

1999 DRAFTING REQUEST

Bill

Received: **08/20/1999**

Received By: **nelsorpl**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **Don Dyke**

This file may be shown to any legislator: NO

Drafter: **nelsorpl**

May Contact:

Alt. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Disclosure of personal information about persons under 18 years of age

Instructions:

See Attached

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>
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/P1			martykr 09/07/1999	_____	lrb-docadmin 09/07/1999		S&L
/1	nelsorp 1 09/15/1999	chanaman 0911711999	martykr 09/ 1711999	_____	lrb-docadmin 09/17/1999	lrb-docadmin 10/15/1999	

FE Sent For: *10/20/99*

<END>

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FE Sent For:		<i>h</i>	<i>km 9/17</i>	<i>jh 9/17</i> <i>km 9/17</i>			

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see 99-3482

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1?	nelsorp 1	<i>cmf 1/21 2/1</i>	<i>dm 9/17</i>	<i>HL 9 Rom 7</i>			

FE Sent For:

<END>

SENATE BILL

No. 1254

Introduced by Senator Calderon

February 28, 1997

An act to add Chapter 2 (commencing with Section 1798.80) to Title 18 of Part 4 of the Civil Code, and to amend Sections 290 and 11166.5 of, and to add Section 14201.4 to, the Penal Code, relating to children.

LEGISLATIVE COUNSEL'S DRAFT

SB 1254, as introduced, Calderon. Child Endangerment Protection Act of 1997.

(1) Existing law prohibits a governmental agency from disclosing personal information, as defined, in a manner that would identify the subject of the information, except as provided.

This bill would prohibit an individual, firm, partnership, corporation, or association from disclosing, selling, renting, exchanging, or otherwise releasing personal information about children and their families for commercial or trade purposes without their consent. The bill would prohibit any of those entities from conditioning any sale, service, or other thing of value to a child or to a parent or guardian, on the granting of consent to disclose personal information. A violation of that prohibition would be punishable by a fine of up to \$10,000 for a first violation and up to \$25,000 for a subsequent violation. By establishing this new crime, the bill would impose a state-mandated local program.

The bill would authorize the Attorney General to petition for an injunction against an entity that unlawfully discloses personal information, and would create a cause of action for

a person who has been harmed by the unlawful disclosure of personal information.

(2) Existing law requires persons convicted of specified sex offenses to register with local law enforcement officials upon their discharge, parole, or release from commitment and to update that registration annually or upon a change of residence address.

This bill would require the law enforcement agency to determine the registrant's location on a daily basis by biometric means and to forward that information to the Department of Justice within 3 days. By imposing increased duties on local criminal justice systems that are equivalent to those imposed by the establishment of a new crime, this bill would impose a state-mandated local program.

(3) Existing law, the Child Abuse and Neglect Reporting Act, requires specified individuals to report known or suspected instances of child abuse to child protective agencies, except as provided. The Department of Justice, in cooperation with the State Department of Social Services, is required under the act to prescribe by regulation guidelines for the investigation of child abuse in specified facilities. This bill would provide that, on and after January 1, 1999, any person required to report child abuse under the Child Abuse and Neglect Reporting Act, as a condition of initial or renewed licensure or as a condition of initial or continued employment, shall have successfully completed training in the duties imposed by the act, including training in child abuse identification and child abuse reporting, which training shall be prescribed by the Department of Justice, in cooperation with the State Department of Social Services.

(4) Existing law requires the Attorney General to establish and maintain the Violent Crime Information Center. Among the purposes of the center is to assist in the apprehension of persons responsible for the disappearance and exploitation of persons, particularly children.

This bill would require the center to notify the State Registrar of all missing children and to notify the local registrar or county recorder that holds the birth certificate of a missing child that the child is missing. The bill would also require the center to notify the public or private school that

holds the educational records of a missing child that the child is missing and to notify the licensed day care facility that a missing child attended and that holds any records related to the missing child's attendance that the child is missing. The bill would require the recipient of the notification to maintain the birth certificate of record in a manner that will ensure that the center will be notified immediately when a request is made for the birth certificate or record of the missing child or for a copy of that record. The bill would require the State Registrar, local registrar, county recorder, school, or day care facility to comply with the request for the birth certificate or record but not to inform the requester that it notified the center of the request for the birth certificate or record. (5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason. Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. This act shall be known as the Child Endangerment Protection Act of 1997.

SEC. 2 Chapter 2 (commencing with Section 1798.80) is added to Title 18 of Part 4 of the Civil Code, 5 to read:

CHAPTER 2. PERSONAL INFORMATION OF CHILDREN

1798.80. For purposes of this section, the following terms apply:

- 11 (a) "Child" means a person under 18 years of age.
- 12 (b) "Disclose" means to disclose, sell, rent, exchange, or otherwise release.
- 14 (c) "Person" means an individual, firm, partnership, corporation, or association.



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SB 1254

1 (d) "Personal information" means any data that
 2 identifies a child or a child's parent, guardian, or family,
 3 including, but not limited to, the name, postal or
 4 electronic mail address, telephone number, social
 5 security number, date of birth, or physical description of
 6 any of those persons, or family income.
 7 1798.81. (a) No person shall disclose personal
 8 information about or obtained from a child in this state for
 9 commercial or trade purposes without the prior written
 10 consent of a parent or guardian of the child.
 11 (b) A parent or guardian may withdraw prior written
 12 consent at any time, in writing. That withdrawal of
 13 consent shall prohibit the further disclosure of personal
 14 information by the person. A parent or guardian may
 15 correct or revise any personal information previously
 16 consented to, if that information changes.
 17 (c) Prior to disclosing any personal information, a
 18 person shall provide to the parent or guardian all of the
 19 following in writing:
 20 (1) The source of the information.
 21 (2) The nature of the information.
 22 (3) The identity of all persons to whom the
 23 information is intended to be disclosed.
 24 (4) The procedures by which a parent or guardian
 25 may correct, revise, or withdraw consent to use, the
 26 information.
 27 (d) No person shall condition any sale, service, or other
 28 thing of value to a child or to a parent or guardian, on the
 29 granting of consent to disclose personal information.
 30 (e) Whenever any person purchases or acquires
 31 personal information and uses that information to
 32 directly contact a child or his or her parent or guardian
 33 to offer any sale, service, or other thing of value, the
 34 person shall provide to the offeree all of the following in
 35 writing:
 36 (1) The source of the information.
 37 (2) The nature of the information.
 38 (3) The identity of all persons to whom the
 39 information is intended to be disclosed.

SB 1254

1 (f) Upon request, the person shall give the parent or
 2 guardian, without charge, a true and correct copy of all
 3 personal information to be disclosed.
 4 1798.82. No person shall disclose any personal
 5 information that has been consented to be disclosed to
 6 any person other than those persons identified pursuant
 7 to paragraph (3) of subdivisions (c) and (e), unless
 8 further consent is given.
 9 1798.83. No person who receives personal
 10 information pursuant to this chapter and uses it for
 11 commercial or trade purposes in connection with a sale,
 12 service, game, contest, club, or other thing of value, shall
 13 contact the child whose personal information is used, for
 14 any reason other than in connection with that sale,
 15 service, game, contest, club, or other thing of value,
 16 unless the person is given consent to do so.
 17 1798.84. No person shall knowingly use prison inmate
 18 labor for data processing or input of personal information.
 19 1798.85. No person shall disclose personal information
 20 for commercial purposes or purposes of trade without
 21 first making a reasonable effort to secure the following:
 22 (a) The identity of the ultimate end-user of the
 23 information, including the user's name, postal or
 24 electronic mail address, and telephone number.
 25 (b) The purpose for which the personal information
 26 will be used.
 27 (c) Where appropriate, a sample of the type of
 28 material to be distributed using that information.
 29 1798.86. This chapter does not apply to the
 30 requirements to report certain information to consumer
 31 reporting agencies pursuant to Subchapter III of the federal
 32 Consumer Credit Protection Act (15 U.S.C. Sec. 1681 and
 33 following) and the regulations promulgating pursuant
 34 thereto, nor to any law enforcement authorities or other
 35 government officials who are engaged in a search for a
 36 missing or exploited child.
 37 1798.87. (a) A person who acts in violation of this
 38 chapter shall be fined an amount not to exceed ten
 39 thousand dollars (\$10,000). The penalty for a second or

SB 1254

- 6 -

1 subsequent violation of this chapter shall be a fine not to
2 exceed twenty-five thousand dollars (\$25,000).

3 (b) No person shall be fined pursuant to this section if
4 the person shows, by a preponderance of the evidence,
5 that the violation was not intentional and resulted from
6 a bona fide error that occurred notwithstanding the
7 persons' adherence to procedures designed to ensure
8 compliance with this chapter.

9 1798.89. The Attorney General may file a petition to
10 enjoin the use of personal information disclosed in
11 violation of this section, after giving at least five days'
12 notice to the defendant. A court may issue an injunction
13 against the further use of the personal information if the
14 court determines that the defendant has violated this
15 chapter, whether or not anyone was harmed by the
16 unlawful disclosure of information.

17 1798.89. A parent or guardian may bring a cause of
18 action on behalf of the child or themselves for injuries
19 sustained by the unlawful disclosure of personal
20 information against the person who violates this chapter,
21 to enjoin the person from further use of the information
22 and for actual damages or five hundred dollars (\$500),
23 whichever is greater.

24 SEC. 3. Section 290 of the Penal Code is amended to
25 read:

26 290. (a) (1) Every person described in paragraph
27 (2), for the rest of his or her life while residing in
28 California, shall be required to register with the chief of
29 police of the city in which he or she is domiciled, or the
30 sheriff of the county if he or she is domiciled in an
31 unincorporated area, and, additionally, with the chief of
32 police of a campus of the University of California or the
33 California State University if he or she is domiciled upon
34 the campus or in any of its facilities, within five working
35 days of coming into any city, county, or city and county
36 in which he or she temporarily resides or is domiciled for
37 that length of time. The person shall be required annually
38 thereafter, within five working days of his or her birthday,
39 to update his or her registration with the entities
40 described in this paragraph, including, verifying his or

- 7 -

SB 1254

1 her name and address on a form as may be required by
2 the Department of Justice.

3 (2) The following persons shall be required to register
4 pursuant to paragraph (1):

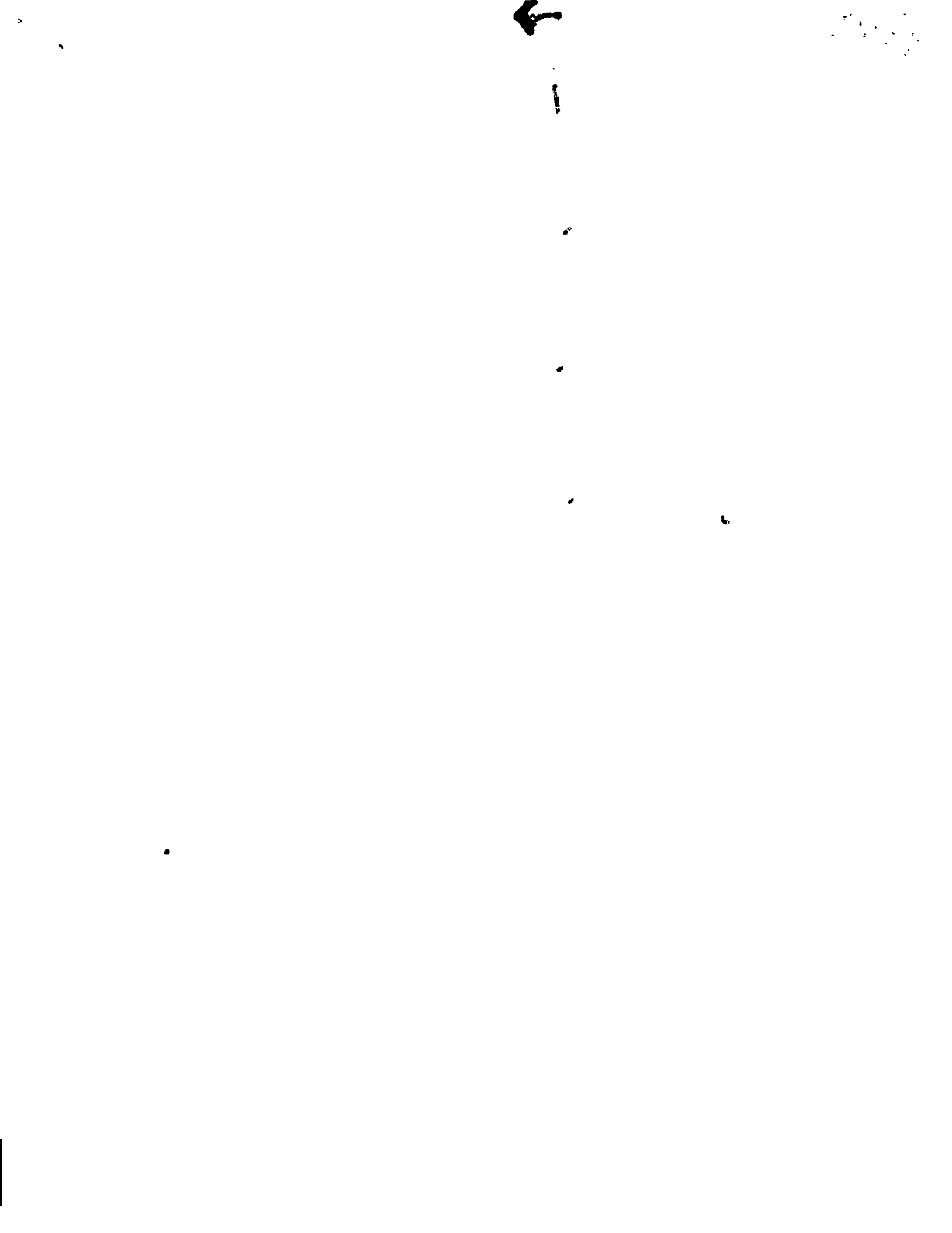
5 (A) Any person who, since July 1, 1944, has been or is
6 hereafter convicted in any court in this state or in any
7 federal or military court of a violation of subdivision (b)
8 of Section 267, kidnapping, as punishable pursuant to
9 subdivision (A) of Section 268, Section 290, except assault
10 to commit mayhem, Section 244.4, paragraph (1), (2),
11 (3), (4), or (6) of subdivision (a) of Section 261 or
12 paragraph (1) of subdivision (a) of Section 262 involving
13 the use of force or violence for which the person is
14 sentenced to the state prison, Section 264.1, 266, 266c,
15 266f, 267, 285, 286, 288, 289a, 289.5, or 289, subdivision (b),
16 (c), or (d) of Section 211.2, Section 311.3, 311.4, 311.10,
17 311.11, or 647.6, former Section 647a, subdivision (d) of
18 Section 647, subdivision 1 or 2 of Section 314, any offense
19 involving lewd and lascivious conduct under Section 272,
20 or any felony violation of Section 288.2, or any person who
21 since that date has been or is hereafter convicted of the
22 attempt to commit any of the above-mentioned offenses.

23 (B) Any person who, since July 1, 1944, has been or
24 hereafter is released, discharged, or paroled from a penal
25 institution where he or she was confined because of the
26 commission or attempted commission of one of the
27 offenses described in subparagraph (A).

28 (C) Any person who, since July 1, 1944, has been or
29 hereafter is determined to be a mentally disordered sex
30 offender under Article 1 (commencing with Section
31 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare
32 and Institutions Code.

33 (D) Any person who, since July 1, 1944, has been, or is
34 hereafter convicted in any other court, including any
35 federal or military court, of any offense which, if
36 committed or attempted in this state, would have been
37 punishable as one or more of the offenses described in
38 subparagraph (A).

39 (E) Any person ordered by any court to register
40 pursuant to this section for any offense not included



D-Note

1997 -1998 LEGISLATURE

Soon (Pls)

3480/P1
LRB-3482/P2
RPN:mf:ijs
cmh

PRELIMINARY **DRAFT** - NOT READY FOR INTRODUCTION

1 AN **ACT** to ^{repeal} **create** 895.502 of the statutes; **relating to:** limiting disclosure of
2 information regarding children and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

- 3 **SECTION 1.** 895.502 of the statutes is created to read:
- 4 **895.502 Personal information of children. (1)** In this section:
- 5 (a) "Child" means a person under 18 years of age.
- 6 (b) "Disclose" means to make available to another person by exchanging,
7 renting, revealing, selling or releasing.
- 8 (c) "Immediate family" means persons who are related as spouses, as siblings
9 or as parent and child.
- 10 (d) "Personal information" means any data that ^{identify} ~~identifies~~ a child or a child's
11 immediate family or guardian, including the child's name, postal or electronic mail

1 address, telephone number, social security number, date of birth, physical
2 description or income.

3 (2) No person may disclose personal information about or obtained from a child
4 for commercial or trade purposes without the prior written consent of a parent or
5 guardian of the child.

6 (3) A parent or guardian may withdraw the written consent given under sub.
7 (2) at any time, in writing. If consent is withdrawn under this subsection, the further
8 disclosure of personal information is prohibited. A parent or guardian may correct
9 or revise any personal information previously permitted to be disclosed if that
10 information changes.

11 (4) When a person receives consent to disclose personal information, he or she
12 shall provide the parent or guardian with all of the following in writing prior to
13 disclosing any personal information:

14 (a) The source of the personal information.

15 (b) A copy of the personal information that will be disclosed.

16 (c) The identity of all persons to whom the personal information is intended to
17 be disclosed.

18 (d) The procedures by which a parent or guardian may correct, revise or
19 withdraw consent to use the personal information.

20 (5) No person may condition the provision of any sale, service or other thing
21 of value to a child or to the child's parent or guardian on the granting of consent to
22 disclose personal information.

23 (6) Whenever any person purchases or acquires personal information and uses
24 that information to directly contact a child or the child's parent or guardian to

1 attempt to sell any thing of value or to offer any service or thing of value, the person
2 shall provide the child's parent or guardian with all of the following in writing:

3 (a) The source of the personal information.

4 (b) A copy of the personal information.

5 (c) The identity of all persons to whom the personal information is intended to
6 be disclosed.

7 (7) No person may disclose any personal information to any person other than
8 those persons identified under sub. (4) (c) or (6) (c) unless consent is obtained to
9 disclose that personal information to those additional persons.

10 (8) A person who receives personal information under this section for
11 commercial or trade purposes in connection with a sale, service, game, contest, club
12 or other thing of value may not contact the child whose personal information is used
13 for any reason other than in connection with that sale, service, game, contest, club
14 or other thing of value, unless the child's parent or guardian gives consent to that
15 contact.

16 (9) No person may knowingly use prison inmate labor for data processing or
17 input of personal information.

18 (10) No person may disclose personal information for commercial purposes or
19 purposes of trade without first making a reasonable effort to secure all of the
20 following:

21 (a) The identity of the user of the personal information, including the user's
22 name, postal or electronic mail address and telephone number.

23 (b) The purpose for which the personal information will be used.

24 (c) When appropriate, a sample of the type of material to be distributed using
25 that information.

1 **(11)** This section does not apply to the requirements to report certain
2 information to consumer reporting agencies under 15 USC 1681 to 1681u or to any
3 law enforcement authorities or other government officials who are engaged in a
4 search for a child.

5 **(12)** The attorney general may file a petition to enjoin the use of personal
6 information disclosed in violation of this section after giving at least 5 days' notice
7 to the defendant. A court may issue an injunction against the further use of the
8 personal information if the court determines that the defendant has violated this
9 section, whether or not anyone was harmed by the disclosure of information in
10 violation of this section.

11 **(13)** A parent or guardian may bring a cause of action on behalf of a child or
12 himself or herself for the disclosure of personal information against a person who
13 violates this section to enjoin the person from further use of the information and for
14 actual damages or \$500, whichever is greater.

15 **(14)** (a) A person who violates this section shall be fined not more than \$10,000
16 for the first offense and not more than \$25,000 for a 2nd or subsequent offense.

17 (b) No person may be be fined under this subsection[✓] if the person shows, by a
18 preponderance of the evidence, that the violation was not intentional and resulted
19 from a bona fide error that occurred notwithstanding the person's adherence to
20 procedures designated to ensure compliance with this section.

21 **SECTION 2. Initial applicability.**

22 (1) This act ifstapplies to disclosures of personal information made on the
23 effective date of this subsection[✓].

24 **(END)**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

34801/P1 dn
LRB-3487/P2 dn
RPN:mfd:ijs

Thursday, October 16, 1997

This draft should be reviewed carefully to see if it meets your intent.

The draft purports to protect children, but the definition of "personal information" used in the California bill was so broad that persons other than the child are covered. I think that expanded coverage makes the proposal unworkable. For example, look at subsections (5), (6) and (9) if the proposed definition of "personal information" from California is used. ↑

m9
Because this draft is to protect children's privacy, I changed the definition of "personal information" to apply only to the data about the child. OK? Also, income seems to be out of place in that definition.

I am not sure how this section fits with current s. 895.50.

Robert P. Nelson
Senior Legislative Attorney
267-7511

Subsection (10) of the draft seems to be in conflict with subsections (2) and (7). I am not sure what subsection (10) is intended to accomplish.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3480/P1dn
RPN:cmh:km

September 7, 1999

This draft should be reviewed carefully to see if it meets your intent.

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Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511

9/13 Men - Chesbck

99-3422

P2, C1 3-5 (2)

all) Government may not disclose,
except for law enforcement
in order to spare investment
~~that~~ not about commercial entity

As as in /

30.40(9)

(9) "Person" **means** a natural person, corporation, limited liability company, partnership, association, cooperative, municipality or other local **governmental unit**, private or public utility, municipal power district, estate or trust, the United States, a federal agency, the state of Wisconsin or a state agency.

230.81(2)

(2) Nothing in this section prohibits an employe from disclosing information to an appropriate law enforcement agency, a state or federal district attorney in whose jurisdiction the crime is alleged to have occurred, a state or federal grand jury or a judge in a proceeding commenced under s. 968.26, or disclosing information pursuant to any subpoena issued by any person authorized to issue subpoenas under s. 885.01. Any such disclosure of information is a lawful disclosure under this section and is protected under s. 230.83.

230.82(1)

(1) A governmental unit to which an employe discloses information under s. 230.81(1) shall process it as provided in this section. Within 30 days of receiving the information, the governmental unit shall either initially determine if it merits further investigation or refer the information to a governmental unit better able to initially determine if it merits further investigation. A governmental unit which initially determines information to merit further investigation shall, within 30 days of that determination, either commence a full investigation into the truth of the information or refer the information to a governmental unit better able to conduct such an investigation, which shall commence it within 30 days of referral. A governmental unit may disclose or refer information to an appropriate law enforcement agency or district or federal attorney as part of an investigation or in lieu of referral to another governmental unit, if the law enforcement agency or district or federal attorney is best able to conduct the investigation. Any full investigation commenced shall be completed within a reasonable time.

440.43(5)

(5) Department disclosure. The department shall not disclose information under sub. (4)(c) 1. except to the extent necessary for investigative or law enforcement purposes and except that the department may, if requested under s. 49.22(2m), disclose information regarding the name, address or employer of or financial information related to an individual to the department of workforce development or a county child support agency under s. 59.53(5).



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 *relegat*
AN ACT *relegat* to create 895.502 of the statutes; **relating** to: limiting disclosure of
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insert → ~~This is a preliminary draft. An analysis will be provided in a later version.~~

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7 renting, revealing, selling or releasing.

8 (c) "Immediate family" means persons who are related as spouses, as siblings
9 or as parent and child.

insert 1-9 } 10 → ~~(c)~~ "Personal information" means any data that identify a child or a child's
11 immediate family or guardian, including the child's name, postal or electronic mail

1 address, telephone number, social security number, date of birth, physical
2 description or income.

3 (2) No person may disclose personal information about or obtained from a child
4 for commercial or trade purposes without the prior written consent of a parent or
5 guardian of the child. *insert 2.5*

6 (3) A parent or guardian may withdraw the written consent given under sub.
7 (2) at any time, in writing. If consent is withdrawn under this subsection, the further
8 disclosure of personal information is prohibited. A parent or guardian may correct
9 or revise any personal information previously permitted to be disclosed if that
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15 (b) A copy of the personal information that will be disclosed.

16 (c) The identity of all persons to whom the personal information is intended to
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18 (d) The procedures by which a parent or guardian may correct, revise or
19 withdraw consent to use the personal information.

20 (5) No person may condition the provision of any sale, service or other thing
21 of value to a child or to the child's parent or guardian on the granting of consent to
22 disclose personal information *regarding the child*

23 (6) Whenever any person purchases or acquires personal information and uses
24 that information to directly contact a child or the child's parent or guardian to

1 attempt to sell any thing of value or to offer any service or thing of value, the person
2 shall provide the child's parent or guardian with all of the following in writing:

3 (a) The source of the personal information.

4 (b) A copy of the personal information.

5 (c) The identity of all persons to whom the personal information is intended to
6 be disclosed.

7 (7) No person may disclose any personal information to any person other than
8 those persons identified under sub. (4) (c) or (6) (c) unless consent is obtained to
9 disclose that personal information to those additional persons.

10 (8) A person who receives personal information under this section for
11 commercial or trade purposes in connection with a sale, service, game, contest, club
12 or other thing of value may not contact the child whose personal information is used
13 for any reason other than in connection with that sale, service, game, contest, club
14 or other thing of value, unless the child's parent or guardian gives consent to that
15 contact.

16 (9) No person may knowingly use prison inmate labor for data processing or
17 input of personal information.

18 (10) No person may disclose personal information for commercial purposes or
19 purposes of trade without first making a reasonable effort to secure all of the
20 following:

21 (a) The identity of the user of the personal information, including the user's
22 name, postal or electronic mail address and telephone number.

23 (b) The purpose for which the personal information will be used.

24 (c) When appropriate, a sample of the type of material to be distributed using
25 that information.

1 **(11)** This section does not apply to the requirements to report certain
2 information to consumer reporting agencies under 15 USC 1681 to 1681u or to any
3 law enforcement authorities or other government officials who are engaged in a
4 search for a child.

5 (12) The attorney general may file a petition to enjoin the use of personal
6 information disclosed in violation of this section after giving at least 5 days' notice
7 to the defendant. A court may issue an injunction against the further use of the
8 personal information if the court determines that the defendant has violated this
9 section, whether or not anyone was harmed by the disclosure of information in
10 violation of this section.

11 (13) A parent or guardian may bring a cause of action on behalf of a child or
12 himself or herself for the disclosure of personal information against a person who
13 violates this section to enjoin the person from further use of the information and for
14 actual damages or \$500, whichever is greater.

15 (14) (a) A person who violates this section shall be fined not more than \$10,000
16 for the first offense and not more than \$25,000 for a 2nd or subsequent offense.

17 (b) No person may be fined under this subsection if the person shows, by a
18 preponderance of the evidence, that the violation was not intentional and resulted
19 from a bona fide error that occurred notwithstanding the person's adherence to
20 procedures designated to ensure compliance with this section.

21 **SECTION 2. Initial applicability.**

22 (1) This act applies to disclosures of personal information made on the
23 effective date of this subsection.

24 **(END)**

insert anl:


This bill prohibits any person, including public agencies, from disclosing any personal information about or obtained from a person under 18 years of age for commercial or trade purposes without the prior written consent of the parent or guardian of the child. The bill does not prohibit a person from disclosing information to an appropriate public agency to the extent necessary for investigative or law enforcement purposes. The bill allows a parent to withdraw consent and prohibits further disclosure once that consent is withdrawn. Under the bill, the person given consent to disclose information about the child must provide the parent or guardian certain information, including the information being disclosed and the identity of persons to whom the information will be disclosed.

The bill prohibits the conditioning of the any sale, service or other thing of value on the parent granting the consent to disclose personal information regarding a child. The bill provides that a person who receives a child's personal information in connection with a sale, service, game or other thing of value may not contact that child for any reason other than in connection with the specific sale, service, game or other thing of value. The bill prohibits the use of prison inmate labor for data processing regarding the personal information of a child under 18 years of age. The bill also requires a person to make an effort to obtain certain information before disclosing a child's personal information for commercial or trade purposes, including the identity of the user of the information and the purpose for which the information will be used.

The bill gives the parent's and the attorney general authority to petition for an injunction of the use of a child's personal information disclosed in violation of the provisions of this bill.

For further information *see* the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

insert 1-9:

- (91) (d) "Person" means a natural person, corporation, limited liability company, partnership, association, cooperative, county, city, village, town or other local governmental unit, utility, the state of Wisconsin or a state agency. 

insert 2-5:



109

✓
This subsection does not prohibit a person from disclosing information to an appropriate public agency to the extent necessary for investigative or law enforcement purposes.

(END OF INSERT)