

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1499*

Short Title: Internet Privacy Policy Act. (Public)

Sponsors: Representative Tolson.

Referred to: Science and Technology, if favorable, State Government.

June 3, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE INTERNET PRIVACY POLICY ACT.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 3D of Chapter 147 of the General Statutes is amended
5 by adding a new Part to read:

6 "Part 5. Internet Privacy Policy Act.

7 "§ 147-33.110. Definitions.

8 As used in this Part:

- 9 (1) 'Disclose' or 'disclosure' means to make personal information known,
10 including by sale or rental of the information.
- 11 (2) 'Interactive computer service' means the offering of a capability for
12 web-browsing, generating, acquiring, storing, transforming,
13 processing, retrieving, utilizing, transferring or making available
14 information using computer-based telecommunications or via modem
15 or wireless system to the internet.
- 16 (3) 'Internet' means a system of linked computer networks, international in
17 scope, that facilitates data transmission and exchange.
- 18 (4) 'Personal information' means:
- 19 a. Information which identifies a specific user or the user's
20 interactive computer service address; or
- 21 b. Information collected or submitted via the internet that
22 identifies a user's home or work address, e-mail address,
23 telephone number, credit or debit card information, social
24 security number, birth date, gender, marital status or other
25 personal identifier.

26 The term shall not include any record of aggregate data which does not
27 identify, either directly or indirectly, a user or the user's interactive
28 service address.

- 29 (5) 'State agency' means a State agency as defined by G.S. 147-33.81(6).

1 (6) 'User' means any person who uses a computer capable of interacting
2 with the internet.

3 **"§ 147-33.111. Internet privacy policy.**

4 (a) Internet Privacy Policy and Consent Required. Any State agency that
5 provides an interactive computer service shall not collect or disclose personal
6 information concerning a user to any person, firm, partnership, corporation or other
7 entity, including internal agency staff who do not need the information in the ordinary
8 course of business of the agency's mission, unless the user expressly states that he or
9 she:

10 (1) Has received the notice provided for in subsection (b) of this section;
11 and

12 (2) Has consented to the collection or disclosure.

13 (b) Contents of Internet Privacy Policy. At the time when a State agency is first
14 contacted by a user to provide any on-line interactive computer service, including
15 browsing a site, the State agency shall provide notice in the form of a separate statement
16 to the user clearly and conspicuously disclosing the following to the user:

17 (1) The personal information collected or to be collected with respect to
18 the user and the use of the information, if any;

19 (2) The nature, frequency and purpose of any disclosure which may be
20 made of such information, including an identification of the types of
21 persons or person to whom such disclosure may be made, and whether
22 or not user consent is required for each disclosure;

23 (3) Whether the information will be maintained, and, if so, the period of
24 time the information will be maintained, or a statement that such
25 period cannot be determined;

26 (4) A description of the procedures by which the user may gain access to
27 the information;

28 (5) A description of the means of information collection and whether such
29 collection occurs actively or passively;

30 (6) Notice indicating if the requested information or data is voluntary or
31 required, and the consequences of a refusal to provide the requested
32 information; and

33 (7) The steps being taken by the State agency to ensure the confidentiality
34 and integrity of the data.

35 (c) Access to Personal Information. Upon request a user shall be provided access
36 to all personal information regarding the user that is collected and maintained by a State
37 agency via an interactive computer service, except as otherwise provided by law, the
38 information shall be made available at reasonable times and at a location reasonably
39 convenient to the user. When convenient, the State agency shall seek to provide the
40 information to the user via computer-based telecommunications. The user shall be
41 provided reasonable opportunity by the interactive computer service to correct errors in
42 personal information and the interactive computer service shall promptly correct the
43 information.

1 (d) Model Internet Privacy Policy. The Office of Information Technology
2 Services shall develop a model on-line sample privacy notice, which shall be made
3 available to every State agency, and which may be made available to other public or
4 private entities. The model on-line privacy notice shall include, but not be limited to, the
5 information required by subsection (b) of this section.

6 (e) Exceptions. A State agency may disclose personal information if the
7 disclosure is:

8 (1) Necessary in the ordinary course of business as defined in applicable
9 State law;

10 (2) Made pursuant to a court order or by law;

11 (3) For the purpose of validating the identity of the user; and

12 (4) If the information or data is used solely for statistical purposes in
13 aggregate form.

14 **"§ 147-33.112. Construction.**

15 Nothing in this Part shall abridge public access to information available by law as a
16 public record. Nothing in this Part shall authorize the disclosure of confidential
17 information otherwise protected by law."

18 **SECTION 2.** This act is effective when it becomes law.