

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 1169\*

Short Title: Internet Privacy Policy Act. (Public)

Sponsors: Senator Reeves.

Referred to: Information Technology.

June 5, 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.