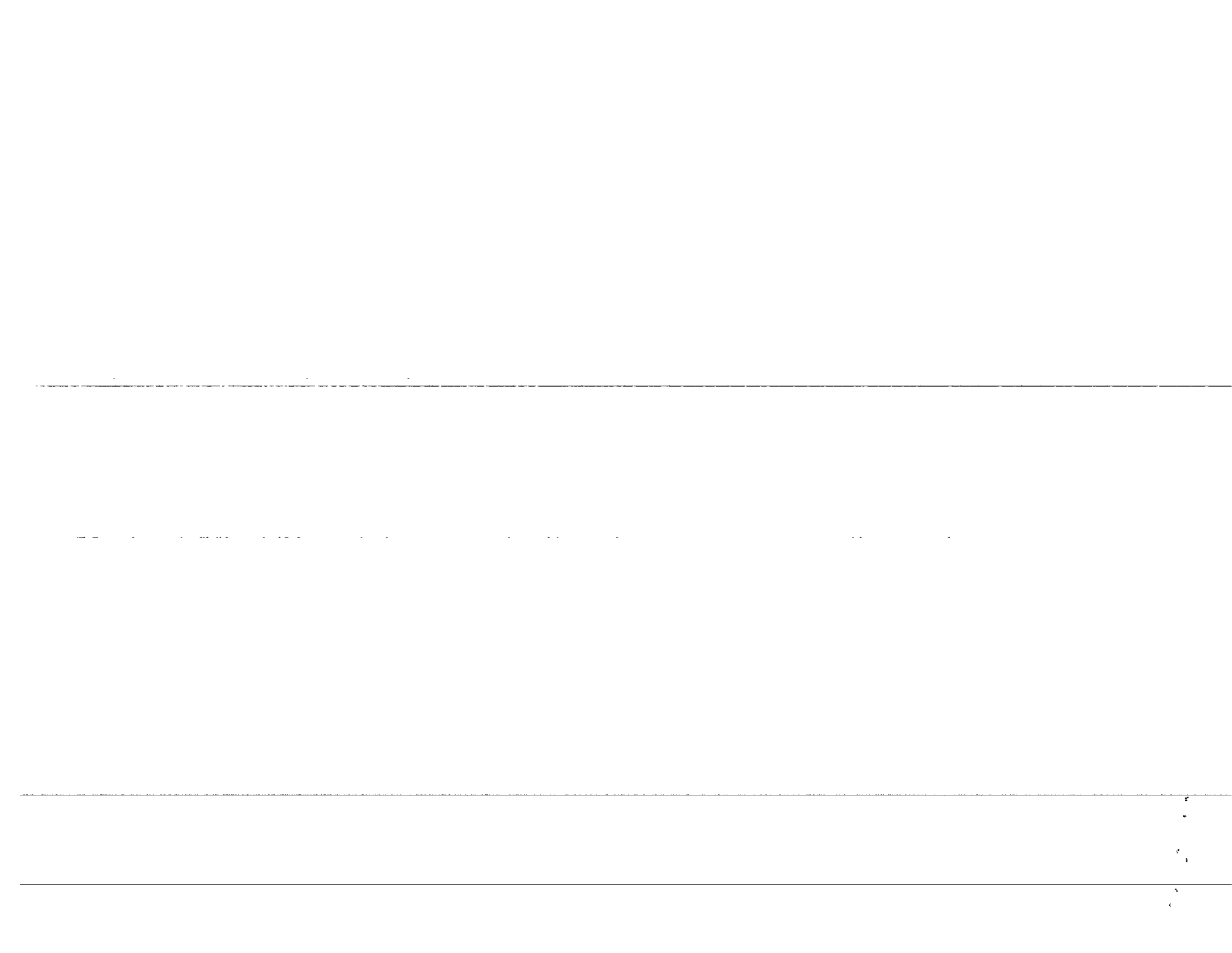
**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0135/3dn  
MGG:kmg:jf

March 11, 1999

This redraft rewrites the analysis. Language in the analysis was inadvertently deleted in LRB-0135/2.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 3/11/99

**To:** Representative Staskunas

**Relating to LRB drafting number:** LRB-0135

**Topic**

Requests by sellers for personal information

**Subject(s)**

Trade Regulation

1. **JACKET** the draft for introduction \_\_\_\_\_  
in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_  
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney  
Telephone: (608) 267-3215



