

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 179 Session of
2005

INTRODUCED BY CORMAN, FUMO, WONDERLING, RAFFERTY, COSTA,
GORDNER, KASUNIC, TARTAGLIONE, KITCHEN, O'PAKE, LAVALLE,
ERICKSON, D. WHITE, STACK, ORIE, WAUGH, RHOADES AND
C. WILLIAMS, FEBRUARY 7, 2005

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, FEBRUARY 7, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, requiring Internet service providers
3 to maintain confidentiality of certain information; and
4 imposing a penalty.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7331. Internet service providers to maintain confidentiality
10 of certain information.

11 (a) Confidential information.--A provider of Internet
12 service shall keep confidential:

13 (1) All information concerning a subscriber, other than
14 the electronic mail address of the subscriber, unless the
15 subscriber gives permission, in writing or by electronic
16 mail, to the provider of Internet service to disclose the
17 information.

18 (2) The electronic mail address of a subscriber, if the

1 subscriber requests, in writing or by electronic mail, to
2 have the electronic mail address of the subscriber kept
3 confidential. Upon receiving a request from a subscriber, a
4 provider of Internet service shall keep confidential the
5 electronic mail address of the subscriber, unless the
6 subscriber gives permission, in writing or by electronic
7 mail, to the provider of Internet service to disclose the
8 electronic mail address of the subscriber.

9 (b) Notice.--A provider of Internet service shall provide
10 notice of the requirements of subsection (a) to each of its
11 subscribers. The notice must include, without limitation, a
12 conspicuous statement that a subscriber may request, in writing
13 or by electronic mail, to have the electronic mail address of
14 the subscriber kept confidential.

15 (c) Grading.--A provider of Internet service who violates
16 this section commits a summary offense and shall, upon
17 conviction, be sentenced to pay a fine of not less than \$50 nor
18 more than \$500 for each violation.

19 (d) Definition.--As used in this section, the term "provider
20 of Internet service" means a provider of Internet service who
21 charges a subscriber for access to the Internet or the
22 electronic mail address of the subscriber.

23 Section 2. This act shall take effect in 60 days.