

HOUSE BILL 901

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9lr2734
CF SB 613

By: **Delegates Carey, Brooks, and Hill**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Online Consumer Protection Act**

3 FOR the purpose of requiring certain businesses that collect a consumer's personal
4 information to provide certain notices to the consumer at or before the point of
5 collection; authorizing a consumer to submit a certain request for information to a
6 business that collects the consumer's personal information; requiring a business to
7 comply with a certain request for information in a certain manner and within a
8 certain period of time; establishing certain exceptions to a consumer's request for
9 personal information; requiring a business to establish a means for consumers to
10 submit certain requests; requiring a business to deliver certain information to a
11 consumer in a certain manner; requiring a business to include certain information
12 in a certain policy or website and update the information periodically; requiring a
13 business to ensure that the individuals responsible for handling certain consumer
14 inquiries are informed of certain requirements relating to consumer personal
15 information privacy and how to direct consumers to exercise their rights; authorizing
16 consumers to request a business to delete certain personal information and requiring
17 a business to comply with a consumer's request for deletion in a certain manner;
18 authorizing consumers to demand that a business not disclose the consumer's
19 personal information to third parties and requiring businesses to comply with the
20 consumer's request to opt out in a certain manner; prohibiting a business from taking
21 certain actions against a consumer who exercises the consumer's rights to consumer
22 personal information privacy; providing for certain exceptions to an otherwise
23 authorized disclosure of consumer personal information; authorizing the Office of the
24 Attorney General to seek a temporary restraining order, a preliminary or permanent
25 injunction, or certain civil penalties against a party for violating a consumer's
26 personal information privacy; requiring the Office of the Attorney General to adopt
27 certain regulations on or before a certain date; providing for the application of this
28 Act; providing for a delayed effective date; defining certain terms; and generally
29 relating to privacy of consumer personal information.

30 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Commercial Law

2 Section 14–4201 through 14–4214 to be under the new subtitle “Subtitle 42.
3 Consumer Personal Information Privacy”

4 Annotated Code of Maryland

5 (2013 Replacement Volume and 2018 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Commercial Law**

9 **SUBTITLE 42. CONSUMER PERSONAL INFORMATION PRIVACY.**

10 **14–4201.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) (1) “AGGREGATE CONSUMER INFORMATION” MEANS INFORMATION
14 THAT RELATES TO A GROUP OR CATEGORY OF CONSUMERS, FROM WHICH
15 INDIVIDUAL CONSUMER IDENTITIES HAVE BEEN REMOVED, THAT IS NOT LINKED OR
16 REASONABLY LINKABLE TO ANY CONSUMER, INCLUDING THROUGH A DEVICE.

17 (2) “AGGREGATE CONSUMER INFORMATION” DOES NOT INCLUDE AN
18 INDIVIDUAL CONSUMER RECORD THAT HAS BEEN DE–IDENTIFIED.

19 (C) (1) “BIOMETRIC INFORMATION” MEANS AN INDIVIDUAL’S
20 PHYSIOLOGICAL, BIOLOGICAL, OR BEHAVIORAL CHARACTERISTICS, INCLUDING AN
21 INDIVIDUAL’S DEOXYRIBONUCLEIC ACID, THAT CAN BE USED, ALONE OR IN
22 COMBINATION WITH EACH OTHER OR WITH OTHER IDENTIFYING DATA, TO
23 ESTABLISH INDIVIDUAL IDENTITY.

24 (2) “BIOMETRIC INFORMATION” INCLUDES:

25 (I) IMAGERY OF THE IRIS, RETINA, FINGERPRINT, FACE, HAND,
26 PALM, AND VEIN PATTERNS, AND VOICE RECORDINGS FROM WHICH AN IDENTIFIER
27 TEMPLATE, SUCH AS A FACE PRINT, A MINUTIAE TEMPLATE, OR A VOICEPRINT, CAN
28 BE EXTRACTED; AND

29 (II) KEYSTROKE PATTERNS OR RHYTHMS, GAIT PATTERNS OR
30 RHYTHMS, AND SLEEP, HEALTH, OR EXERCISE DATA THAT CONTAIN IDENTIFYING
31 INFORMATION.

32 (D) “BUSINESS” MEANS:

1 **(1) A SOLE PROPRIETORSHIP, A PARTNERSHIP, A LIMITED LIABILITY**
2 **COMPANY, A CORPORATION, AN ASSOCIATION, OR ANY OTHER LEGAL ENTITY THAT:**

3 **(I) IS ORGANIZED OR OPERATED FOR THE PROFIT OR**
4 **FINANCIAL BENEFIT OF ITS SHAREHOLDERS OR OTHER OWNERS;**

5 **(II) COLLECTS THE PERSONAL INFORMATION OF STATE**
6 **CONSUMERS; AND**

7 **(III) SATISFIES ONE OR MORE OF THE FOLLOWING THRESHOLDS:**

8 **1. HAS ANNUAL GROSS REVENUES IN EXCESS OF**
9 **\$25,000,000;**

10 **2. ANNUALLY BUYS, RECEIVES FOR THE BUSINESS'S**
11 **COMMERCIAL PURPOSES, SELLS, OR SHARES FOR COMMERCIAL PURPOSES, ALONE**
12 **OR IN COMBINATION, THE PERSONAL INFORMATION OF 100,000 OR MORE**
13 **CONSUMERS, HOUSEHOLDS, OR DEVICES; OR**

14 **3. DERIVES AT LEAST ONE-HALF OF ITS ANNUAL**
15 **REVENUES FROM SELLING CONSUMERS' PERSONAL INFORMATION; OR**

16 **(2) ANY ENTITY THAT:**

17 **(I) CONTROLS OR IS CONTROLLED BY A BUSINESS UNDER ITEM**
18 **(1) OF THIS SUBSECTION; AND**

19 **(II) SHARES A NAME, SERVICE MARK, OR TRADEMARK WITH THE**
20 **BUSINESS.**

21 **(E) "BUSINESS PURPOSE" MEANS THE REASON FOR THE USE OF PERSONAL**
22 **INFORMATION BY A BUSINESS OR A SERVICE PROVIDER.**

23 **(F) (1) "COLLECT" MEANS TO BUY, RENT, GATHER, OBTAIN, RECEIVE, OR**
24 **ACCESS ANY PERSONAL INFORMATION PERTAINING TO A CONSUMER BY ANY MEANS.**

25 **(2) "COLLECT" INCLUDES TO RECEIVE INFORMATION FROM THE**
26 **CONSUMER, EITHER ACTIVELY OR PASSIVELY, OR BY OBSERVING THE CONSUMER'S**
27 **BEHAVIOR.**

28 **(G) "CONSUMER" MEANS AN INDIVIDUAL WHO RESIDES IN THE STATE.**

1 **(H) “DE-IDENTIFIED” MEANS, WITH RESPECT TO INFORMATION,**
2 **PROCESSED SO THAT THE INFORMATION CANNOT REASONABLY IDENTIFY, RELATE**
3 **TO, DESCRIBE, BE CAPABLE OF BEING ASSOCIATED WITH, OR BE LINKED, DIRECTLY**
4 **OR INDIRECTLY, TO A PARTICULAR CONSUMER, IF A BUSINESS THAT USES**
5 **DE-IDENTIFIED INFORMATION:**

6 **(1) HAS IMPLEMENTED TECHNICAL SAFEGUARDS THAT PROHIBIT**
7 **RE-IDENTIFICATION OF THE CONSUMER TO WHOM THE INFORMATION MAY**
8 **PERTAIN;**

9 **(2) HAS IMPLEMENTED BUSINESS PROCESSES THAT SPECIFICALLY**
10 **PROHIBIT RE-IDENTIFICATION OF THE INFORMATION;**

11 **(3) HAS IMPLEMENTED BUSINESS PROCESSES TO PREVENT**
12 **INADVERTENT RELEASE OF DE-IDENTIFIED INFORMATION; AND**

13 **(4) MAKES NO ATTEMPT TO RE-IDENTIFY THE INFORMATION.**

14 **(I) (1) “DESIGNATED METHOD FOR SUBMITTING REQUESTS” MEANS A**
15 **MAILING ADDRESS, AN E-MAIL ADDRESS, AN INTERNET WEBSITE, AN INTERNET**
16 **PORTAL, A TELEPHONE NUMBER, OR ANY OTHER APPLICABLE CONTACT**
17 **INFORMATION THROUGH WHICH A CONSUMER MAY SUBMIT A REQUEST OR**
18 **DIRECTION UNDER THIS SUBTITLE.**

19 **(2) “DESIGNATED METHOD FOR SUBMITTING REQUESTS” INCLUDES**
20 **A CONSUMER-FRIENDLY MEANS OF CONTACTING A BUSINESS APPROVED BY THE**
21 **ATTORNEY GENERAL UNDER § 14-4211(A)(4) OF THIS SUBTITLE.**

22 **(J) “DEVICE” MEANS A PHYSICAL OBJECT THAT IS CAPABLE OF**
23 **CONNECTING TO THE INTERNET, DIRECTLY OR INDIRECTLY, OR TO ANOTHER**
24 **DEVICE.**

25 **(K) “HOMEPAGE” MEANS:**

26 **(1) THE INTRODUCTORY PAGE OF AN INTERNET WEBSITE AND ANY**
27 **INTERNET WEBPAGE WHERE PERSONAL INFORMATION IS COLLECTED; OR**

28 **(2) IN THE CASE OF AN ONLINE SERVICE OR APPLICATION:**

29 **(I) THE SERVICE OR APPLICATION PLATFORM PAGE OR**
30 **DOWNLOAD PAGE;**

1 **(II) A LINK WITHIN THE SERVICE OR APPLICATION, SUCH AS**
2 **FROM THE SERVICE OR APPLICATION CONFIGURATION, “ABOUT”, “INFORMATION”,**
3 **OR SETTINGS PAGE; OR**

4 **(III) ANY OTHER LOCATION THAT ALLOWS A CONSUMER TO**
5 **REVIEW THE NOTICE REQUIRED BY § 14-4202(A) OF THIS SUBTITLE, WHETHER**
6 **BEFORE OR AFTER DOWNLOADING THE APPLICATION OR SERVICE.**

7 **(L) “INFER” MEANS TO DERIVE INFORMATION, DATA, ASSUMPTIONS, OR**
8 **CONCLUSIONS FROM FACTS, EVIDENCE, OR ANOTHER SOURCE OF INFORMATION OR**
9 **DATA.**

10 **(M) (1) “PERSONAL INFORMATION” MEANS INFORMATION RELATING TO**
11 **AN IDENTIFIED OR IDENTIFIABLE CONSUMER AND INFORMATION THAT IDENTIFIES,**
12 **RELATES TO, DESCRIBES, IS CAPABLE OF BEING ASSOCIATED WITH, OR COULD**
13 **REASONABLY BE LINKED, DIRECTLY OR INDIRECTLY, WITH A PARTICULAR**
14 **CONSUMER OR THE CONSUMER’S DEVICE.**

15 **(2) “PERSONAL INFORMATION” DOES NOT INCLUDE:**

16 **(I) INFORMATION THAT IS LAWFULLY MADE AVAILABLE FROM**
17 **FEDERAL, STATE, OR LOCAL GOVERNMENT RECORDS; OR**

18 **(II) CONSUMER INFORMATION THAT IS DE-IDENTIFIED OR**
19 **AGGREGATE CONSUMER INFORMATION.**

20 **(N) “PROBABILISTIC IDENTIFIER” MEANS THE IDENTIFICATION OF A**
21 **CONSUMER OR A DEVICE TO A DEGREE OF CERTAINTY OF MORE PROBABLE THAN**
22 **NOT BASED ON ANY CATEGORIES OF PERSONAL INFORMATION INCLUDED IN, OR**
23 **SIMILAR TO, THE CATEGORIES LISTED IN SUBSECTION (M) OF THIS SECTION.**

24 **(O) “PROCESSING” MEANS AN OPERATION OR A SET OF OPERATIONS THAT**
25 **IS PERFORMED ON PERSONAL DATA OR ON SETS OF PERSONAL DATA, WHETHER OR**
26 **NOT BY AUTOMATED MEANS.**

27 **(P) “PSEUDONYMIZE” MEANS THE PROCESSING OF PERSONAL**
28 **INFORMATION IN A MANNER THAT RENDERS THE PERSONAL INFORMATION NO**
29 **LONGER ATTRIBUTABLE TO A SPECIFIC CONSUMER WITHOUT THE USE OF**
30 **ADDITIONAL INFORMATION IF THE ADDITIONAL INFORMATION IS KEPT SEPARATELY**
31 **AND IS SUBJECT TO TECHNICAL AND ORGANIZATIONAL MEASURES TO ENSURE THAT**
32 **THE PERSONAL INFORMATION IS NOT ATTRIBUTED TO AN IDENTIFIED OR**
33 **IDENTIFIABLE CONSUMER.**

1 **(Q) “RESEARCH” MEANS SCIENTIFIC, SYSTEMATIC STUDY AND**
2 **OBSERVATION, INCLUDING BASIC RESEARCH OR APPLIED RESEARCH THAT IS IN THE**
3 **PUBLIC INTEREST AND THAT ADHERES TO ALL OTHER APPLICABLE ETHICS AND**
4 **PRIVACY LAWS OR STUDIES CONDUCTED IN THE PUBLIC INTEREST IN THE AREA OF**
5 **PUBLIC HEALTH.**

6 **(R) “SERVICE” MEANS WORK, LABOR, AND SERVICES, INCLUDING SERVICES**
7 **FURNISHED IN CONNECTION WITH THE SALE OR REPAIR OF GOODS.**

8 **(S) “SERVICE PROVIDER” MEANS A PERSON THAT PROCESSES**
9 **INFORMATION ON BEHALF OF A BUSINESS AND TO WHICH THE BUSINESS DISCLOSES**
10 **A CONSUMER’S PERSONAL INFORMATION FOR A BUSINESS PURPOSE IN**
11 **ACCORDANCE WITH A WRITTEN CONTRACT IF THE CONTRACT PROHIBITS THE**
12 **ENTITY RECEIVING THE INFORMATION FROM RETAINING, USING, OR DISCLOSING**
13 **THE PERSONAL INFORMATION FOR ANY PURPOSE OTHER THAN FOR THE SPECIFIC**
14 **PURPOSE OF PERFORMING THE SERVICES SPECIFIED IN THE CONTRACT FOR THE**
15 **BUSINESS, OR AS OTHERWISE ALLOWED BY THIS SUBTITLE.**

16 **(T) “THIRD PARTY” MEANS A PERSON THAT IS NOT THE BUSINESS THAT**
17 **COLLECTS PERSONAL INFORMATION FROM CONSUMERS UNDER THIS SUBTITLE OR**
18 **A SERVICE PROVIDER OF THAT BUSINESS.**

19 **(U) (1) “THIRD-PARTY DISCLOSURE” MEANS A TRANSFER OF A**
20 **CONSUMER’S PERSONAL INFORMATION BY THE BUSINESS TO A THIRD PARTY,**
21 **INCLUDING SELLING, RENTING, RELEASING, DISSEMINATING, MAKING AVAILABLE,**
22 **TRANSFERRING, OR OTHERWISE COMMUNICATING ORALLY, IN WRITING, OR BY**
23 **ELECTRONIC OR OTHER MEANS.**

24 **(2) “THIRD-PARTY DISCLOSURE” DOES NOT INCLUDE:**

25 **(i) A DISCLOSURE BY A BUSINESS OF PERSONAL INFORMATION**
26 **OF A CONSUMER TO A SERVICE PROVIDER THAT IS NECESSARY TO THE**
27 **PERFORMANCE OF A BUSINESS PURPOSE INCLUDED IN A NOTICE UNDER § 14-4202**
28 **OF THIS SUBTITLE;**

29 **(ii) IDENTIFICATION BY A BUSINESS OF A CONSUMER WHO HAS**
30 **OPTED OUT OF THE SALE OF THE CONSUMER’S PERSONAL INFORMATION FOR THE**
31 **PURPOSE OF ALERTING THIRD PARTIES THAT THE CONSUMER HAS OPTED OUT OF**
32 **THE SALE OF THE CONSUMER’S PERSONAL INFORMATION; OR**

33 **(iii) THE TRANSFER BY A BUSINESS TO A THIRD PARTY OF THE**
34 **PERSONAL INFORMATION OF A CONSUMER AS AN ASSET THAT IS PART OF A MERGER,**
35 **AN ACQUISITION, A BANKRUPTCY, OR ANY OTHER TRANSACTION IN WHICH THE**

1 THIRD PARTY ASSUMES CONTROL OF ALL OR PART OF THE BUSINESS IF THAT
2 INFORMATION IS USED OR SHARED CONSISTENTLY WITH THE NOTICE RECEIVED BY
3 CONSUMERS UNDER § 14-4202 OF THIS SUBTITLE.

4 (v) "UNIQUE IDENTIFIER" MEANS A PERSISTENT IDENTIFIER THAT CAN BE
5 USED TO RECOGNIZE A CONSUMER OR A DEVICE THAT IS LINKED TO A CONSUMER
6 OR HOUSEHOLD, OVER TIME AND ACROSS DIFFERENT SERVICES, INCLUDING:

7 (1) A DEVICE IDENTIFIER;

8 (2) AN INTERNET PROTOCOL ADDRESS;

9 (3) A COOKIE, BEACON, PIXEL TAG, MOBILE AD IDENTIFIER, OR
10 SIMILAR TECHNOLOGY;

11 (4) A CONSUMER NUMBER, UNIQUE PSEUDONYM, OR USER ALIAS; OR

12 (5) A TELEPHONE NUMBER OR ANY OTHER FORM OF PERSISTENT OR
13 PROBABILISTIC IDENTIFIER THAT CAN BE USED TO IDENTIFY A PARTICULAR
14 CONSUMER OR DEVICE.

15 14-4202.

16 (A) A BUSINESS THAT COLLECTS A CONSUMER'S PERSONAL INFORMATION
17 SHALL, AT OR BEFORE THE POINT OF COLLECTION, NOTIFY A CONSUMER OF:

18 (1) THE CATEGORIES OF PERSONAL INFORMATION THE BUSINESS
19 WILL COLLECT ABOUT THAT CONSUMER;

20 (2) THE BUSINESS PURPOSES FOR WHICH THE CATEGORIES OF
21 PERSONAL INFORMATION MAY BE USED;

22 (3) THE CATEGORIES OF THIRD PARTIES TO WHICH THE BUSINESS
23 DISCLOSES PERSONAL INFORMATION;

24 (4) THE BUSINESS PURPOSE FOR THIRD-PARTY DISCLOSURE; AND

25 (5) THE CONSUMER'S RIGHTS TO REQUEST:

26 (i) A COPY OF THE CONSUMER'S PERSONAL INFORMATION
27 UNDER § 14-4203 OF THIS SUBTITLE;

1 **(II) THE DELETION OF THE CONSUMER'S PERSONAL**
2 **INFORMATION UNDER § 14-4205 OF THIS SUBTITLE; AND**

3 **(III) TO OPT OUT OF THIRD-PARTY DISCLOSURE UNDER §**
4 **14-4206 OF THIS SUBTITLE.**

5 **(B) A BUSINESS MAY NOT COLLECT ADDITIONAL CATEGORIES OF PERSONAL**
6 **INFORMATION OR USE PERSONAL INFORMATION COLLECTED FOR ADDITIONAL**
7 **PURPOSES WITHOUT FIRST PROVIDING THE CONSUMER WITH NOTICE CONSISTENT**
8 **WITH THIS SECTION.**

9 **14-4203.**

10 **(A) A CONSUMER MAY REQUEST THAT A BUSINESS THAT COLLECTS A**
11 **CONSUMER'S PERSONAL INFORMATION DISCLOSE TO THAT CONSUMER:**

12 **(1) THE SPECIFIC PIECES OF PERSONAL INFORMATION THE**
13 **BUSINESS HAS COLLECTED ABOUT THAT CONSUMER;**

14 **(2) THE SOURCES FROM WHICH THE CONSUMER'S PERSONAL**
15 **INFORMATION WAS COLLECTED;**

16 **(3) THE NAMES OF THIRD PARTIES TO WHICH THE BUSINESS**
17 **DISCLOSED THE CONSUMER'S PERSONAL INFORMATION; AND**

18 **(4) THE BUSINESS PURPOSE FOR THIRD-PARTY DISCLOSURE.**

19 **(B) A BUSINESS SHALL PROVIDE THE INFORMATION SPECIFIED IN**
20 **SUBSECTION (A) OF THIS SECTION TO A CONSUMER ONLY ON RECEIPT OF A**
21 **VERIFIABLE CONSUMER REQUEST.**

22 **(C) (1) A BUSINESS THAT RECEIVES A VERIFIABLE CONSUMER REQUEST**
23 **FROM A CONSUMER TO ACCESS PERSONAL INFORMATION SHALL PROMPTLY TAKE**
24 **STEPS TO DELIVER, FREE OF CHARGE TO THE CONSUMER, THE PERSONAL**
25 **INFORMATION REQUIRED BY THIS SECTION.**

26 **(2) THE INFORMATION MAY BE DELIVERED BY MAIL OR**
27 **ELECTRONICALLY, AND IF PROVIDED ELECTRONICALLY, THE INFORMATION SHALL**
28 **BE IN A PORTABLE AND, TO THE EXTENT TECHNICALLY FEASIBLE, READILY**
29 **USEABLE FORMAT THAT ALLOWS THE CONSUMER TO TRANSMIT THIS INFORMATION**
30 **TO ANOTHER ENTITY WITHOUT HINDRANCE.**

1 (D) A BUSINESS MAY PROVIDE PERSONAL INFORMATION TO A CONSUMER
2 AT ANY TIME, NOTWITHSTANDING § 14-4204 OF THIS SUBTITLE, BUT MAY NOT BE
3 REQUIRED TO PROVIDE PERSONAL INFORMATION TO THE SAME CONSUMER MORE
4 THAN TWICE IN A 12-MONTH PERIOD.

5 (E) THIS SECTION MAY NOT REQUIRE A BUSINESS TO:

6 (1) RETAIN ANY PERSONAL INFORMATION ABOUT A CONSUMER
7 COLLECTED FOR A SINGLE ONE-TIME TRANSACTION IF, IN THE ORDINARY COURSE
8 OF BUSINESS, THAT INFORMATION ABOUT THE CONSUMER IS NOT RETAINED;

9 (2) RE-IDENTIFY OR OTHERWISE LINK ANY DATA THAT, IN THE
10 ORDINARY COURSE OF BUSINESS, IS NOT MAINTAINED IN A MANNER THAT WOULD
11 BE CONSIDERED PERSONAL INFORMATION; OR

12 (3) DISCLOSE ANY SPECIFIC PERSONAL INFORMATION THAT WOULD
13 ADVERSELY AFFECT THE LEGAL RIGHTS OF OTHER CONSUMERS.

14 (F) IF VERIFIED REQUESTS FROM A CONSUMER ARE MANIFESTLY
15 UNFOUNDED OR EXCESSIVE, IN PARTICULAR BECAUSE OF THEIR REPETITIVE
16 CHARACTER, A BUSINESS MAY EITHER CHARGE A REASONABLE FEE, TAKING INTO
17 ACCOUNT THE ADMINISTRATIVE COSTS OF PROVIDING THE INFORMATION OR
18 COMMUNICATION OR TAKING THE ACTION REQUESTED, OR REFUSE TO ACT ON THE
19 REQUEST AND NOTIFY THE CONSUMER OF THE REASON FOR REFUSING THE
20 REQUEST.

21 14-4204.

22 (A) (1) A BUSINESS SHALL, IN A FORM THAT IS REASONABLY ACCESSIBLE
23 TO CONSUMERS, MAKE AVAILABLE TO CONSUMERS TWO OR MORE DESIGNATED
24 METHODS FOR SUBMITTING CONSUMER VERIFIED REQUESTS, INCLUDING, IF THE
25 BUSINESS MAINTAINS AN INTERNET WEBSITE, A LINK ON THE HOMEPAGE OF THE
26 WEBSITE.

27 (2) A BUSINESS MAY NOT REQUIRE THE CONSUMER TO CREATE AN
28 ACCOUNT WITH THE BUSINESS IN ORDER TO MAKE A VERIFIABLE CONSUMER
29 REQUEST.

30 (B) (1) A BUSINESS SHALL DELIVER TO A CONSUMER FREE OF CHARGE
31 WITHIN 45 DAYS AFTER RECEIVING A VERIFIABLE CONSUMER REQUEST FROM THE
32 CONSUMER THE INFORMATION REQUIRED IN § 14-4203 OF THIS SUBTITLE IN A
33 READILY USEABLE FORMAT THAT ALLOWS THE CONSUMER TO TRANSMIT THE
34 INFORMATION FROM ONE ENTITY TO ANOTHER ENTITY WITHOUT HINDRANCE.

1 **(2) THE TIME PERIOD TO PROVIDE THE REQUIRED INFORMATION**
2 **MAY BE EXTENDED ONCE BY UP TO AN ADDITIONAL 45 DAYS WHEN REASONABLY**
3 **NECESSARY, IF THE CONSUMER IS PROVIDED NOTICE OF THE EXTENSION WITHIN**
4 **THE FIRST 45-DAY PERIOD.**

5 **(C) A BUSINESS IS NOT REQUIRED TO PROVIDE THE INFORMATION**
6 **REQUIRED BY § 14-4203 OF THIS SUBTITLE TO THE SAME CONSUMER MORE THAN**
7 **TWICE IN A 12-MONTH PERIOD.**

8 **(D) A BUSINESS SHALL INCLUDE THE FOLLOWING INFORMATION IN ITS**
9 **ONLINE PRIVACY POLICY IF THE BUSINESS HAS AN ONLINE PRIVACY POLICY, OR IF**
10 **THE BUSINESS DOES NOT MAINTAIN A POLICY, ON ITS INTERNET WEBSITE, AND**
11 **UPDATE THAT INFORMATION AT LEAST ONCE EVERY 12 MONTHS:**

12 **(1) THE CATEGORIES OF PERSONAL INFORMATION THE BUSINESS**
13 **COLLECTS ABOUT CONSUMERS;**

14 **(2) THE BUSINESS PURPOSES FOR WHICH THE CATEGORIES OF**
15 **PERSONAL INFORMATION ARE USED;**

16 **(3) THE CATEGORIES OF THIRD PARTIES TO WHICH THE BUSINESS**
17 **DISCLOSES PERSONAL INFORMATION;**

18 **(4) THE BUSINESS PURPOSE FOR THIRD-PARTY DISCLOSURE; AND**

19 **(5) THE CONSUMER'S RIGHTS TO REQUEST:**

20 **(I) A COPY OF THE CONSUMER'S PERSONAL INFORMATION IN**
21 **ACCORDANCE WITH § 14-4203 OF THIS SUBTITLE;**

22 **(II) THE DELETION OF THE CONSUMER'S PERSONAL**
23 **INFORMATION IN ACCORDANCE WITH § 14-4205 OF THIS SUBTITLE; AND**

24 **(III) TO OPT OUT OF THIRD-PARTY DISCLOSURE IN**
25 **ACCORDANCE WITH § 14-4206 OF THIS SUBTITLE.**

26 **(E) A BUSINESS SHALL ENSURE THAT ALL INDIVIDUALS RESPONSIBLE FOR**
27 **HANDLING CONSUMER INQUIRIES ABOUT THE BUSINESS'S PRIVACY PRACTICES OR**
28 **THE BUSINESS'S COMPLIANCE WITH THIS SUBTITLE ARE INFORMED OF ALL**
29 **REQUIREMENTS IN THIS SUBTITLE AND HOW TO DIRECT CONSUMERS TO EXERCISE**
30 **THEIR RIGHTS.**

1 (F) A BUSINESS SHALL USE ANY PERSONAL INFORMATION COLLECTED
2 FROM THE CONSUMER IN CONNECTION WITH THE BUSINESS'S VERIFICATION OF THE
3 CONSUMER'S REQUEST SOLELY FOR THE PURPOSES OF VERIFICATION.

4 14-4205.

5 (A) A CONSUMER MAY REQUEST THAT A BUSINESS DELETE ANY PERSONAL
6 INFORMATION ABOUT THE CONSUMER THAT THE BUSINESS HAS COLLECTED FROM
7 THE CONSUMER.

8 (B) A BUSINESS THAT COLLECTS PERSONAL INFORMATION ABOUT
9 CONSUMERS SHALL DISCLOSE, IN ACCORDANCE WITH § 14-4202 OF THIS SUBTITLE,
10 THE CONSUMER'S RIGHTS TO REQUEST THE DELETION OF THE CONSUMER'S
11 PERSONAL INFORMATION.

12 (C) A BUSINESS THAT RECEIVES A VERIFIABLE CONSUMER REQUEST FROM
13 A CONSUMER TO DELETE THE CONSUMER'S PERSONAL INFORMATION IN
14 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL DELETE THE
15 CONSUMER'S PERSONAL INFORMATION FROM ITS RECORDS AND DIRECT ANY
16 SERVICE PROVIDERS TO DELETE THE CONSUMER'S PERSONAL INFORMATION FROM
17 THE SERVICE PROVIDERS' RECORDS.

18 (D) A BUSINESS OR A SERVICE PROVIDER MAY NOT BE REQUIRED TO
19 COMPLY WITH A CONSUMER'S REQUEST TO DELETE THE CONSUMER'S PERSONAL
20 INFORMATION IF IT IS NECESSARY FOR THE BUSINESS OR SERVICE PROVIDER TO
21 MAINTAIN THE CONSUMER'S PERSONAL INFORMATION IN ORDER TO:

22 (1) COMPLETE THE TRANSACTION FOR WHICH THE PERSONAL
23 INFORMATION WAS COLLECTED, PROVIDE A GOOD OR SERVICE REQUESTED BY THE
24 CONSUMER OR REASONABLY ANTICIPATED WITHIN THE CONTEXT OF A BUSINESS'S
25 ONGOING BUSINESS RELATIONSHIP WITH THE CONSUMER, OR OTHERWISE
26 PERFORM A CONTRACT BETWEEN THE BUSINESS AND THE CONSUMER;

27 (2) DETECT SECURITY INCIDENTS, PROTECT AGAINST MALICIOUS,
28 DECEPTIVE, FRAUDULENT, OR ILLEGAL ACTIVITY, OR PROSECUTE THOSE
29 RESPONSIBLE FOR THAT ACTIVITY;

30 (3) IDENTIFY OR REPAIR ERRORS THAT IMPAIR EXISTING INTENDED
31 FUNCTIONALITY;

32 (4) EXERCISE FREE SPEECH, ENSURE THE RIGHT OF ANOTHER
33 CONSUMER TO EXERCISE THE RIGHT OF FREE SPEECH, OR EXERCISE ANOTHER
34 RIGHT PROVIDED FOR BY LAW;

1 **(5) ENGAGE IN PUBLIC OR PEER-REVIEWED SCIENTIFIC,**
2 **HISTORICAL, OR STATISTICAL RESEARCH IN THE PUBLIC INTEREST THAT ADHERES**
3 **TO ALL OTHER APPLICABLE ETHICS AND PRIVACY LAWS, WHEN THE BUSINESSES’**
4 **DELETION OF THE INFORMATION IS LIKELY TO RENDER IMPOSSIBLE OR TO**
5 **SERIOUSLY IMPAIR THE ACHIEVEMENT OF THE RESEARCH, IF THE CONSUMER HAS**
6 **PROVIDED INFORMED CONSENT; OR**

7 **(6) COMPLY WITH A LEGAL OBLIGATION.**

8 **14-4206.**

9 **(A) (1) A CONSUMER MAY, AT ANY TIME, DEMAND THAT A BUSINESS NOT**
10 **DISCLOSE THE CONSUMER’S PERSONAL INFORMATION TO THIRD PARTIES.**

11 **(2) THIS RIGHT MAY BE REFERRED TO AS THE “RIGHT TO OPT OUT OF**
12 **THIRD-PARTY DISCLOSURE”.**

13 **(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A BUSINESS MAY**
14 **NOT DISCLOSE THE PERSONAL INFORMATION OF A CONSUMER TO A THIRD PARTY IF**
15 **THE BUSINESS HAS ACTUAL KNOWLEDGE OR WILLFULLY DISREGARDS THE FACT**
16 **THAT THE CONSUMER IS UNDER THE AGE OF 18 YEARS.**

17 **(C) (1) A BUSINESS THAT HAS RECEIVED DIRECTION FROM A CONSUMER**
18 **NOT TO DISCLOSE THE CONSUMER’S PERSONAL INFORMATION TO THIRD PARTIES**
19 **MAY NOT DISCLOSE THE CONSUMER’S PERSONAL INFORMATION TO THIRD PARTIES**
20 **UNLESS THE CONSUMER LATER PROVIDES EXPRESS AUTHORIZATION FOR THAT**
21 **DISCLOSURE.**

22 **(2) A BUSINESS THAT HAS RECEIVED DIRECTION FROM A CONSUMER**
23 **NOT TO DISCLOSE THE CONSUMER’S PERSONAL INFORMATION TO THIRD PARTIES**
24 **MAY NOT REQUEST AUTHORIZATION TO DISCLOSE THE CONSUMER’S PERSONAL**
25 **INFORMATION TO THIRD PARTIES FOR AT LEAST 12 MONTHS.**

26 **(D) (1) A BUSINESS SHALL PROVIDE A CLEAR AND CONSPICUOUS LINK ON**
27 **THE INTERNET HOMEPAGE OF THE BUSINESS TO AN INTERNET WEBPAGE THAT**
28 **ENABLES A CONSUMER, OR A PERSON AUTHORIZED BY THE CONSUMER, TO OPT OUT**
29 **OF THE THIRD-PARTY DISCLOSURE OF THE CONSUMER’S PERSONAL INFORMATION.**

30 **(2) A BUSINESS MAY NOT REQUIRE A CONSUMER TO CREATE AN**
31 **ACCOUNT IN ORDER TO EXERCISE THIS RIGHT.**

1 **(E) A CONSUMER MAY AUTHORIZE ANOTHER PERSON SOLELY TO OPT OUT**
2 **OF THE SALE OR DISCLOSURE OF THE CONSUMER’S PERSONAL INFORMATION ON**
3 **THE CONSUMER’S BEHALF, AND A BUSINESS SHALL COMPLY WITH AN OPT-OUT**
4 **REQUEST RECEIVED FROM A PERSON AUTHORIZED BY THE CONSUMER TO ACT ON**
5 **THE CONSUMER’S BEHALF, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE**
6 **ATTORNEY GENERAL.**

7 **14-4207.**

8 **A BUSINESS MAY NOT DISCRIMINATE AGAINST A CONSUMER BECAUSE THE**
9 **CONSUMER EXERCISED ANY OF THE CONSUMER’S RIGHTS UNDER THIS SUBTITLE,**
10 **INCLUDING BY:**

11 **(1) DENYING GOODS OR SERVICES TO THE CONSUMER;**

12 **(2) CHARGING DIFFERENT PRICES OR RATES FOR GOODS OR**
13 **SERVICES, INCLUDING THROUGH THE USE OF DISCOUNTS OR OTHER BENEFITS OR**
14 **IMPOSING PENALTIES;**

15 **(3) PROVIDING A DIFFERENT LEVEL OR QUALITY OF GOODS OR**
16 **SERVICES TO THE CONSUMER; OR**

17 **(4) SUGGESTING THAT THE CONSUMER WILL RECEIVE A DIFFERENT**
18 **PRICE OR RATE FOR GOODS OR SERVICES OR A DIFFERENT LEVEL OR QUALITY OF**
19 **GOODS OR SERVICES.**

20 **14-4208.**

21 **(A) THE OBLIGATIONS IMPOSED BY THIS SUBTITLE MAY NOT RESTRICT THE**
22 **ABILITY OF ANY BUSINESS OR THIRD PARTY TO:**

23 **(1) COMPLY WITH FEDERAL, STATE, OR LOCAL LAWS;**

24 **(2) COMPLY WITH A CIVIL, CRIMINAL, OR REGULATORY INQUIRY,**
25 **INVESTIGATION, SUBPOENA, OR SUMMONS BY A FEDERAL, STATE, OR LOCAL**
26 **AUTHORITY;**

27 **(3) COOPERATE WITH LAW ENFORCEMENT AGENCIES CONCERNING**
28 **CONDUCT OR ACTIVITY THAT THE BUSINESS, SERVICE PROVIDER, OR THIRD PARTY**
29 **REASONABLY AND IN GOOD FAITH BELIEVES MAY VIOLATE FEDERAL, STATE, OR**
30 **LOCAL LAW;**

31 **(4) EXERCISE LEGAL RIGHTS OR PRIVILEGES; OR**

1 **(5) ENGAGE IN NEWS-GATHERING ACTIVITIES PROTECTED BY THE**
2 **FIRST AMENDMENT.**

3 **(B) THIS SUBTITLE DOES NOT APPLY TO:**

4 **(1) A BUSINESS COLLECTING OR DISCLOSING PERSONAL**
5 **INFORMATION OF THE BUSINESS'S EMPLOYEES TO THE EXTENT THAT THE BUSINESS**
6 **IS COLLECTING OR DISCLOSING THE INFORMATION WITHIN THE SCOPE OF ITS ROLE**
7 **AS AN EMPLOYER;**

8 **(2) HEALTH INFORMATION THAT IS COLLECTED BY A COVERED**
9 **ENTITY OR BUSINESS ASSOCIATE GOVERNED BY THE PRIVACY, SECURITY, AND**
10 **BREACH NOTIFICATION RULES ISSUED BY THE U.S. DEPARTMENT OF HEALTH AND**
11 **HUMAN SERVICES IN 45 C.F.R. PARTS 160 AND 164, ESTABLISHED IN ACCORDANCE**
12 **WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**
13 **OF 1996 AND THE FEDERAL HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC**
14 **AND CLINICAL HEALTH ACT;**

15 **(3) A COVERED ENTITY GOVERNED BY THE PRIVACY, SECURITY, AND**
16 **BREACH NOTIFICATION RULES ISSUED BY THE U.S. DEPARTMENT OF HEALTH AND**
17 **HUMAN SERVICES IN 45 C.F.R. PARTS 160 AND 164, ESTABLISHED IN ACCORDANCE**
18 **WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**
19 **OF 1996, TO THE EXTENT THE PROVIDER OR COVERED ENTITY MAINTAINS PATIENT**
20 **INFORMATION IN THE SAME MANNER AS MEDICAL INFORMATION OR PROTECTED**
21 **HEALTH INFORMATION AS DESCRIBED IN ITEM (2) OF THIS SUBSECTION;**

22 **(4) INFORMATION COLLECTED AS PART OF A CLINICAL TRIAL**
23 **SUBJECT TO THE FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS,**
24 **ALSO KNOWN AS THE COMMON RULE, PURSUANT TO GOOD CLINICAL PRACTICE**
25 **GUIDELINES ISSUED BY THE INTERNATIONAL COUNCIL FOR HARMONISATION OR IN**
26 **ACCORDANCE WITH HUMAN SUBJECT PROTECTION REQUIREMENTS OF THE U.S.**
27 **FOOD AND DRUG ADMINISTRATION;**

28 **(5) SALE OF PERSONAL INFORMATION TO OR FROM A CONSUMER**
29 **REPORTING AGENCY IF THAT INFORMATION IS TO BE REPORTED IN, OR USED TO**
30 **GENERATE, A "CONSUMER REPORT" AS DEFINED BY 15 U.S.C. § 1681(A) AND USE OF**
31 **THAT INFORMATION IS LIMITED BY THE FEDERAL FAIR CREDIT REPORTING ACT;**

32 **(6) PERSONAL INFORMATION COLLECTED, PROCESSED, SOLD, OR**
33 **DISCLOSED UNDER THE FEDERAL GRAMM-LEACH-BLILEY ACT AND**
34 **IMPLEMENTING REGULATIONS;**

1 **(7) PERSONAL INFORMATION COLLECTED, PROCESSED, SOLD, OR**
2 **DISCLOSED UNDER THE FEDERAL DRIVER'S PRIVACY PROTECTION ACT OF 1994;**
3 **AND**

4 **(8) EDUCATION INFORMATION COVERED BY THE FEDERAL FAMILY**
5 **EDUCATIONAL RIGHTS AND PRIVACY ACT, 20 U.S.C. § 1232G AND 34 C.F.R. PART**
6 **99.**

7 **14-4209.**

8 **RESEARCH WITH PERSONAL INFORMATION THAT MAY HAVE BEEN**
9 **COLLECTED FROM A CONSUMER IN THE COURSE OF THE CONSUMER'S**
10 **INTERACTIONS WITH A BUSINESS'S SERVICE OR DEVICE FOR OTHER PURPOSES**
11 **SHALL BE:**

12 **(1) USED SOLELY FOR RESEARCH PURPOSES THAT ARE COMPATIBLE**
13 **WITH THE CONTEXT IN WHICH THE PERSONAL INFORMATION WAS COLLECTED;**

14 **(2) RESTRICTED FROM USE FOR ANY COMMERCIAL PURPOSE;**

15 **(3) SUBSEQUENTLY PSEUDONYMIZED AND DE-IDENTIFIED, OR**
16 **DE-IDENTIFIED AND IN THE AGGREGATE, SO THAT THE INFORMATION CANNOT**
17 **REASONABLY IDENTIFY, RELATE TO, DESCRIBE, BE CAPABLE OF BEING ASSOCIATED**
18 **WITH, OR BE LINKED, DIRECTLY OR INDIRECTLY, TO A PARTICULAR CONSUMER;**

19 **(4) MADE SUBJECT TO TECHNICAL SAFEGUARDS THAT PROHIBIT**
20 **RE-IDENTIFICATION OF THE CONSUMER TO WHOM THE INFORMATION MAY**
21 **PERTAIN;**

22 **(5) SUBJECT TO BUSINESS PROCESSES THAT SPECIFICALLY**
23 **PROHIBIT RE-IDENTIFICATION OF THE INFORMATION;**

24 **(6) MADE SUBJECT TO BUSINESS PROCESSES TO PREVENT**
25 **INADVERTENT RELEASE OF DE-IDENTIFIED INFORMATION;**

26 **(7) PROTECTED FROM ANY RE-IDENTIFICATION ATTEMPTS; AND**

27 **(8) SUBJECTED BY THE BUSINESS CONDUCTING THE RESEARCH TO**
28 **ADDITIONAL SECURITY CONTROLS THAT LIMIT ACCESS TO THE RESEARCH DATA TO**
29 **ONLY THOSE INDIVIDUALS IN A BUSINESS AS ARE NECESSARY TO CARRY OUT THE**
30 **RESEARCH PURPOSE.**

31 **14-4210.**

1 (A) WHENEVER THE OFFICE OF THE ATTORNEY GENERAL HAS REASON TO
2 BELIEVE THAT ANY BUSINESS, SERVICE PROVIDER, OR OTHER PERSON IS IN
3 VIOLATION OF THIS SUBTITLE, AND THAT PROCEEDINGS WOULD BE IN THE PUBLIC
4 INTEREST, THE ATTORNEY GENERAL MAY:

5 (1) BRING AN ACTION IN THE NAME OF THE STATE AGAINST THE
6 PARTY TO RESTRAIN THE VIOLATION BY TEMPORARY RESTRAINING ORDER OR
7 PRELIMINARY OR PERMANENT INJUNCTION; AND

8 (2) SEEK A CIVIL PENALTY NOT EXCEEDING \$2,500 FOR EACH
9 VIOLATION OR NOT EXCEEDING \$7,500 FOR EACH INTENTIONAL VIOLATION.

10 (B) (1) A BUSINESS THAT DISCLOSES PERSONAL INFORMATION TO A
11 SERVICE PROVIDER MAY NOT BE LIABLE UNDER THIS SUBTITLE IF THE SERVICE
12 PROVIDER RECEIVING THE PERSONAL INFORMATION USES THE PERSONAL
13 INFORMATION IN VIOLATION OF THE RESTRICTIONS SET FORTH IN THIS SUBTITLE,
14 IF, AT THE TIME OF DISCLOSING THE PERSONAL INFORMATION, THE BUSINESS DOES
15 NOT HAVE ACTUAL KNOWLEDGE, OR REASON TO BELIEVE, THAT THE SERVICE
16 PROVIDER INTENDS TO COMMIT A VIOLATION.

17 (2) A SERVICE PROVIDER MAY NOT BE LIABLE UNDER THIS SUBTITLE
18 FOR THE OBLIGATIONS OF A BUSINESS FOR WHICH IT PROVIDES SERVICES AS SET
19 FORTH IN THIS SUBTITLE.

20 14-4211.

21 (A) ON OR BEFORE JULY 1, 2021, THE OFFICE OF THE ATTORNEY GENERAL
22 SHALL SOLICIT BROAD PUBLIC PARTICIPATION AND ADOPT REGULATIONS TO
23 FURTHER THE PURPOSES OF THIS SUBTITLE, INCLUDING:

24 (1) UPDATING AS NEEDED ADDITIONAL CATEGORIES OF PERSONAL
25 INFORMATION TO THOSE UNDER § 14-4208(B) OF THIS SUBTITLE IN ORDER TO
26 ADDRESS CHANGES IN TECHNOLOGY, DATA COLLECTION PRACTICES, OBSTACLES TO
27 IMPLEMENTATION, AND PRIVACY CONCERNS;

28 (2) UPDATING AS NEEDED THE DEFINITION OF UNIQUE IDENTIFIERS
29 TO ADDRESS CHANGES IN TECHNOLOGY, DATA COLLECTION, OBSTACLES TO
30 IMPLEMENTATION, AND PRIVACY CONCERNS;

31 (3) ESTABLISHING ANY EXCEPTIONS NECESSARY TO COMPLY WITH
32 STATE OR FEDERAL LAW, INCLUDING EXCEPTIONS RELATING TO TRADE SECRETS
33 AND INTELLECTUAL PROPERTY RIGHTS;

1 **(4) ADOPTING REGULATIONS AND PROCEDURES:**

2 **(I) TO FACILITATE AND GOVERN THE SUBMISSION OF**
3 **VERIFIABLE CONSUMER REQUESTS UNDER §§ 14-4203 THROUGH 14-4206 OF THIS**
4 **SUBTITLE;**

5 **(II) TO GOVERN RESPONSES BY BUSINESSES AND SERVICE**
6 **PROVIDERS TO VERIFIABLE CONSUMER REQUESTS UNDER §§ 14-4203 THROUGH**
7 **14-4206 OF THIS SUBTITLE; AND**

8 **(III) FOR THE DEVELOPMENT AND USE OF A RECOGNIZABLE AND**
9 **UNIFORM OPT-OUT LOGO OR BUTTON BY ALL BUSINESSES TO PROMOTE CONSUMER**
10 **AWARENESS OF THE OPPORTUNITY TO OPT OUT OF THIRD-PARTY DISCLOSURE OF**
11 **CONSUMER PERSONAL INFORMATION;**

12 **(5) ADJUSTING THE MONETARY THRESHOLD IN § 14-4201(D)(1)(III)1**
13 **OF THIS SUBTITLE IN JANUARY OF EVERY ODD-NUMBERED YEAR TO REFLECT ANY**
14 **INCREASE IN THE UNITED STATES BUREAU OF LABOR STATISTICS' CONSUMER**
15 **PRICE INDEX;**

16 **(6) ENSURING THAT THE NOTICES AND INFORMATION THAT**
17 **BUSINESSES ARE REQUIRED TO PROVIDE UNDER THIS SUBTITLE ARE PROVIDED IN**
18 **A MANNER THAT MAY BE EASILY UNDERSTOOD BY THE AVERAGE CONSUMER, ARE**
19 **ACCESSIBLE TO CONSUMERS WITH DISABILITIES, AND ARE AVAILABLE IN THE**
20 **LANGUAGE PRIMARILY USED TO INTERACT WITH THE CONSUMER, INCLUDING**
21 **ADOPTING REGULATIONS, PROCEDURES, AND GUIDELINES REGARDING FINANCIAL**
22 **INCENTIVE OFFERINGS; AND**

23 **(7) FURTHERING THE PURPOSES OF §§ 14-4203 THROUGH 14-4206**
24 **OF THIS SUBTITLE, WITH THE GOAL OF MINIMIZING THE ADMINISTRATIVE BURDEN**
25 **ON CONSUMERS, TAKING INTO ACCOUNT AVAILABLE TECHNOLOGY, SECURITY**
26 **CONCERNS, AND THE BURDEN ON THE BUSINESS, TO GOVERN A DETERMINATION BY**
27 **A BUSINESS THAT A REQUEST FOR INFORMATION RECEIVED BY A CONSUMER IS A**
28 **VERIFIABLE CONSUMER REQUEST, INCLUDING TREATING A REQUEST SUBMITTED**
29 **THROUGH A PASSWORD-PROTECTED ACCOUNT MAINTAINED BY THE CONSUMER**
30 **WITH THE BUSINESS WHILE THE CONSUMER IS LOGGED INTO THE ACCOUNT AS A**
31 **VERIFIABLE CONSUMER REQUEST AND PROVIDING A MECHANISM FOR A CONSUMER**
32 **WHO DOES NOT MAINTAIN AN ACCOUNT WITH THE BUSINESS TO REQUEST**
33 **INFORMATION THROUGH THE BUSINESS'S AUTHENTICATION OF THE CONSUMER'S**
34 **IDENTITY.**

35 **(B) THE ATTORNEY GENERAL MAY ADOPT ADDITIONAL REGULATIONS AS**
36 **NECESSARY TO CARRY OUT THIS SUBTITLE.**

1 **(C) THE ATTORNEY GENERAL MAY NOT BRING AN ENFORCEMENT ACTION**
2 **UNDER THIS SUBTITLE UNTIL 6 MONTHS AFTER THE PUBLICATION OF THE FINAL**
3 **REGULATIONS ISSUED IN ACCORDANCE WITH THIS SECTION.**

4 **14-4212.**

5 **(A) WHEREVER POSSIBLE, LAW RELATING TO CONSUMERS' PERSONAL**
6 **INFORMATION SHOULD BE CONSTRUED TO HARMONIZE WITH THE PROVISIONS OF**
7 **THIS SUBTITLE.**

8 **(B) IN THE EVENT OF A CONFLICT BETWEEN OTHER LAWS AND THIS**
9 **SUBTITLE, THE PROVISIONS OF THE LAW THAT AFFORD THE GREATEST PROTECTION**
10 **FOR THE RIGHT OF PRIVACY FOR CONSUMERS SHALL CONTROL.**

11 **14-4213.**

12 **IF A SERIES OF STEPS OR TRANSACTIONS WHERE COMPONENT PARTS OF A**
13 **SINGLE TRANSACTION WERE TAKEN WITH THE INTENTION OF AVOIDING THE REACH**
14 **OF THIS SUBTITLE, A COURT SHALL DISREGARD THE INTERMEDIATE STEPS OR**
15 **TRANSACTIONS FOR PURPOSES OF CARRYING OUT THE PURPOSES OF THIS**
16 **SUBTITLE.**

17 **14-4214.**

18 **ANY PROVISION OF A CONTRACT OR AN AGREEMENT OF ANY KIND THAT**
19 **PURPORTS TO WAIVE OR LIMIT IN ANY WAY A CONSUMER'S RIGHTS UNDER THIS**
20 **SUBTITLE, INCLUDING ANY RIGHT TO A REMEDY OR MEANS OF ENFORCEMENT,**
21 **SHALL BE CONSIDERED CONTRARY TO PUBLIC POLICY AND SHALL BE VOID AND**
22 **UNENFORCEABLE.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
24 **January 1, 2021.**