

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2715 Session of  
2022

INTRODUCED BY BURNS, DELLOSO, HILL-EVANS, KEEFER AND  
D. WILLIAMS, JUNE 30, 2022

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 30, 2022

AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

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

1 15 U.S.C. § 1681 et seq.).

2 (2) A financial institution to the extent that it is  
3 covered by the Gramm-Leach-Bliley Act (Public Law 106-102,  
4 113 Stat. 1338).

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

6 "Office." The Office of Attorney General.

7 "Personal information." As defined in the act of December  
8 22, 2005 (P.L.474, No.94), known as the Breach of Personal  
9 Information Notification Act.

10 Section 3. The Data Broker Registration System.

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

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

15 Section 4. Establishment of the Data Broker Fund.

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

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

21 Section 5. Data broker registration application.

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

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

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

30 (3) Any other information that the office deems

1       necessary and appropriate.

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

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

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

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

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

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

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

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

26 Section 6. Effective date.

27       This act shall take effect in 60 days.