



ALASKA STATE LEGISLATURE

REPRESENTATIVE ANDI STORY

District 3 | North Juneau, Haines, Klukwan, Skagway, & Gustavus

Sectional Analysis

HB 367 Version 34-LS1485\G

"An Act relating to the privacy of consumer personal data; establishing data broker registration requirements; relating to social security numbers; making certain violations unfair or deceptive trade practices; and providing for an effective date."

As of 15 April 2026

Section 1: Amends AS 37.05.146(c), *Fiscal Procedures Act*, to add the consumer privacy account established under AS 45.48.860 to the list of separate accounts in the general fund.

Section 2: Amends AS 44.33.020(a) *Duties of department*, to require the Department of Commerce, Community, and Economic Development to establish and maintain a data broker registry under AS 45.48.855.

Section 3: Amends AS 45.48.430(b) *Methods of notice*, to add a reference to AS 45.48.800 - 45.48.898, the Alaska Data Privacy Act created by this bill, to the existing exceptions governing disclosure of social security numbers.

Section 4: Amends AS 45.48.450(b) *Exception for employees and agents*, to clarify that, notwithstanding the existing social security number protections in AS 45.48.400 - 45.48.480, a person may disclose an individual's social security number to an independent contractor to facilitate the original purpose or transaction for which it was provided, subject to the limits in AS 45.48.800 - 45.48.898. The subsection continues to define "independent contractor" to include a debt collector.

Section 5: Amends 45.48, *Personal Information Protection Act*, by adding new Article 6A (AS 45.48.800 - 45.48.898), establishing the Alaska Data Privacy Act.

AS 45.48.800 - Applicability: Applies the Act to persons doing business in Alaska or targeting Alaska residents that meet specified data-processing thresholds, and exempts governmental entities and certain public bodies.

AS 45.48.805 - Consumer rights: Grants consumers the rights to access, correct, delete, and obtain copies of personal data; to obtain certain third-party transfer information; and to opt out of targeted advertising, sale of personal data, and profiling used for certain significant decisions.



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AS 45.48.810 - Controller responses to consumer requests: Establishes how consumers may exercise their rights, requires controllers to provide specified opt-out methods including a “Do Not Sell My Personal Information” or similarly worded link and an opt-out preference signal, sets response timelines, and creates an appeal process.

AS 45.48.815 - Data minimization rules and de-identified data: Requires controllers to limit collection, processing, and transfer of personal data to what is reasonably necessary for specified purposes and establishes requirements governing de-identified data.

AS 45.48.820 - Sensitive data: Limits the collection, processing, and transfer of sensitive data to circumstances strictly necessary to provide or maintain a requested product or service, prohibits the sale of sensitive data, requires affirmative consent before transfer of sensitive data, and restricts targeted advertising and sale of minors' personal data.

AS 45.48.825 - Privacy notice and disclosures: Requires controllers to provide a reasonably accessible, clear, and meaningful privacy notice describing data categories, purposes, consumer rights, transfers, retention, and contact information, and imposes additional notice obligations for material changes and for sale of personal data or targeted advertising.

AS 45.48.830 - Responsibilities of processors and controllers: Requires contracts between controllers and processors and establishes processor duties relating to consumer requests, data security, confidentiality, subcontracting, deletion or return of data, and compliance assessments.

AS 45.48.835 - Data protection assessments: Requires controllers to conduct and document data protection assessments for processing activities that present a heightened risk of harm, including targeted advertising, sale of personal data, certain profiling, and collection or processing of sensitive data.

AS 45.48.840 - Discrimination, retaliation, and financial incentives: Prohibits discrimination or retaliation against consumers for exercising rights under the Act and regulates financial incentive programs tied to personal data.

AS 45.48.845 - Transfer of information in a business change transaction: Establishes requirements for transferring personal data in a merger, acquisition, bankruptcy, or similar business change transaction, including notice, an opportunity to withdraw consent or request deletion, and confidentiality protections.



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AS 45.48.850 - Security procedures and practices: Requires controllers and processors to implement and maintain reasonable administrative, technical, and physical security procedures and practices and requires controllers to maintain a retention schedule for deletion of personal data.

AS 45.48.855 - Data broker registration: Requires a controller to register with the commissioner before operating as a data broker and to provide specified identifying information and pay a registration fee.

AS 45.48.860 - Consumer privacy account: Creates the consumer privacy account in the general fund and provides that registration fees, civil penalties, and money collected through enforcement actions be separately accounted for to support administration and enforcement.

AS 45.48.865 - Violations: Provides that violations of AS 45.48.800 - 45.48.898 are unfair or deceptive acts or practices under AS 45.50.471 - 45.50.561 and specifies that each day of a violation constitutes a separate violation.

AS 45.48.870 - Regulations: Authorizes the attorney general to adopt regulations to implement the Act.

AS 45.48.875 - Exemptions: Provides exemptions for specified categories of information and regulated activities, including certain health, financial, consumer reporting, educational, employment, research, and legal compliance activities.

AS 45.48.880 - Component parts: Prevents structuring a series of steps or transactions as separate parts of a single transaction to evade the requirements of the Act.

AS 45.48.885 - Provisions not waivable: Provides that a consumer's waiver of the provisions of the Act is contrary to public policy and is unenforceable and void.

AS 45.48.890 - Liberal construction: Provides that the Act is remedial and shall be liberally construed.



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AS 45.48.895 - Definitions: Establishes definitions for the Act, including affiliate, affirmative consent, biometric data, consumer, consumer health data, contextual advertising, controller, dark pattern, data broker, de-identified data, minor, personal data, precise geolocation data, processor, profiling, sale of personal data, sensitive data, targeted advertising, third party, and transfer.

AS 45.48.898 - Short title: Provides that AS 45.48.800 - 45.48.898 may be cited as the Alaska Data Privacy Act.

Section 6: Amends AS 45.50.471(b), *Unlawful acts and practices*, by adding a new paragraph to include violating AS 45.48.800 - 45.48.898 (Alaska Data Privacy Act) as an unfair or deceptive act or practice.

Section 7: Amends the uncodified law of the State of Alaska by adding a new section providing that this Act applies to contracts entered into on or after the effective date of this Act.

Section 8: Amends the uncodified law of the State of Alaska by adding a new section providing that AS 45.48.835, added by sec. 5 of this Act, applies on and after January 1, 2028.

Section 9: Provides that, except as provided in sec. 8 of this Act, this Act takes effect January 1, 2027.