

# ALASKA STATE LEGISLATURE

## House Labor & Commerce Committee



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### HB 159 Summary of Changes Ver A to Version B

1. **Sec. 1:-3. AS 18.13.010-AS 18.13.100:** This section was included to reflect language found in the California Privacy Rights Act and the Illinois Biometric Privacy Act, specifically protecting the DNA and biometric information of consumers.
2. **Sec 9. AS 45.48.805 (c) and (d):** Addition of prohibition of user information for secondary purposes. Information collected by a business defined in 940 should only be used for it's initial purpose. This is recommended by policy experts as it prevents the volume of opt-outs a consumer must engage in on a daily or hourly basis.
3. **Sec 9. AS 45.48.835(b)-(c ):** Global Privacy Control: this inserts language from the California Privacy Rights Act to allow a global opt-out signal. It allows a consumer to use a single tool such as a browser extension to request that a website or business not sell their personal information. It allows for a consumer to designate someone as a guardian or parent to authorize this on their behalf.
4. **Sec. 9. AS 45.48.845:** Following expert advice and the California Data Privacy Rights Act; Protection of minors and those under 18: this language change added a requirement that those consumers under 13 must have a proactive requirement to opt-in by their guardian or parent to have their information sold, and those over 13 must give their own proactive consent to have their information sold.
5. **Sec 9. AS 45.48.865(d)(3):** Limitation on exemptions for financial institutions. This language change ensures that the exemption only applies to the extent the statute is inconsistent with federal law and regulations. Federal law and regulations pre-empt state regulations and statutes regarding these financial institutions.

6. **Sec. 9. AS 45.48.865 (e):** Removal of exemption for nonprofits. Based on prior committee testimony, this language change ensures that these exemptions do not apply carte blanche to nonprofits.
7. **Sec 9. AS 45.48.910:** Revenue fees. Fee based structure: the original bill established the Consumer Privacy Account in the General Fund, to receive funds appropriated by Legislature and fees accrued through civil penalties brought by action from the attorney general. This section is amended to include a fee for those business that meet the definition. It is set as 3% of annual revenue created through data sales of Alaska consumers and households. The language was strengthened to ensure DOL has adequate staffing and authority to enforce language in statute and regulations.
8. **Sec 9. AS 45.48.940 (4)(A):** This change to the definition of business includes those businesses whose main sources of revenue is from selling or sharing consumer's personal information, and derive at least 50% of their revenue from that activity. It removes the specific dollar threshold and establishes a percentage instead, and retains the original threshold of buying, selling, sharing the data of 100,000 persons or households.
9. **Sec 9. AS 45.48.800-945:** Removal of "verification" from consumer request. witnesses pointed out that often, consumer data used during opt out process is itself vulnerable to the same information mining that they are trying to avoid.
10. **Sec 9: AS 45.48.940:** Conforming changes: Clarified definition of precise geolocation information in the bill's definition section, and added definitions of "profiling", "operational purpose", and "consent".