

2001 ASSEMBLY BILL 88

February 1, 2001 – Introduced by Representatives SCHNEIDER, KREUSER, GRONEMUS, HAHN, WADE, BOYLE and WILLIAMS. Referred to Committee on Personal Privacy.

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

Analysis by the Legislative Reference Bureau

Under this bill, a business that requests and receives personally identifiable information from a customer so that the customer may participate in a program offered by the business to provide discounts or other benefits, may not release the information to a third party if the information will be used for marketing or advertising purposes by anyone other than the business that received information. 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:

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:

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1 (a) “Business” means a person who is engaged in a business for profit or an
2 employee of the business.

3 (b) “Discount program” means a program that provides customers with
4 discounts on purchases and with other benefits.

5 (c) “Personally identifiable information” means the name of an individual or
6 other information that can be used to identify that individual.

7 (d) “Unaffiliated third party,” when used in relation to any business, means a
8 person that does not control, is not controlled by, and is not under common control
9 with the business.

10 **(2)** Except as provided in sub. (4), if a business requests and receives personally
11 identifiable information from a customer so that the customer may participate in a
12 discount program offered by the business, the business may not release the
13 personally identifiable information to any unaffiliated third party if the release will
14 result in the personally identifiable information being used for marketing or
15 advertising purposes by any person other than the business that receives the
16 personally identifiable information from the customer.

17 **(3)** Any business that violates sub. (2) is subject to a forfeiture of not more than
18 \$100 for each violation.

19 **(4)** Subsection (2) does not apply to the release of information to a consumer
20 reporting agency, in accordance with the Fair Credit Reporting Act, 15 USC 1681 to
21 1681u, as amended.

22 (END)