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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Assembly Bill 957**

**Assembly  
Amendment 1**

### 2021 ASSEMBLY 957

Assembly Bill 957 establishes various obligations related to consumer data. Very generally, the bill requires a controller, as defined by the bill,<sup>1</sup> to limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which such data is processed, as disclosed to the consumer. Additionally, the bill provides that a consumer has the right:

- To confirm whether or not a controller is processing the consumer’s personal data and to access such personal data.
- To correct inaccuracies in the consumer’s personal data, taking into account the nature of the personal data and the purposes of the processing of the consumer’s personal data.
- To delete personal data provided by or obtained about the consumer.
- To obtain a copy of the consumer’s personal data that the consumer previously provided to the controller in a portable and, to the extent technically feasible, readily useable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means.
- To opt out of the processing of the personal data for purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer.

Under the bill, a consumer may invoke these rights by submitting a request to a controller specifying the consumer rights the consumer wishes to invoke. The bill requires a controller to respond to a consumer without undue delay, but in all cases within 45 days of receipt of a request.

The bill’s obligations apply to persons that conduct business in this state or produce products or services that are targeted to residents of this state and who satisfy either of the following.

- Control or process<sup>2</sup> personal data of at least 100,000 consumers during a calendar year.
- Control or process personal data of at least 25,000 consumers and derive over 50 percent of gross revenue from the sale of personal data.

The bill exempts certain types of entities from its requirements, such as governmental bodies, financial institutions subject to federal privacy disclosure requirements, certain entities subject to federal health

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<sup>1</sup> The bill defines “controller” as “a person that, alone or jointly with others, determines the purpose and means of processing personal data.”

<sup>2</sup> The bill defines “process” or “processing” as “any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.”

privacy laws, nonprofits, and institutions of higher education. The bill also exempts certain types of information and data from its requirements.

## **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 makes the following changes. The amendment:

- Modifies the definition of “biometric data” to specify that biometric data does not include a physical or digital photograph, a video or audio recording or data generated therefrom if not used to identify a specific individual or infer information about an identified or identifiable individual.
- Changes the frequency with which a controller must provide information free of charge in response to a consumer’s request. Under the bill, a controller must do so up to twice annually per consumer; the amendment changes this obligation to up to once annually.
- Specifies what a controller that has obtained personal data about a consumer from a source other than the consumer must do to be in compliance with a consumer’s requests to delete personal data.
- Provides that affiliates of financial institutions that are exempt from the bill’s provisions are also exempt.
- Exempts data collected, processed, and maintained in compliance with the federal Children’s Online Privacy Protection Act from the bill’s provisions.

## **BILL HISTORY**

Representative Zimmerman offered Assembly Amendment 1 to Assembly Bill 957 on February 18, 2022. On February 22, 2022, the Assembly Committee on Consumer Protection voted to recommend adoption of the amendment on a vote of Ayes, 7; Noes, 1, and passage of the bill, as amended, on a vote of Ayes, 5; Noes, 3.

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