AN ACT

Establishing a data broker registration system and the Data Broker Fund; and prescribing duties of the Office of Attorney General.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Data Broker Registration System Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Data broker." A business that knowingly collects and sells the personal information of a consumer to a third party with whom the business does not have a direct relationship. The term does not include any of the following:

(1) A consumer reporting agency to the extent that it is covered by the Fair Credit Reporting Act (Public Law 91-508,

(2) A financial institution to the extent that it is covered by the Gramm-Leach-Bliley Act (Public Law 106-102, 113 Stat. 1338).

"Fund." The Data Broker Fund established in section 4.

"Office." The Office of Attorney General.

"Personal information." As defined in the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act.

Section 3. The Data Broker Registration System.

(a) Establishment.--The Data Broker Registration System is established within the office.

(b) Duties of the office.--The office shall establish the Data Broker Registration System in accordance with this act.

Section 4. Establishment of the Data Broker Fund.

(a) Fund.--The Data Broker Fund is established as a special fund in the State Treasury.

(b) Deposits.--Each fee, penalty or other expenses incurred by the office with relation to section 5(b) and (c) shall be deposited into the fund.

Section 5. Data broker registration application.

(a) Form.--The office shall create an application form for data brokers to register. Applications shall be submitted in a form approved by the office. At a minimum, the application form shall contain the following information:

(1) The name of the data broker and its primary physical, email and Internet website addresses.

(2) Information regarding data collection practices and options for consumers to opt out.

(3) Any other information that the office deems
necessary and appropriate.

(b) Registration fee.--The registration fee shall be in accordance with the following:

(1) The registration fee shall be $400 unless changed by the Executive Deputy Attorney General of the office in accordance with paragraph (2).

(2) The Executive Deputy Attorney General of the office shall announce the adjustment of fees by transmitting notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The adjusted fees shall take effect 30 days after publication of the notice in the Pennsylvania Bulletin.

(c) Failure to register.--A data broker that fails to register as required by this act shall be subject to an injunction and is liable for civil penalties, fees and costs determined by the office in accordance with the following:

(1) A civil penalty of $100 for each day that the data broker fails to register as required by this act.

(2) An amount equal to the fees that were due during the period that the data broker failed to register.

(3) Expenses incurred by the office in the investigation and prosecution of the action as the court deems appropriate.

(4) Any penalties, fees and expenses recovered in an action prosecuted under this subsection shall be deposited into the fund.

Section 6. Effective date.

This act shall take effect in 60 days.