

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2969

By: Walke, West (Josh) and **Sims**

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9                                   COMMITTEE SUBSTITUTE

10           An Act relating to privacy of computer data; enacting  
11           the Oklahoma Computer Data Privacy Act; defining  
12           terms; providing that this act applies to certain  
13           businesses that collect consumers' personal  
14           information; providing exemptions; prescribing  
15           compliance with other laws and legal proceedings;  
16           requiring this act to be liberally construed to align  
17           its effects with other laws relating to privacy and  
18           protection of personal information; providing that  
19           when in conflict federal law controls; providing that  
20           when in conflict with state law the law providing the  
21           greatest privacy or protection to consumers controls;  
22           providing for preemption of local law; providing  
23           consumers the right to request disclosure of certain  
24           information; providing consumers the right to request  
          the deletion of their information; providing  
          consumers the right to request and receive a  
          disclosure of personal information sold or disclosed;  
          providing consumers the right to opt in and out of  
          the sale of their personal information; finding that  
          individuals in Oklahoma have a right to prohibit  
          retention, use or disclosure of their own personal  
          data; finding that Oklahomans have been exploited for  
          monetary gain and manipulation by private ventures in  
          utilization of private data; finding that the  
          protection of individuals' data is a core  
          governmental function in order to protect the health,  
          safety and welfare of individuals in Oklahoma;  
          finding that this act is the least restrictive

1 alternative necessary to protect individuals and  
2 their rights; finding that the use of a strictly  
3 "opt-out" method for data privacy is ineffectual and  
4 poses an immediate risk to health, safety and welfare  
5 of Oklahomans; providing that contracts or other  
6 agreements purporting to waive or limit a right,  
7 remedy or means of enforcement are contrary to public  
8 policy and are void; requiring that businesses  
9 collecting consumer data information must inform the  
10 consumer of each category of personal information  
11 collected and for which purpose the information will  
12 be used, and obtain the consumer's explicit consent;  
13 requiring businesses that collect, sell, or for a  
14 business purpose disclose consumers' personal  
15 information to provide an online privacy policy or a  
16 notice of the business's policies; requiring  
17 businesses to designate and make available methods  
18 for submitting a verifiable consumer request for  
19 information that is required to be disclosed or  
20 deleted; requiring businesses receiving consumer  
21 requests to promptly take steps to reasonably verify  
22 the identity of the requesting consumers; requiring  
23 businesses that receive a verifiable consumer request  
24 within a certain timeframe disclose the required  
information; requiring businesses that use de-  
identified information to not re-identify or attempt  
to re-identify a consumer who is the subject of de-  
identified information without obtaining permission;  
providing that businesses may not discriminate  
against consumers for exercising their rights;  
providing that businesses may offer a financial  
incentive to consumers for the collection, sale or  
disclosure of their personal information; providing  
that businesses may not divide a single transaction  
into more than one transaction with the intent to  
avoid the requirements of this act; requiring  
businesses to ensure employees handling consumer  
inquiries about privacy practices are informed of  
certain rights, requirements and information;  
providing civil penalties; authorizing the Oklahoma  
Attorney General to take certain actions against  
violating businesses; authorizing the Attorney  
General to recover reasonable expenses incurred in  
obtaining injunctive relief or civil penalties;  
directing the Attorney General to deposit collected  
penalties in a dedicated account in the General  
Revenue Fund; providing certain immunities; providing

1           protections to service providers; providing for  
2           codification; and providing an effective date.

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4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5           SECTION 1.       NEW LAW       A new section of law to be codified  
6 in the Oklahoma Statutes as Section 901.1 of Title 17, unless there  
7 is created a duplication in numbering, reads as follows:

8           This act shall be known and may be cited as the "Oklahoma  
9 Computer Data Privacy Act".

10          SECTION 2.       NEW LAW       A new section of law to be codified  
11 in the Oklahoma Statutes as Section 901.2 of Title 17, unless there  
12 is created a duplication in numbering, reads as follows:

13          As used in this act:

14          1. "Aggregate consumer information" means information that  
15 relates to a group or category of consumers from which individual  
16 consumer identities have been removed and that is not linked or  
17 reasonably linkable to a particular consumer or household, including  
18 through a device. The term does not include one or more individual  
19 consumer records that have been de-identified;

20          2. "Biometric information" means an individual's physiological,  
21 biological or behavioral characteristics that can be used, alone or  
22 in combination with other characteristics or other identifying data,  
23 to establish the individual's identity. The term includes:

24           a. deoxyribonucleic acid (DNA),

- 1           b. an image of an iris, retina, fingerprint, face, hand,  
2           palm or vein pattern or a voice recording from which  
3           an identifier template can be extracted such as a  
4           faceprint, minutiae template or voiceprint,  
5           c. keystroke patterns or rhythms,  
6           d. gait patterns or rhythms, and  
7           e. sleep, health or exercise data that contains  
8           identifying information;

9           3. "Business" means a for-profit entity, including a sole  
10          proprietorship, partnership, limited liability company, corporation,  
11          association or other legal entity that is organized or operated for  
12          the profit or financial benefit of the entity's shareholders or  
13          other owners, but does not include Internet service providers so  
14          long as they are acting in their role as Internet service providers;

15          4. "Business purpose" means the use of personal information  
16          for:

- 17           a. the following operational purposes of a business or  
18           service provider, provided that the use of the  
19           information is reasonably necessary and proportionate  
20           to achieve the operational purpose for which the  
21           information was collected or processed or another  
22           operational purpose that is compatible with the  
23           context in which the information was collected:  
24

- 1 (1) auditing related to a current interaction with a  
2 consumer and any concurrent transactions,  
3 including counting ad impressions to unique  
4 visitors, verifying the positioning and quality  
5 of ad impressions, and auditing compliance with a  
6 specification or other standards for ad  
7 impressions,
- 8 (2) detecting a security incident, protecting against  
9 malicious, deceptive, fraudulent or illegal  
10 activity, and prosecuting those responsible for  
11 any illegal activity described by this division,
- 12 (3) identifying and repairing or removing errors that  
13 impair the intended functionality of computer  
14 hardware or software,
- 15 (4) using personal information in the short term or  
16 for a transient use, provided that the  
17 information is not:
- 18 (a) disclosed to a third party, and  
19 (b) used to build a profile about a consumer or  
20 alter an individual consumer's experience  
21 outside of a current interaction with the  
22 consumer, including the contextual  
23 customization of an advertisement displayed  
24 as part of the same interaction,

1 (5) performing a service on behalf of the business or  
2 service provider, including:

3 (a) maintaining or servicing an account,  
4 providing customer service, processing or  
5 fulfilling an order or transaction,  
6 verifying customer information, processing a  
7 payment, providing financing, providing  
8 advertising or marketing services, or  
9 providing analytic services, or

10 (b) performing a service similar to a service  
11 described by subdivision (a) of this  
12 division on behalf of the business or  
13 service provider,

14 (6) undertaking internal research for technological  
15 development and demonstration,

16 (7) undertaking an activity to:

17 (a) verify or maintain the quality or safety of  
18 a service or device that is owned by,  
19 manufactured by, manufactured for or  
20 controlled by the business, or

21 (b) improve, upgrade or enhance a service or  
22 device described by subdivision (a) of this  
23 division, or

24 (8) retention of employment date, or

1           b. another operational purpose for which notice is given  
2           under this act, but specifically excepting cross-  
3           context targeted advertising, unless the customer has  
4           opted in to the same;

5           5. "Collect" means to buy, rent, gather, obtain, receive or  
6 access the personal information of a consumer by any means,  
7 including by actively or passively receiving the information from  
8 the consumer or by observing the consumer's behavior;

9           6. "Commercial purpose" means a purpose that is intended to  
10 result in a profit or other tangible benefit or the advancement of a  
11 person's commercial or economic interests, such as by inducing  
12 another person to buy, rent, lease, subscribe to, provide or  
13 exchange products, goods, property, information or services or by  
14 enabling or effecting, directly or indirectly, a commercial  
15 transaction. The term does not include the purpose of engaging in  
16 speech recognized by state or federal courts as noncommercial  
17 speech, including political speech and journalism;

18           7. "Consumer" means an individual who is a resident of this  
19 state;

20           8. "De-identified information" means information that cannot  
21 reasonably identify, relate to, describe, be associated with, or be  
22 linked to, directly or indirectly, a particular consumer;

23           9. "Device" means any physical object capable of connecting to  
24 the Internet, directly or indirectly, or to another device;

1        10. "Identifier" means data elements or other information that  
2 alone or in conjunction with other information can be used to  
3 identify a particular consumer, household or device that is linked  
4 to a particular consumer or household;

5        11. "Internet service provider" means a person who provides a  
6 mass-market retail service by wire or radio that provides the  
7 capability to transmit data and to receive data from all or  
8 substantially all Internet endpoints, including any capabilities  
9 that are incidental to and enable the operations of the service,  
10 excluding dial-up Internet access service;

11        12. "Person" means an individual, sole proprietorship, firm,  
12 partnership, joint venture, syndicate, business trust, company,  
13 corporation, limited liability company, association, committee and  
14 any other organization or group of persons acting in concert;

15        13. "Personal information" means information that identifies,  
16 relates to, describes, can be associated with or can reasonably be  
17 linked to, directly or indirectly, a particular consumer or  
18 household. The term includes the following categories of  
19 information if the information identifies, relates to, describes,  
20 can be associated with or can reasonably be linked to, directly or  
21 indirectly, a particular consumer or household:

22            a. an identifier, including a real name, alias, mailing  
23                    address, account name, date of birth, driver license  
24                    number, unique identifier, Social Security number,



1 passport number, signature, telephone number or other  
2 government-issued identification number, or other  
3 similar identifier,

4 b. an online identifier, including an electronic mail  
5 address or Internet Protocol address, or other similar  
6 identifier,

7 c. a physical characteristic or description, including a  
8 characteristic of a protected classification under  
9 state or federal law,

10 d. commercial information, including:

11 (1) a record of personal property,

12 (2) a good or service purchased, obtained or  
13 considered,

14 (3) an insurance policy number, or

15 (4) other purchasing or consuming histories or  
16 tendencies,

17 e. biometric information,

18 f. Internet or other electronic network activity  
19 information, including:

20 (1) browsing or search history, and

21 (2) other information regarding a consumer's  
22 interaction with an Internet website, application  
23 or advertisement,

24 g. geolocation data,

- 1           h.    audio, electronic, visual, thermal, olfactory or other
- 2                 similar information,
- 3           i.    professional or employment-related information,
- 4           j.    education information that is not publicly available
- 5                 personally identifiable information under the federal
- 6                 Family Educational Rights and Privacy Act of 1974,
- 7           k.    financial information, including a financial
- 8                 institution account number, credit or debit card
- 9                 number, or password or access code associated with a
- 10                credit or debit card or bank account,
- 11           l.    medical information,
- 12           m.    health insurance information, or
- 13           n.    inferences drawn from any of the information listed
- 14                 under this paragraph to create a profile about a
- 15                 consumer that reflects the consumer's preferences,
- 16                 characteristics, psychological trends,
- 17                 predispositions, behavior, attitudes, intelligence,
- 18                 abilities or aptitudes;

19           14.    "Processing information" means performing any operation or  
20 set of operations on personal data or on sets of personal data,  
21 whether or not by automated means;

22           15.    "Publicly available information" means information that is  
23 lawfully made available to the public from federal, state or local  
24 government records or information received from widely distributed

1 media or by the consumer in the public domain. The term does not  
2 include:

3 a. biometric information of a consumer collected by a  
4 business without the consumer's knowledge or consent,  
5 or

6 b. de-identified or aggregate consumer information;

7 16. "Service provider" means a for-profit entity as described  
8 by paragraph 3 of this section that processes information on behalf  
9 of a business and to which the business discloses, for a business  
10 purpose, a consumer's personal information under a written contract,  
11 provided that the contract prohibits the entity receiving the  
12 information from retaining, using or disclosing the information for  
13 any purpose other than:

14 a. providing the services specified in the contract with  
15 the business, or

16 b. for a purpose permitted by this act, including for a  
17 commercial purpose other than providing those  
18 specified services;

19 17. "Third party" means a person who is not:

20 a. a business to which this act applies that collects  
21 personal information from consumers, or

22 b. a person to whom the business discloses, for a  
23 business purpose, a consumer's personal information  
24 under a written contract, provided that the contract:

1 (1) prohibits the person receiving the information  
2 from:

3 (a) selling the information,

4 (b) retaining, using or disclosing the  
5 information for any purpose other than  
6 providing the services specified in the  
7 contract, including for a commercial purpose  
8 other than providing those services, and

9 (c) retaining, using or disclosing the  
10 information outside of the direct business  
11 relationship between the person and the  
12 business, and

13 (2) includes a certification made by the person  
14 receiving the personal information that the  
15 person understands and will comply with the  
16 prohibitions under division (1) of this  
17 subparagraph;

18 18. "Unique identifier" means a persistent identifier that can  
19 be used over time and across different services to recognize a  
20 consumer, a custodial parent or guardian, or any minor children over  
21 which the parent or guardian has custody, or a device that is linked  
22 to those individuals. The term includes:

23 a. a device identifier,

24 b. an Internet Protocol address,

- c. a cookie, beacon, pixel tag, mobile ad identifier or similar technology,
- d. a customer number, unique pseudonym or user alias,
- e. a telephone number, and
- f. another form of a persistent or probabilistic identifier that can be used to identify a particular consumer or device;

19. "Verifiable consumer request" means a request:

- a. that is made by a consumer, a consumer on behalf of the consumer's minor child, or a natural person or person who is authorized by a consumer to act on the consumer's behalf, and
- b. that a business can reasonably verify, in accordance with Section 19 of this act, was submitted by the consumer about whom the business has collected personal information; and

20. "Consent" means an act that clearly and conspicuously communicates the individual's authorization of an act or practice that is made in the absence of any mechanism in the user interface that has the purpose or substantial effect of obscuring, subverting or impairing decision-making or choice to obtain consent.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 901.3 of Title 17, unless there is created a duplication in numbering, reads as follows:

1 A. This act applies only to:

2 1. A business that:

3 a. does business in this state,

4 b. collects consumers' personal information or has that  
5 information collected on the business's behalf,

6 c. alone or in conjunction with others, determines the  
7 purpose for and means of processing consumers'  
8 personal information, and

9 d. satisfies one or more of the following thresholds:

10 (1) has annual gross revenue in an amount that  
11 exceeds Fifteen Million Dollars (\$15,000,000.00),

12 (2) alone or in combination with others, annually  
13 buys, sells or receives or shares for commercial  
14 purposes the personal information of fifty  
15 thousand or more consumers, households or  
16 devices, or

17 (3) derives twenty-five percent (25%) or more of the  
18 business's annual revenue from selling consumers'  
19 personal information; and

20 2. An entity that controls or is controlled by a business  
21 described by paragraph 1 of this subsection and that shares the same  
22 or substantially similar brand name and/or common database for  
23 consumers' personal information. For purposes of this paragraph,  
24 "control" means the:

- a. ownership of, or power to vote, more than fifty percent (50%) of the outstanding shares of any class of voting security of a business,
- b. control in any manner over the election of a majority of the directors or of individuals exercising similar functions, or
- c. power to exercise a controlling influence over the management of a company.

B. For purposes of this act, a business sells a consumer's personal information to another business or a third party if the business sells, rents, discloses, disseminates, makes available, transfers or otherwise communicates, orally, in writing, or by electronic or other means, the information to the other business or third party for monetary or other valuable consideration.

C. For purposes of this act, a business does not sell a consumer's personal information if:

1. The consumer directs the business to intentionally disclose the information or uses the business to intentionally interact with a third party, provided that the third party does not sell the information, unless that disclosure is consistent with this act; or

2. The business:

- a. uses or shares an identifier of the consumer to alert a third party that the consumer has opted out of the sale of the information,

1           b.    uses or shares with a service provider a consumer's  
2                   personal information that is necessary to perform a  
3                   business purpose if:

4                   (1)  the business provided notice that the information  
5                           is being used or shared in the business's terms  
6                           and conditions consistent with Sections 13 and 17  
7                           of this act, and

8                   (2)  the service provider does not further collect,  
9                           sell or use the information except as necessary  
10                           to perform the business purpose, or

11           c.    transfers to a third party a consumer's personal  
12                   information as an asset that is part of a merger,  
13                   acquisition, bankruptcy or other transaction in which  
14                   the third party assumes control of all or part of the  
15                   business, provided that information is used or shared  
16                   consistent with this act.

17           D.    For purposes of paragraph 1 of subsection C of this section,  
18           an intentional interaction occurs if the consumer does one or more  
19           deliberate acts with the intent to interact with a third party.  
20           Placing a cursor over, muting, pausing or closing online content  
21           does not constitute a consumer's intent to interact with a third  
22           party.  Instead, said deliberate act must be consent to such  
23           interaction as defined herein.



1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.4 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. This act does not apply to:

5 1. Publicly available information;

6 2. Medical information governed by state privacy health laws or  
7 protected health information that is collected by a covered entity  
8 or business associate governed by the privacy, security and data  
9 breach notification rules issued by the United States Department of  
10 Health and Human Services, Parts 160 and 164 of Title 45 of the Code  
11 of Federal Regulations, established pursuant to the federal Health  
12 Insurance Portability and Accountability Act of 1996 (Public Law  
13 104-191) and the federal Health Information Technology for Economic  
14 and Clinical Health Act, Title XIII of the federal American Recovery  
15 and Reinvestment Act of 2009 (Public Law 111-5);

16 3. A provider of health care, or a health plan, governed by  
17 state privacy health laws or a covered entity governed by the  
18 privacy, security and data breach notification rules issued by the  
19 United States Department of Health and Human Services, Parts 160 and  
20 164 of Title 45 of the Code of Federal Regulations, established  
21 pursuant to the federal Health Insurance Portability and  
22 Accountability Act of 1996 (Public Law 104-191), to the extent the  
23 provider or covered entity maintains, uses and discloses patient  
24

1 information in the same manner as medical information or protected  
2 health information as described in paragraph 2 of this subsection;

3 4. A business associate of a covered entity governed by the  
4 privacy, security and data breach notification rules issued by the  
5 United States Department of Health and Human Services, Parts 160 and  
6 164 of Title 45 of the Code of Federal Regulations, established  
7 pursuant to the federal Health Insurance Portability and  
8 Accountability Act of 1996 (Public Law 104-191) and the federal  
9 Health Information Technology for Economic and Clinical Health Act,  
10 Title XIII of the federal American Recovery and Reinvestment Act of  
11 2009 (Public Law 111-5), to the extent that the business associate  
12 maintains, uses and discloses patient information in the same manner  
13 as medical information or protected health information as described  
14 in paragraph 2 of this subsection;

15 5. Information that meets both of the following conditions:

16 a. is de-identified in accordance with the requirements  
17 for de-identification set forth in Section 164.514 of  
18 Part 164 of Title 45 of the Code of Federal  
19 Regulations, and

20 b. is derived from patient information that was  
21 originally collected, created, transmitted or  
22 maintained by an entity regulated by the Health  
23 Insurance Portability and Accountability Act of 1996  
24

1 or the Federal Policy for the Protection of Human  
2 Subjects, also known as the Common Rule.

3 Information that meets the requirements of subparagraph a or b  
4 of this paragraph but is subsequently re-identified shall no longer  
5 be eligible for the exemption in this paragraph and shall be subject  
6 to applicable federal and state data privacy and security laws,  
7 including, but not limited to, the Health Insurance Portability and  
8 Accountability Act of 1996 and state medical privacy laws;

9 6. Information that is collected, used or disclosed in  
10 research, as defined in Section 164.501 of Title 45 of the Code of  
11 Federal Regulations, including, but not limited to, a clinical  
12 trial, and that is conducted in accordance with applicable ethics,  
13 confidentiality, privacy and security rules of Part 164 of Title 45  
14 of the Code of Federal Regulations, the Federal Policy for the  
15 Protection of Human Subjects, also known as the Common Rule, good  
16 clinical practice guidelines issued by the International Council for  
17 Harmonization, or human subject protection requirements of the  
18 United States Food and Drug Administration;

19 7. The sale of personal information to or by a consumer  
20 reporting agency if the information is to be:

- 21 a. reported in or used to generate a consumer report, as  
22 defined by Section 1681a(d) of the Fair Credit  
23 Reporting Act (15 U.S.C., Section 1681 et seq.), and  
24 b. used solely for a purpose authorized under that act;

1 8. Personal information collected, processed, sold or disclosed  
2 in accordance with:

- 3 a. the federal Gramm-Leach-Bliley Act of 1999 (Public Law  
4 106-102) and its implementing regulations, or
- 5 b. the federal Driver's Privacy Protection Act of 1994  
6 (18 U.S.C., Section 2721 et seq.);

7 9. De-identified or aggregate consumer information; or

8 10. A consumer's personal information collected or sold by a  
9 business, if every aspect of the collection or sale occurred wholly  
10 outside of this state.

11 Provided further, nothing in this act shall be deemed to apply  
12 in any manner to a financial institution or an affiliate of a  
13 financial institution that is subject to the federal Gramm-Leach-  
14 Bliley Act of 1999 and the rules promulgated thereunder.

15 B. For the purposes of this section, a business or other person  
16 shall not re-identify, or attempt to re-identify, information that  
17 has met the requirements of paragraphs 2 through 6 of subsection A  
18 of this section, except for one or more of the following purposes:

19 1. Treatment, payment or health care operations conducted by a  
20 covered entity or business associate acting on behalf of, and at the  
21 written direction of, the covered entity. For purposes of this  
22 paragraph, "treatment", "payment", "health care operations" and  
23 "covered entity" have the same meaning as defined in Section 164.501  
24 of Title 45 of the Code of Federal Regulations, and "business

1 associate" has the same meaning as defined in Section 160.103 of  
2 Title 45 of the Code of Federal Regulations;

3 2. Public health activities or purposes as described in Section  
4 164.512 of Title 45 of the Code of Federal Regulations;

5 3. Research, as defined in Section 164.501 of Title 45 of the  
6 Code of Federal Regulations, that is conducted in accordance with  
7 Part 46 of Title 45 of the Code of Federal Regulations and the  
8 Federal Policy for the Protection of Human Subjects, also known as  
9 the Common Rule;

10 4. Pursuant to a contract where the lawful holder of the de-  
11 identified information expressly engages a person or entity to  
12 attempt to re-identify the de-identified information in order to  
13 conduct testing, analysis, or validation of de-identification, or  
14 related statistical techniques, if the contract bans any other use  
15 or disclosure of the re-identified information and requires the  
16 return or destruction of the information that was re-identified upon  
17 completion of the contract; and

18 5. If otherwise required by law.

19 C. In accordance with paragraphs 2 through 6 of subsection A of  
20 this section, information re-identified pursuant to this section  
21 shall be subject to applicable federal and state data privacy and  
22 security laws, including, but not limited to, the Health Insurance  
23 Portability and Accountability Act of 1996 and state health privacy  
24 laws.

1 D. Beginning January 1, 2023, any contract for the sale or  
2 license of de-identified information that has met the requirements  
3 of paragraphs 2 through 6 of subsection A of this section, where one  
4 of the parties is a person residing or doing business in the state,  
5 shall include the following, or substantially similar, provisions:

6 1. A statement that the de-identified information being sold or  
7 licensed includes de-identified patient information;

8 2. A statement that re-identification, and attempted re-  
9 identification, of the de-identified information by the purchaser or  
10 licensee of the information is prohibited pursuant to this section;

11 and

12 3. A requirement that, unless otherwise required by law, the  
13 purchaser or licensee of the de-identified information may not  
14 further disclose the de-identified information to any third party  
15 unless the third party is contractually bound by the same or  
16 stricter restrictions and conditions.

17 E. For purposes of this section, "re-identify" means the  
18 process of reversal of de-identification techniques, including, but  
19 not limited to, the addition of specific pieces of information or  
20 data elements that can, individually or in combination, be used to  
21 uniquely identify an individual or usage.

22 F. For purposes of paragraph 10 of subsection A of this  
23 section, the collection or sale of a consumer's personal information  
24 occurs wholly outside of this state if:

1 1. The business collects that information while the consumer is  
2 outside of this state;

3 2. No part of the sale of the information occurs in this state;  
4 and

5 3. The business does not sell any personal information of the  
6 consumer collected while the consumer is in this state.

7 G. For purposes of subsection F of this section, the collection  
8 or sale of a consumer's personal information does not occur wholly  
9 outside of this state if a business stores a consumer's personal  
10 information, including on a device, when the consumer is in this  
11 state and subsequently collects or sells that stored information  
12 when the consumer and the information are outside of this state.

13 H. For purposes of this section, all of the following shall  
14 apply:

15 1. "Business associate" has the same meaning as defined in  
16 Section 160.103 of Title 45 of the Code of Federal Regulations;

17 2. "Covered entity" has the same meaning as defined in Section  
18 160.103 of Title 45 of the Code of Federal Regulations;

19 3. "Identifiable private information" has the same meaning as  
20 defined in Section 46.102 of Title 45 of the Code of Federal  
21 Regulations;

22 4. "Individually identifiable health information" has the same  
23 meaning as defined in Section 160.103 of Title 45 of the Code of  
24 Federal Regulations;

1       5. "Medical information" means any individually identifiable  
2 information, in electronic or physical form, in possession of or  
3 derived from a provider of health care, health care service plan,  
4 pharmaceutical company, or contractor regarding a patient's medical  
5 history, mental or physical condition, or treatment;

6       6. "Patient information" means identifiable private  
7 information, protected health information individually identifiable  
8 health information, or medical information;

9       7. "Protected health information" has the same meaning as  
10 defined in Section 160.103 of Title 45 of the Code of Federal  
11 Regulations; and

12       8. "Provider of health care" means a person or entity that is a  
13 covered entity.

14       SECTION 5.       NEW LAW       A new section of law to be codified  
15 in the Oklahoma Statutes as Section 901.5 of Title 17, unless there  
16 is created a duplication in numbering, reads as follows:

17       A right or obligation under this act does not apply to the  
18 extent that the exercise of the right or performance of the  
19 obligation infringes on a noncommercial activity of:

20       1. A publisher, editor, reporter or other person connected with  
21 or employed by a newspaper, magazine or other publication of general  
22 circulation, including a periodical newsletter, pamphlet or report;

23       2. A radio or television station that holds a license issued by  
24 the Federal Communications Commission; or



1           3. An entity that provides an information service, including a  
2 press association or wire service.

3           SECTION 6.       NEW LAW       A new section of law to be codified  
4 in the Oklahoma Statutes as Section 901.6 of Title 17, unless there  
5 is created a duplication in numbering, reads as follows:

6           This act does not:

7           1. Restrict a business's ability to:

8           a.    comply with:

9                   (1) applicable federal, state or local laws, or

10                   (2) a civil, criminal or regulatory inquiry,  
11                                investigation, subpoena or summons by a federal,  
12                                state or local authority,

13           b.    cooperate with a law enforcement agency concerning  
14                   conduct or activity that the business, a service  
15                   provider of the business or a third party reasonably  
16                   and in good faith believes may violate other  
17                   applicable federal, state or local laws,

18           c.    pursue or defend against a legal claim,

19           d.    detect a security incident; protect against malicious,  
20                   deceptive, fraudulent or illegal activity; or  
21                   prosecute those responsible for any illegal activity  
22                   described by this paragraph, or

23           e.    assist another party with any of the foregoing; or  
24

1           2. Require a business to violate an evidentiary privilege under  
2 federal or state law or prevent a business from disclosing to a  
3 person covered by an evidentiary privilege the personal information  
4 of a consumer as part of a privileged communication.

5           SECTION 7.           NEW LAW           A new section of law to be codified  
6 in the Oklahoma Statutes as Section 901.7 of Title 17, unless there  
7 is created a duplication in numbering, reads as follows:

8           A. This act shall be liberally construed to effect its purposes  
9 and to harmonize, to the extent possible, with other laws of this  
10 state relating to the privacy or protection of personal information.

11           B. To the extent of a conflict between a provision of this act  
12 and a provision of federal law, including a regulation or an  
13 interpretation of federal law, federal law controls and conflicting  
14 requirements or other provisions of this act do not apply. Further,  
15 should the federal government pass comprehensive data privacy  
16 regulations that conflict with the provisions herein, federal law  
17 shall prevail.

18           C. To the extent of a conflict between a provision of this act  
19 and another statute of this state with respect to the privacy or  
20 protection of consumers' personal information, the provision of law  
21 that affords the greatest privacy or protection to consumers  
22 prevails.

23  
24

1 SECTION 8. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.8 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4 This act preempts and supersedes any ordinance, order or rule  
5 adopted by a political subdivision of this state relating to the  
6 collection or sale by a business of a consumer's personal  
7 information.

8 SECTION 9. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 901.9 of Title 17, unless there  
10 is created a duplication in numbering, reads as follows:

11 Except as used in Section 4 of this act, for purposes of this  
12 act, "research" means scientific, systematic study and observation,  
13 including basic research or applied research that is in the public  
14 interest and that adheres to all other applicable ethics and privacy  
15 laws or studies conducted in the public interest in the area of  
16 public health. Research with personal information that may have  
17 been collected from a consumer in the course of the consumer's  
18 interactions with a business's service or device for other purposes  
19 must:

20 1. Be compatible with the business purpose for which the  
21 personal information was collected;

22 2. Be subsequently pseudonymized and de-identified, or de-  
23 identified and in the aggregate, such that the information cannot  
24 reasonably identify, relate to, describe, be capable of being

1 associated with, or be linked, directly or indirectly, to a  
2 particular consumer;

3 3. Be made subject to technical safeguards that prohibit re-  
4 identification of the consumer to whom the information may pertain;

5 4. Be subject to business processes that specifically prohibit  
6 re-identification of the information;

7 5. Be made subject to business processes to prevent inadvertent  
8 release of de-identified information;

9 6. Be protected from any re-identification attempts;

10 7. Be used solely for research purposes that are compatible  
11 with the context in which the personal information was collected;

12 8. Not be used for any commercial purpose; and

13 9. Be subjected by the business conducting the research to  
14 additional security controls that limit access to the research data  
15 to only those individuals in a business as are necessary to carry  
16 out the research purpose.

17 SECTION 10. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 901.10 of Title 17, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. A consumer is entitled to request that a business that  
21 collects the consumer's personal information disclose to the  
22 consumer the categories and specific items of personal information  
23 the business has collected.

24

1 B. To receive the disclosure of information under subsection A  
2 of this section, a consumer must submit to the business a verifiable  
3 consumer request using a method designated by the business under  
4 Section 18 of this act.

5 C. On receipt of a verifiable consumer request under this  
6 section, a business shall disclose to the consumer in the time and  
7 manner provided by Section 20 of this act:

8 1. Each enumerated category and item within each category of  
9 personal information under paragraph 13 of Section 2 of this act  
10 that the business collected about the consumer during the twelve  
11 (12) months preceding the date of the request;

12 2. Each category of sources from which the information was  
13 collected;

14 3. The business or commercial purpose for collecting or selling  
15 the personal information; and

16 4. Each category of third parties with whom the business shares  
17 the personal information.

18 D. This section does not require a business to:

19 1. Retain a consumer's personal information that was collected  
20 for a one-time transaction if the information is not sold or  
21 retained in the ordinary course of business; or

22 2. Re-identify or otherwise link any data that, in the ordinary  
23 course of business, is not maintained in a manner that would be  
24 considered personal information.

1           SECTION 11.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.11 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. A consumer is entitled to request that a business that  
5 collects the consumer's personal information delete any personal  
6 information the business has collected from the consumer by  
7 submitting a verifiable consumer request using a method designated  
8 by the business under Section 18 of this act.

9           B. Except as provided by subsection C of this section, on  
10 receipt of a verifiable consumer request under this section, a  
11 business shall delete from the business's records any personal  
12 information collected from the consumer and direct a service  
13 provider of the business to delete the information from the  
14 provider's records in the time provided for in Section 20 of this  
15 act.

16           C. A business or service provider of the business is not  
17 required to comply with a verifiable consumer request received under  
18 this section if the business or service provider needs to retain the  
19 consumer's personal information to:

20           1. Complete the transaction for which the information was  
21 collected;

22           2. Provide a good or service requested by the consumer in the  
23 context of the ongoing business relationship between the business  
24 and consumer;

1           3. Perform under a contract between the business and the  
2 consumer;

3           4. Detect a security incident; protect against malicious,  
4 deceptive, fraudulent or illegal activity; or prosecute those  
5 responsible for any illegal activity described by this paragraph;

6           5. Identify and repair or remove errors from computer hardware  
7 or software that impair its intended functionality;

8           6. Exercise free speech or ensure the right of another consumer  
9 to exercise the right of free speech or another right afforded by  
10 law;

11          7. Comply with a court order or subpoena or other lawful  
12 process; or

13          8. Engage in public or peer-reviewed scientific, historical or  
14 statistical research that is in the public interest and that adheres  
15 to all other applicable ethics and privacy laws, provided that:

16           a. the business's deletion of the information is likely  
17 to render impossible or seriously impair the  
18 achievement of that research, and

19           b. the consumer has previously provided to the business  
20 informed consent to retain the information for such  
21 use.

22          D. Where a business, service provider or third party has made a  
23 consumer's personal information public, said business, service  
24 provider or third party shall:

1        1. Take all reasonable steps, including technical measures, to  
2 erase the personal information that the business, service provider  
3 or third party made public, taking into account available technology  
4 and the cost of implementation; and

5        2. Advise any other business, service provider or third party  
6 with whom a contract regarding the consumer exists that the consumer  
7 has requested the erasure of any links to, copies of or replication  
8 of that personal information.

9        SECTION 12.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 901.12 of Title 17, unless there  
11 is created a duplication in numbering, reads as follows:

12        A. A consumer is entitled to request that a business that  
13 sells, or discloses for a business purpose, the consumer's personal  
14 information disclose to the consumer:

15        1. The categories of personal information the business  
16 collected about the consumer;

17        2. The categories of personal information about the consumer  
18 the business sold, or disclosed for a business purpose; and

19        3. The categories of third parties to whom the personal  
20 information was sold or disclosed.

21        B. To receive the disclosure of information under subsection A  
22 of this section, a consumer must submit to the business a verifiable  
23 consumer request using a method designated by the business under  
24 Section 18 of this act.



1 C. On receipt of a verifiable consumer request under this  
2 section, a business shall disclose to the consumer in the time and  
3 manner provided by Section 20 of this act:

4 1. Each enumerated category of personal information under  
5 paragraph 13 of Section 2 of this act that the business collected  
6 about the consumer during the twelve (12) months preceding the date  
7 of the request;

8 2. The categories of third parties to whom the business sold  
9 the consumer's personal information during the twelve (12) months  
10 preceding the date of the request by reference to each enumerated  
11 category of information under paragraph 13 of Section 2 of this act  
12 sold to each third party; and

13 3. The categories of third parties to whom the business  
14 disclosed for a business purpose the consumer's personal information  
15 during the twelve (12) months preceding the date of the request by  
16 reference to each enumerated category of information under paragraph  
17 13 of Section 2 of this act disclosed to each third party.

18 D. A business shall provide the information described by  
19 paragraphs 2 and 3 of subsection C of this section in two separate  
20 lists.

21 E. A business that did not sell, or disclose for a business  
22 purpose, the consumer's personal information during the twelve (12)  
23 months preceding the date of receiving the consumer's verifiable  
24

1 consumer request under this section shall disclose that fact to the  
2 consumer.

3 SECTION 13. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 901.13 of Title 17, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. A consumer is entitled at any time to opt out of the sale of  
7 the consumer's personal information by a business to third parties  
8 by directing the business not to sell the information. A consumer  
9 may authorize another person solely to opt out of the sale of the  
10 consumer's personal information on the consumer's behalf. A  
11 business shall comply with a direction not to sell that is received  
12 under this subsection.

13 B. To exercise the right to opt out specified in subsection A  
14 of this section, a consumer shall submit to the business a  
15 verifiable consumer request using a method designated by the  
16 business under Section 18 of this act.

17 C. A business that sells consumers' personal information to a  
18 third party shall provide on the business's Internet website:

- 19 1. Notice to consumers that:
- 20 a. the information may be sold,
  - 21 b. identifies the categories of persons to whom the  
22 information will or could be sold, and
  - 23 c. consumers have the right to opt in to the sale; and
- 24

1        2. A clear and conspicuous link that enables a consumer, or  
2 person authorized by the consumer, to opt in to the sale of the  
3 consumer's personal information.

4        D. A business may not sell to a third party the personal  
5 information of a consumer who does not opt in to the sale of that  
6 information after the effective date of this act or after a consumer  
7 submits a verifiable request to opt out of any future sale.

8        E. A business may use any personal information collected from  
9 the consumer in connection with the consumer's opting out under this  
10 section solely to comply with this section.

11       F. A third party to whom a business has sold the personal  
12 information of a consumer may not sell the information unless the  
13 consumer receives explicit notice of the potential sale and is  
14 provided the opportunity to, and in fact does, exercise the right to  
15 opt in to the sale as provided by this section.

16       G. A business may not require a consumer to create an account  
17 with the business to opt in to the sale of the consumer's personal  
18 information.

19       H. A business or service provider shall implement and maintain  
20 reasonable security procedures and practices, including  
21 administrative, physical and technical safeguards appropriate to the  
22 nature of the information and the purposes for which the personal  
23 information will be used, to protect consumers' personal information  
24 from unauthorized use, disclosure, access, destruction or

1 modification, irrespective of whether a customer has opted in or out  
2 of a sale of data.

3 SECTION 14. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 901.14 of Title 17, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. The Legislature of the State of Oklahoma finds that  
7 individuals within Oklahoma have a right to prohibit retention, use  
8 or disclosure of their own personal data.

9 B. The Legislature of the State of Oklahoma further finds that  
10 individuals within Oklahoma have previously been exploited for  
11 monetary gain and manipulation by private ventures in utilization of  
12 private data.

13 C. The Legislature of the State of Oklahoma further finds that  
14 the protection of individuals within Oklahoma and their data is a  
15 core governmental function in order to protect the health, safety  
16 and welfare of individuals within Oklahoma.

17 D. The Legislature of the State of Oklahoma further finds that  
18 the terms and conditions set forth in this act are the least  
19 restrictive alternative necessary to protect individuals within  
20 Oklahoma and their rights and that the use of a strictly "opt-out"  
21 method for data privacy is ineffectual and poses an immediate risk  
22 to the health, safety and welfare of individuals within Oklahoma.

23

24

1 SECTION 15. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.15 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. A provision of a contract or other agreement that purports  
5 to waive or limit a right, remedy or means of enforcement under this  
6 act is contrary to public policy and is void.

7 B. This section does not prevent a consumer from:

8 1. Declining to request information from a business;

9 2. Declining to opt in to a business's sale of the consumer's  
10 personal information; or

11 3. Authorizing a business to sell the consumer's personal  
12 information after previously opting out.

13 SECTION 16. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 901.16 of Title 17, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. After the effective date of this act, a business shall not  
17 collect a consumer's personal information directly from the consumer  
18 prior to notifying the consumer of each category of personal  
19 information to be collected and for what purposes information will  
20 be used, as well as obtaining the consumer's consent, which may be  
21 provided electronically by the consumer, to collect a consumer's  
22 personal information.

23 B. A business may not collect an additional category of  
24 personal information directly from the consumer or use personal

1 information collected for an additional purpose unless the business  
2 provides notice to the consumer of the additional category or  
3 purpose in accordance with subsection A of this section.

4 C. If a third party that assumes control of all or part of a  
5 business as described by subparagraph c of paragraph 2 of subsection  
6 C of Section 3 of this act materially alters the practices of the  
7 business in how personal information is used or shared, and the  
8 practices are materially inconsistent with a notice provided to a  
9 consumer under subsection A or B of this section, the third party  
10 must notify the consumer of the third party's new or changed  
11 practices in a conspicuous manner that allows the consumer to easily  
12 exercise a right provided under this act before the third party uses  
13 or shares the personal information.

14 D. Subsection C of this section does not authorize a business  
15 to make a material, retroactive change or other change to a  
16 business's privacy policy in a manner that would be a deceptive  
17 trade practice actionable under Oklahoma law.

18 SECTION 17. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 901.17 of Title 17, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. A business that collects, sells or for a business purpose  
22 discloses a consumer's personal information shall disclose the  
23 following information in the business's online privacy policy or  
24 other notice of the business's policies:

1 1. A description of a consumer's rights under Sections 10, 11,  
2 12, 13 and 16 of this act and designated methods for submitting a  
3 verifiable consumer request under this act;

4 2. For a business that collects personal information about  
5 consumers, a description of the consumer's right to request the  
6 deletion of the consumer's personal information;

7 3. Separate lists containing the categories of consumers'  
8 personal information described by paragraph 13 of Section 2 of this  
9 act that, during the twelve (12) months preceding the date the  
10 business updated the information as required by subsection C of this  
11 section, the business:

12 a. collected,

13 b. sold, if applicable, or

14 c. disclosed for a business purpose, if applicable;

15 4. The categories of sources from which the information under  
16 paragraph 3 of this subsection is collected;

17 5. The business or commercial purposes for collecting personal  
18 information;

19 6. If the business does not sell consumers' personal  
20 information or disclose the information for a business or commercial  
21 purpose, a statement of that fact;

22 7. The categories of third parties to whom the business sells  
23 or discloses personal information;

24

1 8. If the business sells consumers' personal information, the  
2 Internet link required by subsection C of Section 13 of this act;  
3 and

4 9. If applicable, the financial incentives offered to consumers  
5 under Section 23 of this act.

6 B. If a business described by subsection A of this section does  
7 not have an online privacy policy or other notice of the business's  
8 policies, the business shall make the information required under  
9 subsection A of this section available to consumers on the  
10 business's Internet website or another website the business  
11 maintains that is dedicated to consumers in this state.

12 C. A business must update the information required by  
13 subsection A of this section at least once each year.

14 SECTION 18. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 901.18 of Title 17, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. A business shall designate and make available to consumers,  
18 in a form that is reasonably accessible, at least two methods for  
19 submitting a verifiable consumer request for information required to  
20 be disclosed or deleted under this act. The methods must include,  
21 at a minimum:

22 1. A toll-free telephone number that a consumer may call to  
23 submit the request; and

24



1           2. The business's Internet website at which the consumer may  
2 submit the request.

3           B. The methods designated under subsection A of this section  
4 may also include:

- 5           1. A mailing address;
- 6           2. An electronic mail address; or
- 7           3. Another Internet webpage or portal.

8           C. A business may not require a consumer to create an account  
9 with the business to submit a verifiable consumer request.

10           SECTION 19.       NEW LAW       A new section of law to be codified  
11 in the Oklahoma Statutes as Section 901.19 of Title 17, unless there  
12 is created a duplication in numbering, reads as follows:

13           A. A business that receives a verifiable consumer request under  
14 Section 10, 11, 12 or 13 of this act shall promptly take steps to  
15 reasonably verify that:

16           1. The consumer who is the subject of the request is a consumer  
17 about whom the business has collected, sold, or for a business  
18 purpose disclosed personal information; and

- 19           2. The request is made by:
  - 20           a. the consumer,
  - 21           b. a consumer on behalf of the consumer's minor child, or
  - 22           c. a person authorized to act on the consumer's behalf.

23  
24

1 B. A business may use any personal information collected from  
2 the consumer in connection with the business's verification of a  
3 request under this section solely to verify the request.

4 C. A business that is unable to verify a consumer request under  
5 this section is not required to comply with the request.

6 SECTION 20. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 901.20 of Title 17, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. Not later than forty-five (45) days after the date a  
10 business receives a verifiable consumer request under Section 10,  
11 11, 12 or 13 of this act, the business shall disclose free of charge  
12 to the consumer the information required to be disclosed under those  
13 sections or take the requested actions, as applicable.

14 B. A business may extend the time in which to comply with  
15 subsection A of this section once by an additional forty-five (45)  
16 days if reasonably necessary or by an additional ninety (90) days  
17 after taking into account the number and complexity of verifiable  
18 consumer requests received by the business. A business that extends  
19 the time in which to comply with subsection A of this section shall  
20 notify the consumer of the extension and reason for the delay within  
21 the period prescribed by that subsection.

22 C. The disclosure required by subsection A of this section  
23 must:

24

1 1. Cover personal information collected, sold or disclosed for  
2 a business purpose, as applicable, during the twelve (12) months  
3 preceding the date the business receives the request; and

4 2. Be made in writing and delivered to the consumer:

5 a. by mail or electronically, at the consumer's option,  
6 if the consumer does not have an account with the  
7 business, or

8 b. through the consumer's account with the business.

9 D. An electronic disclosure under subsection C of this section  
10 must be in a readily accessible format that allows the consumer to  
11 electronically transmit the information to another person or entity.

12 E. A business is not required to make the disclosure required  
13 by subsection A of this section to the same consumer more than once  
14 in a twelve-month period.

15 F. Notwithstanding subsection A of this section, if a  
16 consumer's verifiable consumer request is manifestly baseless or  
17 excessive, in particular because of repetitiveness, a business may  
18 charge a reasonable fee after taking into account the administrative  
19 costs of compliance or refusal to comply with the request. The  
20 business has the burden of demonstrating that a request is  
21 manifestly baseless or excessive.

22 G. A business that does not comply with a consumer's verifiable  
23 consumer request under subsection A of this section shall notify the  
24 consumer, within the time the business is required to respond to a

1 request under this section, of the reasons for the refusal and the  
2 rights the consumer may have to appeal that decision.

3 SECTION 21. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 901.21 of Title 17, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. A business that uses de-identified information may not re-  
7 identify or attempt to re-identify a consumer who is the subject of  
8 de-identified information without obtaining the consumer's consent  
9 or authorization.

10 B. A business that uses de-identified information shall  
11 implement:

12 1. Technical safeguards and business processes to prohibit re-  
13 identification of the consumer to whom the information may pertain;  
14 and

15 2. Business processes to prevent inadvertent release of de-  
16 identified information.

17 C. This act may not be construed to require a business to re-  
18 identify or otherwise link information that is not maintained in a  
19 manner that would be considered personal information.

20 SECTION 22. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 901.22 of Title 17, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. A business may not discriminate against a consumer because  
24 the consumer exercised a right under this act, including by:

- 1 1. Denying a good or service to the consumer;
- 2 2. Charging the consumer a different price or rate for a good  
3 or service, including denying the use of a discount or other benefit  
4 or imposing a penalty;
- 5 3. Providing a different level or quality of a good or service  
6 to the consumer; or
- 7 4. Suggesting that the consumer will be charged a different  
8 price or rate for, or provided a different level or quality of, a  
9 good or service.

10 B. This section does not prohibit a business from offering or  
11 charging a consumer a different price or rate for a good or service,  
12 or offering or providing to the consumer a different level or  
13 quality of a good or service, if the difference is reasonably  
14 related to the value provided to the consumer by the consumer's  
15 data.

16 SECTION 23. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 901.23 of Title 17, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Subject to subsection B of this section, a business may  
20 offer a financial incentive to a consumer, including a payment as  
21 compensation, for the collection, sale or disclosure of the  
22 consumer's personal information.

23 B. A business may enroll a customer in a financial incentive  
24 program only if the business provides to the consumer a clear

1 description of the material terms of the program and obtains the  
2 consumer's prior opt-in consent, which:

- 3 1. Contains a clear description of those material terms; and
  - 4 2. May be revoked by the consumer at any time.
- 5 C. A business may not use financial incentive practices that  
6 are unjust, unreasonable, coercive or usurious in nature.

7 SECTION 24. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 901.24 of Title 17, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. A business may not divide a single transaction into more  
11 than one transaction with the intent to avoid the requirements of  
12 this act.

13 B. For purposes of this act, two or more substantially similar  
14 or related transactions are considered a single transaction if the  
15 transactions:

- 16 1. Are entered into contemporaneously; and
- 17 2. Have at least one common party.

18 C. A court shall disregard any intermediate transactions  
19 conducted by a business with the intent to avoid the requirements of  
20 this act, including the disclosure of information by a business to a  
21 third party to avoid complying with the requirements under this act  
22 applicable to a sale of the information.

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1 SECTION 25. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.25 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4 A business shall ensure that each person responsible for  
5 handling consumer inquiries about the business's privacy practices  
6 or compliance with this act is informed of the requirements of this  
7 act and of how to direct a consumer in exercising any of the rights  
8 to which a consumer is entitled under this act.

9 SECTION 26. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 901.26 of Title 17, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. A person who violates this act is liable to this state for  
13 injunctive relief and/or a civil penalty in an amount not to exceed:

14 1. Two Thousand Five Hundred Dollars (\$2,500.00) for each  
15 violation; or

16 2. Seven Thousand Five Hundred Dollars (\$7,500.00) for each  
17 violation, if the violation is intentional.

18 B. The Oklahoma Attorney General is entitled to recover  
19 reasonable expenses, including reasonable attorney fees, court costs  
20 and investigatory costs, incurred in obtaining injunctive relief or  
21 civil penalties, or both, under this section. Amounts collected  
22 under this section shall be deposited in a dedicated account in the  
23 General Revenue Fund and shall be appropriated only for the purposes  
24 of the administration and enforcement of this act.

1 SECTION 27. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.27 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4 A business that discloses to a third party, or discloses for a  
5 business purpose to a service provider, a consumer's personal  
6 information in compliance with this act may not be held liable for a  
7 violation of this act by the third party or service provider if the  
8 business does not have actual knowledge or a reasonable belief that  
9 the third party or service provider intends to violate this act.

10 SECTION 28. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 901.28 of Title 17, unless there  
12 is created a duplication in numbering, reads as follows:

13 A business's service provider may not be held liable for a  
14 violation of this act by the business.

15 SECTION 29. This act shall become effective January 1, 2023.

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17 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY, dated 02/21/2022 - DO  
18 PASS, As Amended and Coauthored.

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