

**2001 DRAFTING REQUEST**

**Bill**

Received: 12/07/2000

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Judy

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters: rmarchan

Subject: Trade Regulation - electron com

Extra Copies: 1 RNK

**Pre Topic:**

No specific pre topic given

**Topic:**

Disclosure of information given to obtain customer discounts

**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>
/1	gibsom 12/12/2000	wjackson 12/13/2000	pgreensl 12/15/2000	_____	lrb_docadmin 12/15/2000	lrb_docadmin 01/17/2001	

FE Sent For:

<END>

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1?	gibsom	11 wj 12/13	12/15 pg	12/15 pg			

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: 10/30/2000

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Judy

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Trade Regulation - electron com

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Disclosure of information by couponless cards

*-0841  
bad LRB #*

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**Instructions:**

Businesses give discount when their customers use the business's coupon-less cards. Prohibit businesses from disclosing for marketing or advertising purposes the personally identifiable information obtained from the customers to any third party.

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/?	gibsom			_____			
				_____			

FE Sent For:

<END>



State of Wisconsin  
2001 - 2002 LEGISLATURE

RMR  
LRB-13718/1  
MGG...  
WLJ  
RJM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2001 BILL

GEN

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

*Analysis by the Legislative Reference Bureau*

Under his bill, a business that requests and receives personally identifiable information from a customer so that the customer may participate in a program that offered by the business offers 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:*

3 SECTION 1. 134.44<sup>✓</sup> of the statutes is created to read:  
4 134.44 Disclosure of personally identifiable information by  
5 businesses. (1) In this section:  
6 (a) "Business" means a person who is engaged in a business for profit or an  
7 employee of the business.

(d) "Unaffiliated third 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."

1 (b) "Discount program" means a program that provides customers with  
2 discounts on purchases and with other benefits.

3 (c) "Personally identifiable information" means the name of an individual or  
4 other information that can be used to identify that individual.

5 (2) <sup>Except as provided in sub. (4)</sup> If a business requests and receives personally identifiable information from  
6 a customer so that the customer may participate in a discount program offered by the  
7 business, the business may not release the personally identifiable information to any  
8 third party if the release will result in the personally identifiable information being  
9 used for marketing or advertising purposes by any person other than the business  
10 that receives the personally identifiable information from the customer.

11 (3) Any business <sup>that</sup> violates sub. (2) is subject to a forfeiture of not more than  
12 \$100 for each violation.

(END)

13 <sup>↑</sup> (b)(2)   
 *una affiliated*

No  
↑ Subsection (2) does not apply to the release of information  
to a consumer reporting agency, in accordance with the  
Fair Credit Reporting Act, 15 USC 1681 to 1681u, as amended.



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

December 15, 2000

### MEMORANDUM

*OK*  
*include in Privacy Packag*

To: Representative Schneider

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-1371 Disclosure of information given to obtain customer discounts

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

  *Y*   JACKET FOR ASSEMBLY           JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3215 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.