

2001 DRAFTING REQUEST**Bill**Received: **12/13/2000**Received By: **kuesejt**Wanted: **Soon**

Identical to LRB:

For: **Michael Powers (608) 266-1192**By/Representing: **Vince Williams**This file may be shown to any legislator: **NO**Drafter: **gibsom**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Collection, use and disclosure of personally identifiable information

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 03/05/2001	gilfokm 03/05/2001	pgreensl 03/06/2001	_____	lrb_docadmin 03/06/2001	lrb_docadmin 03/06/2001	

FE Sent For:

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1?	gibsom	1-3/15-01 Kmg	3/5 pgj	3/6 pg/RS			

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charitable donation. (Subsection 2 is an addition to the existing definition under Wisconsin law.)

- (iii) The requirements of the current Wisconsin telemarketing law, Wis. Stats. Section 134.72, and the Federal Telephone Consumer Protection Act of 1991 should be publicized by an appropriate agency so consumers (1) are more knowledgeable about their existing rights; especially that they may ask to be put on the soliciting company's do-not-solicit list and that the company must honor that request, and (2) they know to whom to report violations.

6. Wisconsin should require by law that a person (1) doing business with and (2) collecting and sharing with unaffiliated third parties personally identifiable information about Wisconsin residents must establish a written policy regarding that person's collection, use, and disclosure of its individual customers' personally identifiable information. This policy shall be made reasonably available to consumers and a copy of the policy shall be provided to any consumer who requests it. If the person is doing business via the Internet, the person's privacy policy shall be available on its website.

Note: "Person" is defined as an individual or entity with (1) a federal tax identification number or (2) a state business or professional license or registration.

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State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRB-1480/1
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kmg

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen. Cat.

1 AN ACT ...; relating to: written policies by businesses operating in this state
2 concerning collection and disclosure of personally identifiable information of
3 state residents.

Analysis by the Legislative Reference Bureau

Under this bill, a business that operates for profit in this state, that collects personally identifiable information from its customers who are state residents, and that discloses the information to third parties must establish a written policy regarding the collection, use, and disclosure of that information. The bill also imposes requirements on these businesses concerning the manner in which they must make the policy accessible to customers. Personally identifiable information includes items such as the customer's name and address.

stat

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

SEC.#. 134.44 of the statutes is created to read:

4 134.44 Policies for disclosing 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.

1 (b) "Personally identifiable information" means the name of an individual or
2 other information that can be used to identify that individual.

3 (c) "Unaffiliated ~~third~~ ^{3rd} party," when used in relation to any business, means a
4 person that does not control, is not controlled by, and is not under common control
5 with the business.

6 (2) WRITTEN POLICY REQUIRED. (a) Any business operating in this state that
7 collects personally identifiable information from residents of this state and that
8 discloses the personally identifiable information that it collects to unaffiliated ~~third~~ ^{3rd}
9 parties shall establish a written policy for the collection, use, and disclosure of the
10 personally identifiable information. The business shall make the policy reasonably
11 available to the persons with whom it does, or may do, business and shall provide a
12 copy of the policy to any such person who requests it. If the business uses the Internet
13 in conducting its ^{business} ~~transactions~~, the business shall post the policy on its Internet site.

14 (END)

to conduct



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

STEPHEN H. MILLER
CHIEF

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

March 6, 2001

MEMORANDUM

To: Representative Powers

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-1480 Collection, use and disclosure of personally identifiable information

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.

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.