

1999 SENATE BILL 207

July 6, 1999 – Introduced by Senator ERPENBACH, cosponsored by Representatives SCHNEIDER, BLACK, STASKUNAS, F. LASEE, BOCK, MUSSER, PLOUFF, J. LEHMAN, KREUSER, LASSA and GUNDERSON. Referred to Committee on Privacy, Electronic Commerce and Financial Institutions.

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

Analysis by the Legislative Reference Bureau

This bill prohibits a business who requests personally identifiable information from a customer on an application form to participate in a program that the business operates to provide discounts or other benefits to customers from releasing the information unless the application contains a disclosure concerning the release. The disclosure must state to whom the information may be released, the type of information that may be released and the purposes for which the information may be released.

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” means the

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1 name of an individual or other information that can be used to identify that
2 individual.

3 **(2)** No person who is engaged in or employed by a business for profit, and who
4 requests personally identifiable information from a customer on an application form
5 to participate in a program that is operated by the business to offer the customer
6 discounts on purchases or other benefits, may release the personally identifiable
7 information to any other person unless the application form contains a written
8 disclosure stating all of the following:

9 (a) The types of personally identifiable information that may be released.

10 (b) The types of 3rd parties to whom the personally identifiable information
11 may be released.

12 (c) The purposes for which the personally identifiable information may be
13 released.

14 **(3)** Any person who violates sub. (2) is subject to a forfeiture of not more than
15 \$100 for each violation.

16 **(END)**