

CS FOR HOUSE BILL NO. 159(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/7/22

Referred: Judiciary, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the privacy of consumer personal information; establishing the**
2 **Consumer Personal Information Privacy Act; establishing data broker registration**
3 **requirements; relating to social security numbers; making certain violations unfair or**
4 **deceptive trade practices; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 44.33.020(a) is amended by adding a new paragraph to read:

7 (45) establish and maintain a data broker registry established under
8 AS 45.48.900.

9 * **Sec. 2.** AS 45.48.430(b) is amended to read:

10 (b) The prohibition in (a) of this section does not apply if

11 (1) the disclosure is authorized by local, state, or federal law, including
12 AS 45.48.800 - 45.48.945 or a regulation adopted under AS 45.48.470;

13 (2) the person is engaging in the business of government and

14 (A) is authorized by law to disclose the individual's social

1 security number; or

2 (B) the disclosure of the individual's social security number is
3 required for the performance of the person's duties or responsibilities as
4 provided by law;

5 (3) the disclosure is to a person subject to or for a transaction regulated
6 by the Gramm-Leach-Bliley Financial Modernization Act, and the disclosure is for a
7 purpose authorized by the Gramm-Leach-Bliley Financial Modernization Act or to
8 facilitate a transaction of the individual;

9 (4) the disclosure is to a person subject to or for a transaction regulated
10 by the Fair Credit Reporting Act, and the disclosure is for a purpose authorized by the
11 Fair Credit Reporting Act;

12 (5) the disclosure is part of a report prepared by a consumer credit
13 reporting agency in response to a request by a person and the person submits the social
14 security number as part of the request to the consumer credit reporting agency for the
15 preparation of the report; or

16 (6) the disclosure is for a background check on the individual, identity
17 verification, fraud prevention, medical treatment, law enforcement or other
18 government purposes, or the individual's employment, including employment benefits.

19 * **Sec. 3.** AS 45.48.450(b) is amended to read:

20 (b) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, and
21 except as provided under AS 45.48.800 - 45.48.945 or for an agent under (a) of this
22 section, a person may disclose an individual's social security number to an
23 independent contractor of the person to facilitate the purpose or transaction for which
24 the individual initially provided the social security number to the person, but the
25 independent contractor may not use the social security number for another purpose or
26 make an unauthorized disclosure of the individual's personal information. In this
27 subsection, "independent contractor" includes a debt collector.

28 * **Sec. 4.** AS 45.48 is amended by adding new sections to read:

29 **Article 6A. Consumer Personal Information Privacy.**

30 **Sec. 45.48.800. Notice before collection; disclosure of information; other**
31 **notices.** (a) A business that collects personal information from a consumer shall notify

1 the consumer before collecting the information. Notification to the consumer must
2 indicate the categories of personal information that will be collected, the specific
3 purposes for which each category of personal information will be used, the consumer's
4 right under AS 45.48.835 not to have the consumer's personal information sold,
5 shared, or disclosed, and the limitations established under AS 45.48.840 on the use of
6 the consumer's precise geolocation data by the business. A business may not collect an
7 additional category of personal information or use the collected personal information
8 for an additional purpose without first notifying the consumer in accordance with this
9 section.

10 (b) A business shall maintain, and update at least once every 12 months, in the
11 business's online privacy policies and in any state-specific description of consumers'
12 privacy rights, or on the business's Internet website if the business does not maintain
13 online privacy policies or description, the following information:

14 (1) a description of a consumer's rights under AS 45.48.800 -
15 45.48.945;

16 (2) all the designated methods of the business by which a consumer
17 can request access to or deletion of information as provided under AS 45.48.800 -
18 45.48.945;

19 (3) a list of the categories of consumer personal information that the
20 business collected, sold, or disclosed for a business or commercial purpose in the
21 preceding 12 months, and a designation of that information as collected, sold, or
22 disclosed for a business or commercial purpose; or, if the business did not collect, sell,
23 or disclose any consumer personal information for a business or commercial purpose,
24 a disclosure of that fact;

25 (4) the categories of sources from which the consumer personal
26 information was collected; in this paragraph, "categories of sources" includes the
27 consumer, advertising networks, Internet service providers, data analytics providers,
28 government entities, operating systems and platforms, social networks, data brokers,
29 other sources listed in regulations adopted under AS 45.48.800 - 45.48.945, and other
30 types or groupings of persons or entities from which a business collects personal
31 information about consumers, described with enough particularity to provide

1 consumers with a meaningful understanding of the type of person or entity;

2 (5) a description of the business purpose or commercial purpose for
3 which each category of consumer personal information was collected, sold, or
4 disclosed;

5 (6) the categories of third parties to whom the business sold or
6 disclosed consumer personal information; in this paragraph, "categories of third
7 parties" includes advertising networks, Internet service providers, data analytics
8 providers, government entities, operating systems and platforms, social networks, data
9 brokers, other sources listed in regulations adopted under AS 45.48.800 - 45.48.945,
10 and other types or groupings of third parties with whom the business shares personal
11 information, described with enough particularity to provide consumers with a
12 meaningful understanding of the type of third party;

13 (7) a description of a consumer's right to request the specific pieces of
14 the consumer's personal information that the business collected;

15 (8) a statement that information collected to verify a consumer's
16 disclosure or deletion request shall only be used as provided in AS 45.48.850(d) and
17 (e)(1).

18 (c) In addition to the requirements under (b) of this section, a business shall
19 include on the home page of the business's Internet website under the business's online
20 privacy policies, if the business has online privacy policies, and under any state-
21 specific description of consumers' privacy rights, the following:

22 (1) a clear and conspicuous link to an Internet website page titled "Do
23 Not Collect or Sell My Personal Information" that enables a consumer to exercise the
24 consumer's rights under AS 45.48.800 - 45.48.945; a business may not require a
25 consumer to create an account to access this Internet website page or to exercise the
26 consumer's rights under AS 45.48.800 - 45.48.945; and

27 (2) a description of a consumer's rights under AS 45.48.800 -
28 45.48.945.

29 (d) A business may comply with (c) of this section by including the required
30 content on a separate and additional Internet website page that is dedicated to
31 consumers.

1 (e) A business shall include on an Internet website page dedicated to
2 consumers the content required under (b) and (c) of this section and reasonably ensure
3 that consumers are directed to the alternative Internet website.

4 (f) In this section, "home page" means

5 (1) the introductory page of an Internet website where personal
6 information is collected;

7 (2) in the case of a mobile application, the application's platform page
8 or download page, an electronic link within the application, and any other location that
9 allows consumers to review the notice required by (a) of this section.

10 **Sec. 45.48.805. Limits on use, processing, collection, sharing, and retention**
11 **of personal information.** (a) A business that collects a consumer's personal
12 information shall limit its collection and sharing of the personal information with third
13 parties to what is reasonably necessary for the business to provide a service or conduct
14 an activity that a consumer has requested, or has consented to, or that is reasonably
15 necessary for security or fraud prevention. In this subsection, "reasonably necessary
16 for security or fraud prevention" does not include profiting financially from the
17 personal information.

18 (b) A business that collects a consumer's personal information is not required
19 to retain personal information collected for a single one-time transaction if the
20 business does not sell or disclose the information.

21 (c) Except for the collection and sharing of personal information under (a) of
22 this section, a business shall limit the business's use and retention of collected personal
23 information to what is reasonably necessary to provide a service or conduct an activity
24 that a consumer has requested or consented to, or for a related operational purpose;
25 however, personal information that is collected or retained solely for security or fraud
26 prevention may not be used for operational purposes.

27 **Sec. 45.48.810. Notification of business upon receipt or disclosure of**
28 **personal information.** (a) When a person receives personal information for a business
29 purpose or commercial purpose that a business originally collected from a consumer,
30 the person shall notify the business that the person possesses the personal information
31 and provide the person's contact information. The person shall provide updated contact

1 information to the business if the person's contact information changes.

2 (b) A person who receives personal information that a business originally
3 collected from a consumer, and who discloses the personal information to another
4 person for a business purpose or commercial purpose, shall notify the business that
5 originally collected the information not later than 10 days after the disclosure. The
6 notification must include the contact information of the person to whom the personal
7 information was disclosed.

8 (c) A person that receives personal information that a business originally
9 collected from a consumer shall either de-identify the personal information or
10 maintain the personal information in a way that the person can readily comply with a
11 disclosure or deletion request under AS 45.48.800 - 45.48.945.

12 **Sec. 45.48.815. Required records.** A business that collects or has collected
13 personal information from a consumer shall maintain records of each person to whom
14 the business discloses the personal information. The business shall also maintain all
15 records provided to the business under AS 45.48.810(a) and (b).

16 **Sec. 45.48.820. Request for disclosure of collected personal information.**

17 (a) A consumer may request a business that collects or collected the consumer's
18 personal information to disclose to the consumer

19 (1) the categories and specific pieces of personal information that the
20 business collects or collected within the five years preceding the date of the request;

21 (2) the sources from which the business collects or collected each
22 category of personal information; and

23 (3) the business purpose or commercial purpose for the collection of
24 each category of personal information.

25 (b) A business shall respond to a consumer request under this section as
26 required by AS 45.48.850.

27 **Sec. 45.48.825. Request for deletion of personal information.** (a) A
28 consumer may request a business to delete any of the consumer's personal information
29 collected by the business from the consumer within the five years preceding the date
30 of the request.

31 (b) Upon receiving a consumer request under this section, a business shall

1 delete from the business's records the information identified in the request.

2 (c) Within 45 days after a consumer's deletion request, a business that receives
3 a deletion request under (b) of this section shall direct all persons to whom a business
4 disclosed records under AS 45.48.810 to delete the personal information and provide a
5 written statement verifying that the information has been deleted. A person shall
6 comply with a direction under this subsection. The business shall immediately provide
7 written notification to the attorney general and the consumer of a person who fails to
8 provide written verification of compliance.

9 (d) A person is not required to delete personal information under (c) of this
10 section if the person maintains the personal information to

11 (1) complete the transaction for which the personal information was
12 collected;

13 (2) provide a good or service requested or reasonably anticipated
14 within an ongoing business relationship with the consumer;

15 (3) fulfill the terms of a written warranty or product recall conducted in
16 accordance with federal law;

17 (4) perform a contract between the business and consumer;

18 (5) detect security incidents, protect against malicious, deceptive,
19 fraudulent, or illegal activity, or prosecute the person responsible for that activity;

20 (6) identify and repair errors that impair the existing intended
21 functionality of a product or service;

22 (7) exercise a right provided for by law, including the right under the
23 First Amendment of the United States Constitution and art. I, sec. 5, of the
24 Constitution of the State of Alaska to freedom of speech, or ensure the right of another
25 consumer to exercise that consumer's right to freedom of speech;

26 (8) comply with a search warrant, subpoena, or court order;

27 (9) engage in public or peer-reviewed scientific, historical, or
28 statistical research in the public interest that adheres to all other applicable ethics and
29 privacy laws, if

30 (A) the deletion of information is likely to seriously impair or
31 render impossible the achievement of the research; and

1 (B) the consumer has provided consent to the research;

2 (10) enable solely internal uses that are reasonably aligned with the
3 consumer's expectations, based on the consumer's relationship with the business; or

4 (11) comply with a legal obligation.

5 (e) A person may not disclose personal information that a business collected
6 from a consumer unless the personal information is disclosed in accordance with a
7 contract that requires the recipient to comply with a deletion request issued under
8 AS 45.48.800 - 45.48.945.

9 **Sec. 45.48.830. Request for disclosure of personal information sold or**
10 **disclosed for a business purpose or commercial purpose.** (a) A consumer may
11 request that a business that sold or disclosed the consumer's personal information for a
12 business purpose or commercial purpose within the last five years disclose to the
13 consumer

14 (1) the third parties subject to AS 45.48.810 in possession of the
15 consumer's personal information;

16 (2) the categories of personal information or specific pieces of personal
17 information that were sold or disclosed to each third party for a business purpose or
18 commercial purpose;

19 (3) for the third parties to which the business directly disclosed the
20 consumer's personal information for a business purpose or commercial purpose, the
21 business purpose or commercial purpose for disclosing each category of personal
22 information.

23 (b) A business shall respond to a consumer request under this section as
24 required by AS 45.48.850.

25 **Sec. 45.48.835. Request not to sell, share, or disclose personal information.**
26 (a) A consumer may, at any time, request a business not to sell, share, or disclose the
27 consumer's personal information or not to sell, share, or disclose particular categories
28 of the consumer's personal information.

29 (b) If a business collects personal information from a consumer online and the
30 consumer uses a global privacy control, the business shall treat the use of the global
31 privacy control as a valid request submitted by the consumer under (a) of this section

1 not to sell, share, or disclose the consumer's personal information. In this subsection,

2 (1) "global privacy control" includes a browser plug-in, privacy
3 setting, device setting, or other mechanism that communicates or signals the
4 consumer's choice not to have the consumer's personal information sold, shared, or
5 disclosed;

6 (2) "plug-in" means a piece of software code that enables a computer
7 application or program to perform an activity the application or program cannot do by
8 itself.

9 (c) A consumer may, as provided by regulation adopted under AS 45.48.915,
10 authorize another person solely to request that a business not sell, share, or disclose
11 the consumer's personal information, and a business shall comply with the request
12 received from the person for the consumer.

13 (d) A business shall respond to a consumer request under this section as
14 required by AS 45.48.850, unless the consumer later provides a clear and explicit
15 renunciation of the request. For one year after receiving a request under (a) - (c) of this
16 section, a business may not contact the consumer to request that the consumer
17 renounce the request.

18 (e) A business subject to this section may only use the personal information
19 collected from a consumer request under this section to comply with the request,
20 unless otherwise authorized by the consumer or by another provision of law.

21 **Sec. 45.48.840. Use and disclosure of precise geolocation data.** (a) A
22 business may use a consumer's precise geolocation data for other purposes than the
23 purpose disclosed under AS 45.48.800(a) if the consumer consents to the use. A
24 consumer who consents to the use of the consumer's precise geolocation data for other
25 purposes may, at any time, request that the business stop using the data for other
26 purposes. The consumer's consent must be in writing and in an agreement separate
27 from any other agreement for use, and the consumer must agree to the business's use
28 of the consumer's precise geolocation data for other purposes.

29 (b) Except as provided in (a) of this section, a business shall limit the use and
30 disclosure of a consumer's precise geolocation data to that necessary to provide goods
31 or services that a consumer requests and reasonably expects, or goods and services the

1 business reasonably expects the consumer will request.

2 (c) The provisions of AS 45.48.800 - 45.48.945 do not apply to a business that
3 uses a consumer's precise geolocation data if the consumer is an employee, contractor,
4 or vendor of the business.

5 **Sec. 45.48.845. Treatment of individuals under 18 years of age.** (a)
6 Notwithstanding any other provision of AS 45.48.800 - 45.48.945, a business that has
7 actual knowledge that a consumer is under 18 years of age may not disclose the
8 personal information of the consumer for a business purpose or commercial purpose,
9 use the consumer's precise geolocation data for a purpose other than to provide goods
10 or services that the consumer reasonably requests and expects, or sell or share the
11 consumer's personal information, unless the consumer consents to the disclosure, use,
12 or sale. If the consumer is

13 (1) at least 13 years of age, the consumer may give the consent; or

14 (2) under 13 years of age, a parent or guardian of a consumer must
15 give the consent.

16 (b) A business that recklessly disregards a reasonable likelihood that a
17 consumer is under 18 years of age is considered to have actual knowledge of the
18 consumer's age. In this subsection, "recklessly" has the meaning given in
19 AS 11.81.900(a).

20 (c) A business may not track or profile the personal information of an
21 individual who is under 18 years of age in order to provide to the individual a
22 commercial advertisement that is based on the personal information or computer
23 online activity of the individual.

24 **Sec. 45.48.850. Disclosure or deletion request; process.** (a) A business shall
25 respond to a consumer request under AS 45.48.820 or 45.48.830 by

26 (1) providing the requested information electronically to the consumer
27 in a portable and, to the extent technically feasible, readily useable format that allows
28 the consumer to transmit the information to another person without hindrance;

29 (2) if the information provided under (1) of this subsection is not in a
30 human-readable format, providing the requested information to the consumer in a
31 format that is easily readable by a human; and

1 (3) at the consumer's request, providing the requested information by
2 mail.

3 (b) A business subject to AS 45.48.800 - 45.48.945 shall designate at least two
4 methods for a consumer to submit a request under AS 45.48.820 - 45.48.835,
5 including, at a minimum, a toll-free telephone number and an electronic mail address.
6 If a business maintains an Internet website, the website must include an option to
7 submit requests under AS 45.48.820 - 45.48.835 on a public facing page. A designated
8 method for submitting requests may include a mailing address, electronic mail
9 address, Internet website, Internet website portal, toll-free telephone number, other
10 applicable contact information, or a new consumer-friendly means of contacting a
11 business as determined by regulation.

12 (c) A person may not charge a consumer a fee for performing a duty required
13 by AS 45.48.800 - 45.48.945.

14 (d) A person may only use the information provided by a consumer in a
15 request made under AS 45.48.820 - 45.48.835 to identify the consumer and comply
16 with the request.

17 (e) In response to a request made under AS 45.48.820 - 45.48.835, a business
18 shall

19 (1) promptly determine whether the request is a consumer request; a
20 business may not require that a consumer create an account with the business;
21 however, if the consumer maintains an account with the business, the business may
22 require the consumer to submit the request through the account;

23 (2) identify in writing the personal information subject to a disclosure
24 request; the information disclosed must

25 (A) cover the 12-month period preceding the request, or
26 another applicable period designated by the consumer;

27 (B) be designated by the most relevant category of personal
28 information;

29 (C) clearly separate information requested under AS 45.48.820
30 and 45.48.830;

31 (3) disclose and deliver the identified information in writing not later

1 than 45 days after receipt of the request;

2 (4) not later than 45 days after receipt of a deletion request, comply
3 with AS 45.48.825, and provide confirmation of compliance to the consumer.

4 (f) The time to respond to a disclosure or deletion request under (e)(3) and (4)
5 of this section may be extended once for an additional 45 days when reasonably
6 necessary. If the time to respond is extended, the business shall notify the consumer of
7 the extension.

8 (g) A business may disclose or provide confirmation of deletion of
9 information to the consumer by mail, through the consumer's account with the
10 business, or electronically at the consumer's request if the consumer does not have an
11 account with the business.

12 (h) Notwithstanding any other requirement in this section, if a consumer's
13 requests are manifestly unfounded or excessive, in particular because of the requests'
14 repetitive character, a business may either charge a reasonable fee, taking into account
15 the administrative costs of complying with the consumer's request, or refuse to act on
16 the request. The business shall notify the consumer of a decision to charge a fee or to
17 deny a request within the timeline provided under (e)(3) and (4) and (f) of this section.
18 The notification must completely explain the business's reason for finding the request
19 manifestly unfounded or excessive, including all pertinent facts. The business shall
20 bear the burden of proving that a consumer's request is manifestly unfounded or
21 excessive.

22 (i) A business is not required to respond to a disclosure or deletion request
23 under AS 45.48.825 or 45.48.830 if the consumer making the request has made two
24 consumer requests in the previous 365 days.

25 (j) A business is not required under this section to re-identify or otherwise link
26 data that, in the ordinary course of business, is not maintained in a manner that would
27 be considered personal information.

28 **Sec. 45.48.855. Third-party disclosure and handling of personal**
29 **information.** (a) A third party may not disclose personal information to another
30 person if the personal information was originally collected in violation of
31 AS 45.48.800 or 45.48.835. A third party that reasonably inquires into whether

1 personal information was collected in violation of AS 45.48.800 or 45.48.835, and
 2 reasonably concludes that information was not obtained in violation of AS 45.48.800
 3 or 45.48.835 may not be held liable for a violation under this section.

4 (b) A third party may not disclose a consumer's personal information for a
 5 business purpose or commercial purpose unless the third party receives written
 6 confirmation from the business that originally collected the personal information that
 7 the information was collected in compliance with AS 45.48.800 and 45.48.835.

8 **Sec. 45.48.860. Service provider obligations.** (a) A service provider may not

9 (1) retain, use, or disclose personal information received from a
 10 business for any purpose other than to perform the services specified in a written
 11 contract with the business;

12 (2) combine personal information received from a business with
 13 personal information the service provider receives from other sources, unless
 14 otherwise provided in regulation;

15 (3) disclose personal information received from a business to any other
 16 person without first

17 (A) receiving written consent of the business to disclose the
 18 personal information to the other person; and

19 (B) entering into a written contract with the other person that
 20 prohibits the other person from engaging in conduct prohibited under this
 21 section.

22 (b) A person who receives personal information from a service provider may
 23 not disclose the personal information to any other person.

24 **Sec. 45.48.865. Exemptions.** (a) AS 45.48.800 - 45.48.945 do not apply to

25 (1) protected health information that is collected by a covered entity or
 26 business associate governed by the privacy, security, and breach notification rules
 27 issued by the United States Department of Health and Human Services in 45 C.F.R.
 28 Parts 160 and 164, established under the Health Insurance Portability and
 29 Accountability Act of 1996 (P.L. 104-191) and the Health Information Technology for
 30 Economic and Clinical Health Act (P.L. 111-5); in this paragraph, "protected health
 31 information" has the meaning given in 45 C.F.R. 160.103;

1 (2) a covered entity governed by the privacy, security, and breach
 2 notification rules issued by the United States Department of Health and Human
 3 Services in 45 C.F.R. Parts 160 and 164, established under the Health Insurance
 4 Portability and Accountability Act of 1996 (P.L. 104-191), to the extent the provider
 5 or covered entity maintains patient information in the same manner as medical
 6 information or protected health information as described in (1) of this subsection;

7 (3) information collected as part of a clinical trial subject to 45 C.F.R.
 8 Part 46 (Protection of Human Subjects) under

9 (A) good clinical practice guidelines issued by the International
 10 Council for Harmonisation of Technical Requirements for Pharmaceuticals for
 11 Human Use; or

12 (B) human subject protection requirements of the United States
 13 Food and Drug Administration;

14 (4) vehicle information or ownership information retained or shared
 15 between a new motor vehicle dealer, as defined in AS 45.25.990, and the motor
 16 vehicle manufacturer, as defined in AS 45.25.990, if the information is shared for the
 17 purpose of or in anticipation of effectuating a vehicle repair covered by a vehicle
 18 warranty or recall conducted under 49 U.S.C. 30118 - 30120, if the new motor vehicle
 19 dealer or vehicle manufacturer does not sell, share, or use the information for another
 20 purpose; in this paragraph,

21 (A) "ownership information" means the name of each
 22 registered owner and accompanying contact information;

23 (B) "vehicle information" means the vehicle identification
 24 number, the vehicle's make, model, or year, or the vehicle's odometer reading;

25 (5) a person, including a subsidiary or affiliate of the person, and data
 26 that are subject to 15 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Act) and related
 27 regulations;

28 (6) an individual's personal information collected by a business if
 29 the business collects the personal information through the individual's

30 (A) job application made to the business;

31 (B) service as an employee, officer, or director of the

1 business; or

2 (C) work as a contractor for the business and consists only of

3 (i) personal information used solely within the
4 context for which it was collected;

5 (ii) emergency contact information used solely for the
6 purpose of having an emergency contact on file; or

7 (iii) personal information retained solely to administer
8 benefits for the individual.

9 (b) AS 45.48.800 - 45.48.945 do not apply to the disclosure of a consumer's
10 personal information to

11 (1) comply with federal, state, or local law;

12 (2) comply with a civil, criminal, or regulatory inquiry or an
13 investigation, subpoena, or summons by federal, state, or local authorities;

14 (3) cooperate with law enforcement agencies concerning conduct or
15 activity that the person reasonably and in good faith believes may violate federal,
16 state, or local law;

17 (4) exercise or defend legal claims;

18 (5) collect, use, retain, sell, or disclose de-identified consumer personal
19 information or aggregated consumer personal information.

20 (c) AS 45.48.800 - 45.48.945 do not apply to the collection or sale of a
21 consumer's personal information if the commercial conduct takes place wholly outside
22 the state. For the purpose of this subsection, commercial conduct takes place wholly
23 outside the state if

24 (1) the business collected the information while the consumer was
25 outside the state; the exemption allowed under this subsection does not include the
26 storage of personal information, including on a personal device, while the consumer is
27 in the state and collection when the consumer and stored information later leave the
28 state;

29 (2) no part of the sale of the consumer's personal information occurred
30 in the state; and

31 (3) no personal information collected while the consumer was in the

1 state was sold.

2 (d) AS 45.48.800 - 45.48.875 and 45.48.885 - 45.48.945 do not apply to

3 (1) an activity that is subject to 15 U.S.C. 1681 - 1681x (Fair Credit
4 Reporting Act) that involves the collection, maintenance, disclosure, sale,
5 communication, or use of any personal information bearing on a consumer's
6 creditworthiness, credit standing, credit capacity, character, general reputation,
7 personal characteristics, or mode of living by a consumer reporting agency;

8 (2) a furnisher of information who provides information for use in a
9 consumer report, or a user of a consumer report, to the extent the information is used
10 as authorized under 15 U.S.C. 1681 - 1681x (Fair Credit Reporting Act);

11 (3) personal information collected, processed, sold, or disclosed under
12 18 U.S.C. 2721 - 2725 (Driver's Privacy Protection Act of 1994) and related
13 regulations.

14 (e) Except as provided in AS 45.48.835 and 45.48.880, personal information
15 contained in a written communication, verbal communication, or transaction between
16 a business and a consumer is exempt from AS 45.48.800 - 45.48.945 if

17 (1) the consumer is an individual acting as an employee, owner,
18 director, officer, member, or contractor of a sole proprietorship, partnership, limited
19 liability company, corporation, association, or other legal entity that is organized or
20 operated for the profit or financial benefit of its shareholders, partners, members, or
21 other owners, or is a government agency; in this paragraph, "owner" means an
22 individual who

23 (A) owns, directly or indirectly, or has the power to vote, more
24 than 50 percent of the outstanding shares of a class of voting securities of a
25 business;

26 (B) controls, in any manner, the election of a majority of the
27 directors or of individuals exercising similar functions; or

28 (C) has the power to exercise a controlling influence over the
29 majority of the directors or of individuals exercising similar functions; and

30 (2) the communication or transaction occurs solely within the context
31 of the business exercising due diligence regarding a product or service of, the receipt

1 of a product or service from, or providing a product or service to the corporation,
2 partnership, sole proprietorship, or government agency.

3 (f) A requirement under AS 45.48.800 - 45.48.945 does not apply if

4 (1) compliance with the requirement would violate an evidentiary
5 privilege under state law;

6 (2) the business provides personal information as part of privileged
7 communication to a person covered by an evidentiary privilege;

8 (3) the right or obligation would adversely affect a right of another
9 consumer;

10 (4) the requirement would infringe on the noncommercial activity of a
11 person or entity exercising rights under art. I, sec. 5, Constitution of the State of
12 Alaska.

13 (g) A business does not sell or share a consumer's personal information under
14 AS 45.48.800 - 45.48.945 if

15 (1) the consumer intentionally directs the business to disclose the
16 consumer's personal information to a third party, intentionally uses the business to
17 disclose the consumer's personal information to a third party, or intentionally directs
18 the business to interact with a third party, and the third party does not also disclose the
19 personal information or discloses the personal information consistent with
20 AS 45.48.800 - 45.48.945;

21 (2) the business uses or shares a unique identifier for a consumer to
22 alert third parties that the consumer has requested under AS 45.48.835 that the
23 business not sell, share, or disclose the consumer's personal information or particular
24 categories of the consumer's personal information.

25 (h) A business does not sell personal information under AS 45.48.800 -
26 45.48.945 when the business uses or shares with a service provider a consumer's
27 personal information that is necessary to perform a business purpose if

28 (1) the business has provided notice under AS 45.48.800 of the
29 personal information being used or shared; and

30 (2) the service provider does not further collect, sell, or use the
31 consumer's personal information except as necessary to perform the business purpose.

1 (i) In this section,

2 (1) "contractor" means a person who is not an employee of a business
3 but provides a service to the business under a written contract;

4 (2) "covered entity" has the meaning given in 45 C.F.R. 160.103;

5 (3) "director" has the meaning given in AS 10.06.990;

6 (4) "intentionally" does not mean hovering over, muting, pausing, or
7 closing a piece of content;

8 (5) "officer" means a person appointed or designated as an officer of a
9 corporation by or under applicable law or the corporation's articles of incorporation or
10 bylaws, or a person who performs for the corporation the functions usually performed
11 by an officer of a corporation.

12 **Sec. 45.48.870. Retaliation prohibited; financial incentives.** (a) A business
13 may not retaliate against a consumer in response to a consumer exercising rights under
14 AS 45.48.800 - 45.48.945. Retaliation includes

15 (1) denying goods or services;

16 (2) charging different prices or rates for goods or services, including
17 using discounts or other benefits or imposing penalties;

18 (3) providing a different level or quality of goods or services to a
19 consumer;

20 (4) suggesting that a consumer will receive a different price or rate for
21 goods or services or a different level or quality of goods or services.

22 (b) Notwithstanding (a) of this section, a business may charge a consumer a
23 different rate or provide a different level or quality of goods or services to a consumer
24 if the difference is reasonably related to the value provided to the business by the
25 consumer's personal information.

26 (c) Notwithstanding (a) of this section, a business may offer a consumer a
27 financial incentive for the collection, sale, or retention of personal information,
28 including direct payments to a consumer as compensation. A business that offers a
29 financial incentive under this subsection

30 (1) shall notify consumers of the financial incentive;

31 (2) shall obtain a consumer's consent before entering a consumer into a

1 financial incentive program; to obtain a consumer's consent under this paragraph, the
2 business shall provide the consumer access to a clear description of the material terms
3 of the financial incentive program; the consumer may revoke the consent at any time;

4 (3) may not use financial incentive practices that are unjust,
5 unreasonable, coercive, or usurious.

6 (d) In this section, "business" does not include a newspaper.

7 **Sec. 45.48.875. Transfer of information in a merger, acquisition,**
8 **bankruptcy, and certain other transactions.** (a) A business may transfer to or share
9 with a third party a consumer's personal information as an asset that is part of a
10 business change transaction.

11 (b) If a business shares a consumer's personal information with a third party in
12 the process of evaluating and consummating a business change transaction, the
13 business shall require that the third party agree by contract to keep the personal
14 information confidential and not use the personal information for a purpose other than
15 evaluating and consummating the transaction.

16 (c) If a third party under (a) of this section decides to change how the third
17 party uses or shares the consumer's personal information in a manner that is materially
18 inconsistent with (a) of this section or with the uses identified in the notification made
19 under AS 45.48.800, the third party shall notify the consumer before the change. The
20 notice must be sufficiently prominent and robust to ensure that the consumer can
21 easily exercise the consumer's choices consistently with AS 45.48.800 - 45.48.945.

22 (d) A transfer under (a) of this section does not authorize a business to make
23 material retroactive privacy policy changes or other changes in a manner that
24 constitutes an unfair or deceptive trade practice under AS 45.50.471 - 45.40.561.

25 (e) In this section, "business change transaction" means a merger, acquisition,
26 bankruptcy, or other transaction in which the third party assumes control of all or part
27 of the business.

28 **Sec. 45.48.880. Duty to maintain reasonable security measures.** A business
29 that owns, licenses, or maintains a consumer's personal information shall implement
30 and maintain reasonable security procedures and practices appropriate to the nature of
31 the information to protect the personal information from unauthorized access,

1 destruction, use, modification, or disclosure.

2 **Sec. 45.48.885. Component parts.** If a series of steps or transactions are
3 component parts of a single transaction and are intended from the beginning to avoid
4 the reach of AS 45.48.800 - 45.48.945, including a business's disclosure of
5 information to a third party to avoid being considered a sale, the steps or transactions
6 may not be considered separate for the purposes of determining compliance with, an
7 exception to, or a violation of AS 45.48.800 - 45.48.945.

8 **Sec. 45.48.890. Violations.** (a) A violation of AS 45.48.800 - 45.48.945 is an
9 unfair or deceptive act or practice under AS 45.50.471 - 45.50.561. Each day of a
10 violation constitutes a separate violation.

11 (b) In an action brought under AS 45.50.531(a), a consumer whose personal
12 information is subjected to unauthorized access, destruction, use, modification, or
13 disclosure has suffered an ascertainable loss of \$1 or another amount proven at trial,
14 whichever is greater.

15 (c) The remedies under this section are in addition to the remedies provided
16 under AS 45.48.080 for a violation of AS 45.48.010 - 45.48.090.

17 **Sec. 45.48.895. Consumer privacy account.** (a) The consumer privacy
18 account is established as a separate account in the general fund.

19 (b) The consumer privacy account consists of

20 (1) money appropriated to the account by the legislature;

21 (2) the registration fees collected under AS 45.48.900(b)(2);

22 (3) the fees collected under AS 45.48.910; and

23 (4) civil penalties and money collected in or as a result of an action
24 brought by the attorney general under AS 45.48.800 - 45.48.945.

25 (c) The purposes of the consumer privacy account are to pay

26 (1) the salaries of attorneys in the Department of Law that enforce the
27 provisions of AS 45.48.800 - 45.48.945 at an amount that is competitive with the
28 private sector; and

29 (2) the administrative costs incurred by the department and the
30 Department of Law to enforce AS 45.48.800 - 45.48.945.

31 (d) The legislature may appropriate money deposited under (b)(2) - (4) of this

1 section for the purposes of the account.

2 **Sec. 45.48.900. Data broker registration.** (a) Before a business begins
3 operating as a data broker, the business shall register with the commissioner in
4 accordance with this section.

5 (b) To register as a data broker, a business shall

6 (1) provide, on a form provided by the commissioner,

7 (A) the name of the data broker;

8 (B) the data broker's primary physical and mailing addresses;

9 (C) the data broker's electronic mailing address;

10 (D) the data broker's primary Internet website address; and

11 (E) the data broker's "Do Not Collect or Sell My Personal
12 Information" Internet website page as required under AS 45.48.800(c) or
13 alternative Internet website page that meets the requirements of
14 AS 45.48.800(d); and

15 (2) pay a registration fee in an amount established by the department
16 by regulation.

17 (c) The department shall deposit the fees paid under (b)(2) of this section into
18 the consumer privacy account established under AS 45.48.895.

19 **Sec. 45.48.905. Data broker registry publicly displayed.** The commissioner
20 shall make the information provided by data brokers under AS 45.48.900(b)(1)
21 available on the department's Internet website.

22 **Sec. 45.48.910. Revenue fees.** (a) A business that collects, sells, or shares
23 personal information from a consumer shall pay a fee to the department. The amount
24 of this fee is three percent of the revenue received by the business from the buying,
25 selling, or sharing of the personal information of a consumer or household
26 information.

27 (b) The department shall deposit the fees paid under (a) of this section into the
28 consumer privacy account established under AS 45.48.895.

29 **Sec. 45.48.915. Regulations.** (a) The attorney general shall adopt regulations
30 under AS 44.62 (Administrative Procedure Act) that

31 (1) create specific exceptions required to comply with state or federal

1 law;

2 (2) govern the Internet website page requirement of AS 45.48.800,
3 including

4 (A) the use of a recognizable and uniform mark to identify the
5 opportunity to exercise a right under AS 45.48.800 - 45.48.945;

6 (B) the submission of a consumer request;

7 (C) a business's compliance with a request under AS 45.48.835;

8 (3) update, as necessary, additional categories of personal information
9 required to be disclosed in response to relevant changes in technology, data collection
10 practices, privacy concerns, or obstacles to implementation;

11 (4) update, as necessary, the interpretation of unique identifiers in
12 response to relevant changes in technology, data collection practices, privacy
13 concerns, or obstacles to implementation;

14 (5) update, as necessary, the interpretation of designated methods for
15 submitting requests to facilitate a consumer's ability to obtain information from a
16 business;

17 (6) establish requirements to ensure that notices and information
18 provided under AS 45.48.800 are in plain language, accessible to consumers with
19 disabilities, and available in the language primarily used by the business to interact
20 with the consumer, including with regard to financial incentive offerings;

21 (7) designate the process for a consumer to authorize a representative
22 to exercise the rights provided under AS 45.48.800 - 45.48.945 on the consumer's
23 behalf; and

24 (8) further define the meaning of "profile."

25 (b) The attorney general may adopt regulations under AS 44.62
26 (Administrative Procedure Act) that

27 (1) establish rules and procedures for processing and complying with a
28 consumer request for specific pieces of personal information relating to a household to
29 address obstacles to implementation and privacy concerns;

30 (2) state that service providers may combine personal information for
31 specified purposes;

1 (3) are necessary to further the purposes of AS 45.48.800 - 45.48.945.

2 (c) The department shall establish by regulation adopted under AS 44.62
3 (Administrative Procedure Act) the amount of the registration fee that a data broker
4 shall pay under AS 45.48.900(b)(2).

5 **Sec. 45.48.920. Persons who may consent.** Except as provided in
6 AS 45.48.845(a), a person may provide consent for a consumer under AS 45.48.800 -
7 45.48.945 if the person is

8 (1) the consumer;

9 (2) the consumer's legal guardian;

10 (3) a person who holds a power of attorney for the consumer; or

11 (4) a person who is acting as a conservator for the consumer.

12 **Sec. 45.48.925. Personnel training.** A business subject to AS 45.48.800 -
13 45.48.945 shall provide training to individuals responsible for handling consumer
14 questions or requests under AS 45.48.800 - 45.48.945, including training the
15 individuals how to direct a consumer to exercise the consumer's rights under
16 AS 45.48.800 - 45.48.945.

17 **Sec. 45.48.930. Provisions not waivable.** A consumer's waiver of the
18 provisions of AS 45.48.800 - 45.48.945 is contrary to public policy and is
19 unenforceable and void. This section does not prevent a consumer from

20 (1) declining to request information from a business;

21 (2) declining to request that a business not collect, sell, or disclose the
22 consumer's personal information; or

23 (3) authorizing a business to sell the consumer's personal information
24 after previously requesting that the business not sell the personal information.

25 **Sec. 45.48.935. Liberal construction.** The intent of AS 45.48.800 - 45.48.945
26 is remedial and its provisions shall be liberally construed.

27 **Sec. 45.48.940. Definitions.** In AS 45.48.800 - 45.48.945, unless the context
28 indicates otherwise,

29 (1) "aggregated consumer information" means information that relates
30 to a group or category of consumers from which individual consumer identities have
31 been removed, and that is not linked or reasonably linkable by a device or other

1 method to a consumer or household; "aggregated consumer information" does not
2 mean an individual consumer record that has been de-identified;

3 (2) "application" means a computer software package that performs a
4 specific function;

5 (3) "beacon" means a small computer device that allows computer
6 information to be transmitted to a portable device that can connect to the Internet;

7 (4) "business" means a sole proprietorship, partnership, limited
8 liability company, corporation, association, or other legal entity that is organized or
9 operated for the profit or financial benefit of its shareholders, partners, members, or
10 other owners, that collects or has collected consumers' personal information or on the
11 behalf of which that information is collected, that alone or jointly with others
12 determines the purposes and means of processing personal information of consumers,
13 that does business in the state, and that

14 (A) satisfies one or both of the following thresholds:

15 (i) alone or in combination with another person,
16 annually buys, sells, or shares the personal information of 100,000 or
17 more consumers or households; or

18 (ii) derives 50 percent or more of its annual revenue
19 from selling or sharing the personal information of consumers; or

20 (B) controls or is controlled by a business that meets a
21 threshold in (A) of this paragraph and shares a name, service mark, trademark,
22 or other form of common branding with the business; in this subparagraph,
23 "control" means

24 (i) ownership or the power to vote more than 50 percent
25 of the outstanding shares of any class of voting security of a business;

26 (ii) control, in any manner, of the election of a majority
27 of the directors or of individuals exercising similar functions; or

28 (iii) the power to exercise a controlling influence over
29 the majority of the directors or of individuals exercising similar
30 functions;

31 (5) "business purpose" means a use for an operational purpose or other

1 notified purpose, if the use is reasonably necessary and proportionate to achieving the
2 operational purpose or other notified purpose for which personal information was
3 collected or processed, or is a compatible use;

4 (6) "categories of personal information" includes a category of
5 personal information set out in (24) of this section and a category of personal
6 information not specifically enumerated;

7 (7) "collect" includes buying, renting, gathering, obtaining, receiving,
8 or accessing personal information pertaining to a consumer by actively or passively
9 receiving information from the consumer, by observing the consumer's behavior, or by
10 any other means;

11 (8) "commercial purpose" includes marketing, advertising, and any
12 other purpose that advances a person's commercial or economic interests, except
13 engaging in political speech, journalism, or other speech that state or federal courts
14 have recognized as noncommercial speech;

15 (9) "commissioner" means the commissioner of commerce,
16 community, and economic development;

17 (10) "compatible use" means

18 (A) auditing related to a current interaction with the consumer
19 and counting the advertisement impressions made to individual visitors,
20 verifying positioning and quality of advertisement impressions, and auditing
21 compliance with this paragraph, other standards, and other concurrent
22 transactions;

23 (B) detecting security incidents, protecting against malicious,
24 deceptive, fraudulent, or illegal activity, and prosecuting those persons
25 responsible for that activity;

26 (C) identifying and removing errors from computer hardware
27 or software that impair existing intended functionality;

28 (D) the contextual customization of advertisements shown as
29 part of the same interaction and other short-term transient use, if the personal
30 information is not disclosed to a third party and is not used to build a profile
31 about a consumer or alter the experience of an individual consumer outside the

1 current interaction;

2 (E) maintaining or servicing accounts, providing customer
3 service, processing or fulfilling orders and transactions, verifying customer
4 information, processing payments, providing financing, providing advertising
5 or marketing services, providing analytical services, and performing other
6 services on behalf of the business or service provider;

7 (F) conducting internal research for technological development
8 and demonstration;

9 (G) performing activities to verify or maintain the quality or
10 safety of a service or device that is owned by, manufactured by, manufactured
11 for, or controlled by the business, and to improve, upgrade, or enhance the
12 service or device; or

13 (H) performing another use that is consistent with the context
14 in which the personal information was collected;

15 (11) "consent"

16 (A) means a consumer's freely given, specific, informed, and
17 unambiguous indication by statement, action, or other method, that the
18 consumer agrees to the processing of the consumer's personal information for a
19 narrowly defined purpose;

20 (B) does not mean

21 (i) acceptance of general terms of use, a broad statement
22 of terms of use, or a similar document that contains descriptions of
23 personal information processing along with other, unrelated
24 information;

25 (ii) hovering over, muting, pausing, or closing a given
26 piece of content on the Internet; or

27 (iii) an agreement obtained through the use of a user
28 interface designed or manipulated to subvert or impair user autonomy,
29 decision making, or choice;

30 (12) "conservator" has the meaning given in AS 13.06.050;

31 (13) "consumer" means an individual who is a resident of the state

1 under AS 01.10.055, whether identified by a unique identifier or other method of
2 identification, but does not mean an individual acting

3 (A) as an employee, owner, director, officer, member, or
4 contractor or in another capacity of a corporation, limited liability company,
5 sole proprietorship, partnership, association, nonprofit, or other entity or
6 government agency;

7 (B) for the entity or agency with another entity or agency; or

8 (C) in an employment context;

9 (14) "consumer request" means a request that is made by a consumer,
10 by a parent or legal guardian with legal custody of the consumer, or by a individual or
11 a person registered with the United States Secretary of State, authorized by the
12 consumer to act on the consumer's behalf;

13 (15) "data broker" means a business that knowingly collects and sells
14 to third parties the personal information of a consumer with whom the business does
15 not have a direct relationship, but does not include a consumer reporting agency to the
16 extent the agency is covered by 15 U.S.C. 1681 et seq. (Fair Credit Reporting Act);

17 (16) "de-identified" means that the information cannot reasonably
18 identify, relate to, describe, be capable of being associated with, or be directly or
19 indirectly linked to, an individual consumer, and the business holding the information

20 (A) has implemented technical safeguards that prohibit re-
21 identification of the consumer to whom the information may pertain;

22 (B) has implemented business processes that specifically
23 prohibit re-identification of the information;

24 (C) has implemented business processes to prevent inadvertent
25 release of de-identified information; and

26 (D) makes no attempt to re-identify the information;

27 (17) "department" means the Department of Commerce, Community,
28 and Economic Development;

29 (18) "device" includes a computer and a physical object that can

30 (A) read, write, or store information that is represented in
31 numerical form;

1 (B) connect to the Internet, directly or indirectly, or to another
2 device;

3 (19) "disclose" includes all types of disclosure, including the
4 disclosure of personal information related to a sale of personal information;

5 (20) "Internet website page" means a document accessible through the
6 Internet with a unique identifier used to locate a resource on the Internet;

7 (21) "knowingly" has the meaning given in AS 11.81.900(a);

8 (22) "operational purpose" means the use of personal information,
9 when reasonably necessary and proportionate, to achieve, if the use is limited to a
10 direct relationship and experience with a consumer,

11 (A) debugging to identify and repair errors that impair existing
12 intended functions;

13 (B) based on information collected by the business,
14 undertaking internal research for analysis, product improvement, and
15 technology development;

16 (C) verification or maintenance of the quality or safety of a
17 service or device that is owned, manufactured, manufactured for, or controlled
18 by the business, or to improve, upgrade, or enhance a service or device that is
19 owned, manufactured, manufactured for, or controlled by the business;

20 (D) customization of content based on information collected by
21 the business; or

22 (E) customization of advertising or marketing based on
23 information collected by the business;

24 (23) "person" means an individual, proprietorship, corporation,
25 company, partnership, firm, association, and any other non-governmental organization
26 or group of persons acting in concert;

27 (24) "personal information"

28 (A) means the information in the following categories that
29 identifies, relates to, describes, is reasonably capable of being associated with,
30 or could reasonably be linked, directly or indirectly, with a particular consumer
31 or household:

1 (i) a real name, alias, postal address, unique identifier,
2 online identifier, Internet protocol address, electronic mail address,
3 account name, or other identifier;

4 (ii) signature;

5 (iii) physical characteristics or physical description;

6 (iv) telephone number;

7 (v) insurance policy number;

8 (vi) characteristics of protected classifications under
9 state or federal law;

10 (vii) commercial information, including bank accounts,
11 records of personal property, products or services purchased, obtained,
12 or considered, or other purchasing or consuming histories or
13 tendencies;

14 (viii) browsing history, search history, and information
15 regarding a consumer's interaction with an Internet website,
16 application, or advertisement, or other Internet or electronic network
17 activity information;

18 (ix) geolocation data, including precise geolocation
19 data;

20 (x) audio, electronic, visual, thermal, olfactory, or
21 similar information;

22 (xi) professional or employment-related information;

23 (xii) information that is personally identifiable
24 information, as defined in 34 C.F.R. 99.3, that is not publicly available;

25 (xiii) sensitive personal information;

26 (xiv) inferences drawn from any of the information
27 identified in this subparagraph to create a profile about a consumer
28 reflecting the consumer's preferences, characteristics, psychological
29 trends, predispositions, behavior, attitudes, intelligence, abilities, and
30 aptitudes;

31 (B) does not mean

1 (i) publicly available information;

2 (ii) consumer information that is de-identified or is
3 aggregated consumer information;

4 (iii) biometric information; in this sub-subparagraph,
5 "biometric information" means an individual's physiological,
6 biological, or behavioral characteristics that can be used to establish
7 individual identity;

8 (25) "precise geolocation data"

9 (A) means data that is derived from a consumer device through
10 a technology that

11 (i) is capable of determining with specificity the latitude
12 and longitude coordinates or other spatial location of a person or
13 device;

14 (ii) has an accuracy level of less than 1,750 feet;

15 (iii) uses a global positioning system, a triangulated
16 location provided by a beacon, network radios, or a technology that
17 allows computers, mobile phones, or other devices to connect to the
18 Internet or communicate with one another wirelessly within a particular
19 area, or another technology;

20 (B) does not mean information that is or will be

21 (i) altered before the information is processed, in order
22 to be able to determine with specificity the physical location of an
23 individual or device;

24 (ii) used by a business when acting as an employer;

25 (26) "processing" means any operation or set of operations performed
26 on personal data or on sets of personal data, whether or not by automated means;

27 (27) "profile" or "profiling" means automated processing of personal
28 information, as further defined by regulation adopted under AS 45.48.915, to analyze
29 or predict an individual's work performance, economic situation, health, personal
30 preferences, interests, reliability, behavior, location, movements, or other personal
31 features;

1 (28) "publicly available information" means information that is
2 lawfully made available from federal, state, or local government records, that a
3 business has a reasonable basis to believe is lawfully made available to the general
4 public by the consumer or from widely distributed media, or that a consumer makes
5 available by a person to whom the consumer has disclosed the information if the
6 consumer has not restricted the information to a specific audience;

7 (29) "research" means scientific systematic study and observation that
8 is in the public interest, that adheres to all applicable ethics and privacy laws, and

9 (A) is compatible with the business purpose for which the
10 personal information was collected;

11 (B) is used solely for research purposes that are compatible
12 with the context in which the personal information was collected;

13 (C) is not used for a commercial purpose; and

14 (D) in which the personal information is

15 (i) later pseudonymized and de-identified, or de-
16 identified and in the aggregate, if the information cannot reasonably
17 identify, relate to, describe, be capable of being associated with, or be
18 linked, directly or indirectly, to a particular consumer; personal
19 information is considered pseudonymized if the information is
20 processed so that it is no longer attributable to a specific consumer
21 without the use of additional information, and the additional
22 information is kept separate and is subject to technical and
23 organizational measures to ensure that the personal information is not
24 attributed to an identified or identifiable consumer;

25 (ii) subject to technical safeguards that prohibit re-
26 identification of the consumer to whom the information may pertain;

27 (iii) subject to business processes that specifically
28 prohibit re-identification of the information;

29 (iv) subject to business processes to prevent inadvertent
30 release of de-identified information; and

31 (v) subjected by the business conducting the research to

1 additional security controls that limit access to the research data to
2 individuals in the business as necessary to carry out the research
3 purpose;

4 (30) "sale," "sell," or "sold" means renting, releasing, disclosing,
5 disseminating, making available, transferring, or otherwise communicating orally, in
6 writing, or by electronic or other means, a consumer's personal information by a
7 business to a third party for monetary or other valuable consideration or for another
8 commercial purpose;

9 (31) "sensitive personal information" means information that is not
10 publicly available information and reveals

11 (A) a consumer's social security number, driver's license
12 number, known traveler number, state identification card number, passport
13 number, or other unique identification number issued on a government
14 document commonly used to verify the identity of a specific individual;

15 (B) the number of a consumer's Internet account, financial
16 account, debit card account, credit card account, or other account, in
17 combination with any required security or access code, password, or
18 credentials allowing access to the account;

19 (C) a consumer's precise geolocation;

20 (D) a consumer's racial or ethnic origin, religious or
21 philosophical beliefs, or union membership;

22 (E) the contents of a consumer's mail or electronic mail, text
23 message, or other electronic communication, unless the business possessing the
24 information is the intended recipient of the communication;

25 (F) a consumer's genetic data;

26 (G) information about an individual who is less than 18 years
27 of age;

28 (H) information collected and analyzed concerning a
29 consumer's health; or

30 (I) information collected and analyzed about a consumer's
31 sexual life or sexual orientation;

1 (32) "service provider" means a person that receives personal
2 information from a business to be used solely for a business purpose under a written
3 contract that requires the service provider to comply with AS 45.48.860;

4 (33) "share" means renting, releasing, disclosing, disseminating,
5 making available, transferring, or otherwise communicating orally, in writing, or by
6 electronic or other means personal information by a business to a third party for
7 cross-context behavioral advertising, whether for monetary or other valuable
8 consideration, or in a transaction between a business and a third party for
9 cross-context behavioral advertising for the benefit of a business in which no money
10 is exchanged; in this paragraph, "cross-context behavioral advertising" means the
11 targeting of advertising to a consumer based on the consumer's personal information
12 obtained from the consumer's activity across businesses, distinctly branded Internet
13 websites, applications, or services, other than the business, distinctly branded website,
14 application, or service with which the consumer intentionally interacts;

15 (34) "third party" means any person, except

16 (A) the business that collected the personal information from
17 the consumer; and

18 (B) a service provider contracting with the business that
19 collected the personal information from the consumer;

20 (35) "unique identifier" includes a device identifier; an Internet
21 protocol address; cookies, beacons, pixel tags, mobile ad identifiers, or similar
22 technology; customer number, unique pseudonym, or user alias; telephone numbers, or
23 other forms of persistent or probabilistic identifiers that can be used to identify a
24 particular consumer or device; or another persistent identifier that can be used to
25 recognize a consumer, a household, or a device that is linked to a consumer or
26 household, over time and across different services; in this paragraph,

27 (A) "cookie" means computer information that is used to
28 identify a person's computer while the person is using the computer;

29 (B) "pixel tag" means a small design or picture that is loaded
30 when a computer user visits an Internet website page or opens electronic mail;

31 (C) "probabilistic identifier" means the identification of a

1 consumer or a device to a degree of certainty of more probable than not based
2 on a category of personal information included in, or similar to, the categories
3 of personal information.

4 **Sec. 45.48.945. Short title.** AS 45.48.800 - 45.48.945 may be cited as the
5 Consumer Personal Information Privacy Act.

6 * **Sec. 5.** AS 45.50.471(b) is amended by adding a new paragraph to read:

7 (58) violating AS 45.48.800 - 45.48.945 (Consumer Personal
8 Information Privacy Act).

9 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **APPLICABILITY: CONTRACTS.** This Act applies to a contract entered into on or after the
12 effective date of secs. 1 - 6 of this Act.

13 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **TRANSITION: EXEMPTION.** (a) Except as provided in AS 45.48.800(a),
16 added by sec. 4 of this Act, and the right to file an action for a violation of AS 45.48.880,
17 added by sec. 4 of this Act, personal information collected by a business is exempt from
18 AS 45.48.800 - 45.48.945, added by sec. 4 of this Act, until January 1, 2024, if the personal
19 information is collected through a person's

20 (A) ownership of the business; or

21 (B) activity as a dentist licensed under AS 08.36, physician licensed
22 under AS 08.64, or a psychologist licensed under AS 08.86.

23 (b) In this section, "business" and "personal information" have the meanings given in
24 AS 45.48.940, added by sec. 4 of this Act.

25 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **TRANSITION: REGULATIONS.** The attorney general shall adopt regulations as
28 authorized under AS 45.48.915, added by sec. 4 of this Act, to implement the changes made
29 by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but
30 not before the effective date of the law implemented by the regulation.

31 * **Sec. 9.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).

1 * **Sec. 10.** Except as provided in sec. 9 of this Act, this Act takes effect January 1, 2023.