

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3447

By: O'Donnell

4  
5 AS INTRODUCED

6 An Act relating to technology; enacting a new title  
7 of law; enacting the Personal Data Protection Act;  
8 defining terms; clarifying applicability of this act;  
9 directing that a controller provide, correct, or  
10 amend data subject's personal data on request;  
11 directing that a controller provide notice of  
12 practices and obtain consent; prohibiting controllers  
13 use of certain data practice; requiring controllers  
14 provide redress for performed prohibited practices;  
15 directing processors to make available data subject's  
16 personal data and correct inaccuracy upon request;  
17 prohibiting processors processing of personal data  
18 when not requested by controller; requiring processor  
19 provide redress for prohibited data practices;  
20 defining prohibited data practices; directing  
21 procedures for unpseudonymized data; prohibiting  
22 waiver of rights; requiring the creation and  
23 disclosure of a privacy policy; permitting compatible  
24 data practice; defining compatible data practice;  
authorizing certain disclosures of personal data to  
third parties for certain limited purposes;  
clarifying when controller or processor engages in an  
incompatible data practice; providing certain  
exemptions for use of incompatible data practice;  
requiring controller or processor to conduct and  
maintain record of data-privacy and security-risk  
assessment; authorizing Attorney General to determine  
compliance; clarifying compliance; authorizing  
stakeholder to initiate development of voluntary  
consensus standard for compliance; clarifying when  
Attorney General may or may not recognize a voluntary  
consensus standard; authorizing Attorney General to  
adopt rules; providing remedies for violation of act;  
providing for noncodification; providing for  
codification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law not to be  
3 codified in the Oklahoma Statutes reads as follows:

4 In publishing the decennial Oklahoma Statutes, and the  
5 cumulative supplements after July 1, 2022, West Publishing Company  
6 shall include in such decennial statutes and supplements a new Title  
7 75A, to be designated "Technology".

8 SECTION 2. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 200 of Title 75A, unless there  
10 is created a duplication in numbering, reads as follows:

11 This act shall be known and may be cited as the "Uniform  
12 Personal Data Protection Act".

13 SECTION 3. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 200.1 of Title 75A, unless there  
15 is created a duplication in numbering, reads as follows:

16 In this act:

17 1. "Collecting controller" means a controller that collects  
18 personal data directly from a data subject;

19 2. "Compatible data practice" means processing consistent with  
20 Section 8 of this act;

21 3. "Controller" means a person that, alone or with others,  
22 determines the purpose and means of processing;

23 4. "Data subject" means an individual who is identified or  
24 described by personal data;

1       5. "De-identified data" means data that is modified to remove  
2 all direct identifiers and to reasonably ensure that the record  
3 cannot be linked to an identified data subject by a person who does  
4 not have personal knowledge of or special access to the data  
5 subject's information;

6       6. "Direct identifier" means information that is commonly used  
7 to identify a data subject, including name, physical address, email  
8 address, recognizable photograph, and telephone number;

9       7. "Incompatible data practice" means processing that may be  
10 performed consistent with Section 9 of this act;

11       8. "Maintains", with respect to personal data, means to retain,  
12 hold, store, or preserve personal data as a system of records used  
13 to retrieve records about individual data subjects for the purpose  
14 of individualized communication or treatment;

15       9. "Person" means an individual, estate, business or nonprofit  
16 entity, or other legal entity. The term does not include a public  
17 corporation or government or governmental subdivision, agency, or  
18 instrumentality;

19       10. "Personal data" means a record that identifies or describes  
20 a data subject by a direct identifier or is pseudonymized data. The  
21 term does not include de-identified data;

22       11. "Processing" means performing or directing performance of  
23 an operation on personal data, including collection, transmission,  
24 use, disclosure, analysis, prediction, and modification of the

1 personal data, whether or not by automated means. "Process" has a  
2 corresponding meaning;

3 12. "Processor" means a person who processes personal data on  
4 behalf of a controller;

5 13. "Prohibited data practice" means processing which is  
6 prohibited by Section 10 of this act;

7 14. "Pseudonymized data" means personal data without a direct  
8 identifier that can be reasonably linked to a data subject's  
9 identity or is maintained to allow individualized communication  
10 with, or treatment of, the data subject. The term includes a record  
11 without a direct identifier if the record contains an Internet  
12 protocol address, browser, software, or hardware identification  
13 code, or other data uniquely linked to a particular device. The  
14 term does not include de-identified data;

15 15. "Publicly available information" means information:

16 a. lawfully made available from a federal, state, or  
17 local government record,

18 b. available to the general public in widely distributed  
19 media, including:

20 (1) a publicly accessible website,

21 (2) a website or other forum with restricted access  
22 if the information is available to a broad  
23 audience,

24 (3) a telephone book or online directory,

- 1 (4) a television, Internet, or radio program, and
- 2 (5) news media,
- 3 c. observable from a publicly accessible location, or
- 4 d. that a person reasonably believes is made available
- 5 lawfully to the general public if:
  - 6 (1) the information is of a type generally available
  - 7 to the public, and
  - 8 (2) the person has no reason to believe that a data
  - 9 subject with authority to remove the information
  - 10 from public availability has directed the
  - 11 information to be removed;

12 16. "Record" means information:

- 13 a. inscribed on a tangible medium, or
- 14 b. stored in an electronic or other medium and
- 15 retrievable in perceivable form;

16 17. "Sensitive data" means personal data that reveals:

- 17 a. racial or ethnic origin, religious belief, gender,
- 18 sexual orientation, citizenship, or immigration
- 19 status,
- 20 b. credentials sufficient to access an account remotely,
- 21 c. a credit or debit card number or financial account
- 22 number,
- 23 d. a Social Security number, tax-identification number,
- 24 driver license number, military identification number,

1 or identifying number on a government-issued  
2 identification,

3 e. geolocation in real time,

4 f. a criminal record,

5 g. income,

6 h. diagnosis or treatment for a disease or health  
7 condition,

8 i. genetic sequencing information, or

9 j. information about a data subject the controller knows  
10 or has reason to know is under thirteen (13) years of  
11 age;

12 18. "Sign" means, with present intent to authenticate or adopt  
13 a record:

14 a. execute or adopt a tangible symbol, or

15 b. attach to or logically associate with the record an  
16 electronic symbol, sound, or procedure;

17 19. "Stakeholder" means a person who, or represents a person  
18 who has, a direct interest in the development of a voluntary  
19 consensus standard;

20 20. "State" means a state of the United States, the District of  
21 Columbia, Puerto Rico, the United States Virgin Islands, or any  
22 other territory or possession subject to the jurisdiction of the  
23 United States. The term includes federally recognized Indian tribes.

24

1        21. "Third-party controller" means a controller that receives  
2 from another controller authorized access to personal data or  
3 pseudonymized data and determines the purpose and means of  
4 additional processing.

5        SECTION 4.        NEW LAW        A new section of law to be codified  
6 in the Oklahoma Statutes as Section 200.2 of Title 75A, unless there  
7 is created a duplication in numbering, reads as follows:

8        A. Except as provided in subsections B and C of this section,  
9 this act applies to the activities of a controller or processor that  
10 conducts business in this state or produces products or provides  
11 services purposefully directed to residents of this state and:

12        1. At any time during a calendar year maintains personal data  
13 about more than fifty thousand (50,000) data subjects who are  
14 residents of this state, excluding data subjects whose data is  
15 collected or maintained solely to complete a payment transaction;

16        2. Earns more than fifty percent (50%) of its gross annual  
17 revenue during a calendar year from maintaining personal data as a  
18 controller or processor;

19        3. Is a processor acting on behalf of a controller the  
20 processor knows or has reason to know satisfies paragraph 1 or 2 of  
21 this subsection; or

22        4. Maintains personal data, unless it processes the personal  
23 data solely using compatible data practices.

24

1 B. This act does not apply to an agency or instrumentality of  
2 this state or a political subdivision of this state.

3 C. This act does not apply to personal data that is:

4 1. Publicly available information;

5 2. Processed or maintained solely as part of human-subjects  
6 research conducted in compliance with legal requirements for the  
7 protection of human subjects;

8 3. Processed or disclosed as required or permitted by a warrant,  
9 subpoena, or court order or rule, or otherwise as specifically required  
10 by law;

11 4. Subject to a public-disclosure requirement under the  
12 Oklahoma Open Records Act, Sections 24A.1 through 24A.33 of Title 51  
13 of the Oklahoma Statutes; or

14 5. Processed or maintained in the course of a data subject's  
15 employment or application for employment.

16 SECTION 5. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 200.3 of Title 75A, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. A controller shall:

20 1. If a collecting controller, provide under Section 6 of this  
21 act a copy of a data subject's personal data to the data subject on  
22 request;

23 2. Correct or amend under Section 6 of this act a data  
24 subject's personal data upon the data subject's request;

1           3. Provide notice under Section 7 of this act about the  
2 personal data it maintains and its processing practices;

3           4. Obtain consent under Section 9 of this act for processing  
4 that is an incompatible data practice;

5           5. Not use a prohibited data practice;

6           6. Conduct and maintain under Section 11 of this act data-  
7 privacy and security-risk assessments; and

8           7. Provide redress for a prohibited data practice the  
9 controller performs or is responsible for performing while  
10 processing a data subject's personal data.

11           B. A processor shall:

12           1. On request of the controller, provide the controller with a  
13 data subject's personal data or enable the controller to access the  
14 personal data at no cost to the controller;

15           2. On request of the controller, correct an inaccuracy in a  
16 data subject's personal data;

17           3. Not process personal data for a purpose other than one  
18 requested by the controller;

19           4. Conduct and maintain data-privacy and security-risk  
20 assessments in accordance with Section 11 of this act; and

21           5. Provide redress for a prohibited data practice that the  
22 processor knowingly performs in the course of processing a data  
23 subject's personal data at the direction of the controller.

24           C. A controller is responsible under this act for a prohibited

1 data practice conducted by another if:

2 1. The practice is conducted with respect to personal data  
3 collected by the controller; and

4 2. The controller knew the personal data would be used for the  
5 practice and was in a position to prevent it.

6 D. A processor is responsible under this act for a prohibited data  
7 practice conducted by another if:

8 1. The practice is conducted with respect to personal data  
9 processed by the processor; and

10 2. The processor knew the personal data would be used for the  
11 practice and was in a position to prevent it.

12 SECTION 6. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 200.4 of Title 75A, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. Unless personal data is pseudonymized and not maintained  
16 with sensitive data, a collecting controller, with respect to  
17 personal data initially collected by the controller and maintained  
18 by the controller or a third-party controller or processor, shall:

19 1. Establish a reasonable procedure for a data subject to  
20 request, receive a copy of, and propose an amendment or correction  
21 to personal data about the data subject;

22 2. Establish a procedure to authenticate the identity of a data  
23 subject who requests a copy of the data subject's personal data;

24

1           3. Not later than forty-five (45) days after receiving a  
2 request from a data subject authenticated under paragraph 2 of this  
3 subsection for a copy of personal data about the data subject,  
4 comply with the request or provide an explanation of action being  
5 taken to comply with the request;

6           4. On request, provide the data subject one copy of the data  
7 subject's personal data free of charge once every twelve (12) months  
8 and additional copies on payment of a fee reasonably based on the  
9 collecting controller's administrative costs;

10          5. Make an amendment or correction as requested by a data  
11 subject if the collecting controller has no reason to believe the  
12 request is inaccurate, unreasonable, or excessive; and

13          6. Confirm to the data subject that an amendment or correction  
14 has been made or explain why the amendment or correction has not  
15 been made.

16          B. A collecting controller shall make a reasonable effort to  
17 ensure that a correction of personal data performed by the  
18 controller also is performed on personal data maintained by a third-  
19 party controller or processor that directly or indirectly received  
20 the personal data from the collecting controller. A third-party  
21 controller or processor shall make a reasonable effort to assist the  
22 collecting controller, if necessary to satisfy a request of a data  
23 subject under this section.

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1 C. A controller may not deny a data subject a good or service,  
2 charge a different rate, or provide a different level of quality to  
3 a data subject in retaliation for exercising a right under this  
4 section. It is not retaliation under this subsection for a  
5 controller to make a data subject ineligible to participate in a  
6 program if:

7 1. Corrected information requested by the data subject makes  
8 the data subject ineligible for the program; and

9 2. The program's terms of service specify the eligibility  
10 requirements for all participants.

11 D. An agreement that waives or limits a right or duty under  
12 this section is unenforceable.

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 200.5 of Title 75A, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. A controller shall adopt and comply with a reasonably clear  
17 and accessible privacy policy that discloses:

18 1. Categories of personal data maintained by or on behalf of  
19 the controller;

20 2. Categories of personal data the controller provides to a  
21 processor or another controller and the purpose of providing the  
22 personal data;

23 3. Compatible data practices applied routinely to personal data  
24 by the controller or by an authorized processor;

1 4. Incompatible data practices that, if the data subject  
2 consents under Section 9 of this act, will be applied by the  
3 controller or an authorized processor;

4 5. The procedure for a data subject to request a copy of, or  
5 propose an amendment or correction to, personal data under Section 6  
6 of this act;

7 6. Federal, state, or international privacy laws or frameworks  
8 with which the controller complies; and

9 7. Any voluntary consensus standard adopted by the controller.

10 B. The privacy policy under subsection A of this section must  
11 be reasonably available to a data subject at the time personal data  
12 is collected about the data subject.

13 C. If a controller maintains a public website, the controller  
14 shall publish the privacy policy on the website.

15 SECTION 8. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 200.6 of Title 75A, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. A controller or processor may engage in a compatible data  
19 practice without the data subject's consent. A controller or  
20 processor engages in a compatible data practice if the processing is  
21 consistent with the ordinary expectations of data subjects or is  
22 likely to benefit data subjects substantially. The following factors  
23 apply to determine whether processing is a compatible data practice:

24 1. The data subject's relationship with the controller;

- 1        2. The type of transaction in which the personal data was  
2 collected;
  - 3        3. The type and nature of the personal data processed;
  - 4        4. The risk of a negative consequence on the data subject by use  
5 or disclosure of the personal data;
  - 6        5. The effectiveness of safeguards against unauthorized use or  
7 disclosure of the personal data; and
  - 8        6. The extent to which the practice advances the economic,  
9 health, or other interests of the data subject.
- 10        B. A compatible data practice includes processing that:
- 11        1. Initiates or effectuates a transaction with a data subject with  
12 the data subject's knowledge or participation;
  - 13        2. Is reasonably necessary to comply with a legal obligation or  
14 regulatory oversight of the controller;
  - 15        3. Meets a particular and explainable managerial, personnel,  
16 administrative, or operational need of the controller or processor;
  - 17        4. Permits appropriate internal oversight of the controller by the  
18 controller's or processor's agent or external oversight by a government  
19 unit;
  - 20        5. Is reasonably necessary to create pseudonymized or de-  
21 identified data;
  - 22        6. Permits analysis:
    - 23            a. to discover insights related to public health, public  
24                policy, or other matters of general public interest and

1 does not include use of personal data to make a  
2 prediction or determination about a particular data  
3 subject, or

4 b. for research and development of a product or service;

5 7. Is reasonably necessary to prevent, detect, investigate,  
6 report on, prosecute, or remediate an actual or potential:

7 a. fraud,

8 b. unauthorized transaction or claim,

9 c. security incident,

10 d. malicious, deceptive, or illegal activity,

11 e. legal liability of the controller or processor, or

12 f. threat to national security;

13 8. Assists a person or government entity acting under paragraph  
14 7 of this subsection;

15 9. Is reasonably necessary to comply with or defend a legal  
16 claim; or

17 10. Accomplishes any other purpose determined to be a  
18 compatible data practice under subsection A of this section.

19 C. A controller may use personal data, or disclose  
20 pseudonymized data to a third-party controller, to deliver to a data  
21 subject targeted advertising and other purely expressive content. A  
22 controller may not use personal data, or disclose pseudonymized  
23 data, to offer terms to a data subject that are different from terms  
24 offered to data subjects generally, including terms relating to

1 price or quality. Processing personal data or pseudonymized data  
2 for differential treatment is an incompatible data practice unless  
3 the processing is otherwise compatible under this section. This  
4 subsection does not prevent providing different treatment to members  
5 of a program if the program's terms of service specify the  
6 eligibility requirements for all participants.

7 D. A controller or processor may process personal data in  
8 accordance with the rules of a voluntary consensus standard under  
9 Sections 13 through 16 of this act unless a court has prohibited the  
10 processing or found it to be an incompatible data practice.  
11 Processing under a voluntary consensus standard is permitted only if  
12 a controller adopts and commits to the standard in its privacy  
13 policy.

14 SECTION 9. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 200.7 of Title 75A, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. A controller or processor engages in an incompatible data  
18 practice if the processing:

19 1. Is not a compatible data practice under Section 8 of this act  
20 or a prohibited data practice under Section 10 of this act; or

21 2. Even if a compatible data practice under Section 8 of this  
22 act, is inconsistent with a privacy policy adopted under Section 7 of  
23 this act.

24

1 B. A controller may use an incompatible data practice to process  
2 personal data that does not include sensitive data if, at the time the  
3 personal data is collected about a data subject, the controller  
4 provides the data subject:

5 1. Notice and information sufficient to allow the data subject to  
6 understand the nature of the incompatible data processing; and

7 2. A reasonable opportunity to withhold consent to the practice.

8 C. A controller may not process a data subject's sensitive data  
9 using an incompatible data practice without the data subject's express  
10 consent in a signed record for each practice.

11 D. Unless processing is a prohibited data practice, a  
12 controller may require a data subject to consent to an incompatible  
13 data practice as a condition for access to the controller's goods or  
14 services. The controller may offer a reward or discount in exchange  
15 for the data subject's consent to process the data subject's  
16 personal data.

17 SECTION 10. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 200.8 of Title 75A, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. A controller may not engage in a prohibited data practice.  
21 Processing personal data is a prohibited data practice if the  
22 processing is likely to:

23 1. Subject a data subject to specific and significant:

24 a. financial, physical, or reputational harm,

1           b.    embarrassment, ridicule, intimidation, or harassment, or

2           c.    physical or other intrusion on solitude or seclusion if  
3                the intrusion would be highly offensive to a reasonable  
4                person;

5           2.    Result in misappropriation of personal data to assume  
6 another's identity;

7           3.    Constitute a violation of other law, including federal or state  
8 law against discrimination;

9           4.    Fail to provide reasonable data-security measures, including  
10 appropriate administrative, technical, and physical safeguards to  
11 prevent unauthorized access; or

12          5.    Process without consent under Section 9 of this act personal  
13 data in a manner that is an incompatible data practice.

14          B.    Reidentifying or causing the reidentification of pseudonymized  
15 or de-identified data is a prohibited data practice unless:

16           1.    The reidentification is performed by a controller or processor  
17 that previously had pseudonymized or de-identified the personal data;

18           2.    The data subject expects the personal data to be maintained in  
19 identified form by the controller performing the reidentification; or

20           3.    The purpose of the reidentification is to assess the privacy  
21 risk of de-identified data and the person performing the  
22 reidentification does not use or disclose reidentified personal data  
23 except to demonstrate a privacy vulnerability to the controller or  
24 processor that created the de-identified data.

1 SECTION 11. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 200.9 of Title 75A, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. A controller or processor shall conduct and maintain in a  
5 record a data-privacy and security-risk assessment. The assessment  
6 may take into account the size, scope, and type of business of the  
7 controller or processor and the resources available to it. The  
8 assessment must evaluate:

- 9 1. Privacy and security risks to the confidentiality and  
10 integrity of the personal data being processed or maintained, the  
11 likelihood of the risks, and the impact that the risks would have on  
12 the privacy and security of the personal data;
- 13 2. Efforts taken to mitigate the risks; and
- 14 3. The extent to which the data practices comply with this act.

15 B. A controller or processor shall update the data-privacy and  
16 security-risk assessment if there is a change in the risk  
17 environment or in a data practice that may materially affect the  
18 privacy or security of the personal data.

19 C. A data-privacy and security-risk assessment is confidential  
20 and is not subject to the Oklahoma Open Records Act, Sections 24A.1  
21 through 24A.33 of the Oklahoma Statutes, and the Oklahoma Discovery  
22 Code, Sections 3224 through 3237 of Title 12 of the Oklahoma  
23 Statutes. The fact that a controller or processor conducted an  
24

1 assessment, the records analyzed in the assessment, and the date of  
2 the assessment are not confidential under this section.

3 SECTION 12. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 200.10 of Title 75A, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. A controller or processor complies with this act if it  
7 complies with a comparable law protecting personal data in another  
8 jurisdiction and the Attorney General determines the law in the  
9 other jurisdiction is at least as protective of personal data as  
10 this act. The Attorney General may charge a fee to a controller or  
11 processor that requests a determination of compliance with a comparable  
12 law under this subsection. The fee must reflect the cost reasonably  
13 expected to be incurred by the Attorney General to determine whether  
14 the comparable law is at least as protective as this act.

15 B. A controller or processor complies with this act with  
16 respect to processing that is subject to the following acts as  
17 amended:

18 1. The Health Insurance Portability and Accountability Act,  
19 P.L. No. 104-191, if the controller or processor is regulated by  
20 that act;

21 2. The Fair Credit Reporting Act, 15 U.S.C. Section 1681 et  
22 seq., or otherwise is used to generate a consumer report by a  
23 consumer reporting agency as defined in Section 603(f) of the Fair  
24

1 Credit Reporting Act, 15 U.S.C. Section 1681a(f), a furnisher of the  
2 information, or a person procuring or using a consumer report;

3 3. The Gramm-Leach-Bliley Act of 1999, 15 U.S.C. Section 6801  
4 et seq.;

5 4. The Driver's Privacy Protection Act of 1994, 18 U.S.C.  
6 Section 2721 et seq.;

7 5. The Family Education Rights and Privacy Act of 1974, 20  
8 U.S.C. Section 1232g; or

9 6. The Children's Online Privacy Protection Act of 1998, 15  
10 U.S.C. Section 6501 et seq.

11 SECTION 13. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 200.11 of Title 75A, unless  
13 there is created a duplication in numbering, reads as follows:

14 A controller or processor complies with a requirement of this  
15 act if it adopts and complies with a voluntary consensus standard  
16 that addresses that requirement and is recognized by the Attorney  
17 General under Section 16 of this act.

18 SECTION 14. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 200.12 of Title 75A, unless  
20 there is created a duplication in numbering, reads as follows:

21 A stakeholder may initiate the development of a voluntary  
22 consensus standard for compliance with this act. A voluntary  
23 consensus standard may address any requirement including:

24 1. Identification of compatible data practices for an industry;

1           2. The procedure and method for securing consent of a data  
2 subject for an incompatible data practice;

3           3. A common method for responding to a request by a data  
4 subject for a copy or correction of personal data, including a  
5 mechanism for authenticating the identity of the data subject;

6           4. A format for a privacy policy that provides consistent and  
7 fair communication of the policy to data subjects;

8           5. Practices that provide reasonable security for personal data  
9 maintained by a controller or processor; and

10          6. Any other policy or practice that relates to compliance with  
11 this act.

12          SECTION 15.       NEW LAW       A new section of law to be codified  
13 in the Oklahoma Statutes as Section 200.13 of Title 75A, unless  
14 there is created a duplication in numbering, reads as follows:

15          The Attorney General shall not recognize a voluntary consensus  
16 standard unless it is developed through a consensus procedure that:

17          1. Achieves general agreement, but not necessarily unanimity,  
18 and:

19           a. includes stakeholders representing a diverse range of  
20 industry, consumer, and public interests,

21           b. gives fair consideration to each comment by a  
22 stakeholder,

23           c. responds to each good-faith objection by a stakeholder,  
24

- d. attempts to resolve each good-faith objection by a stakeholder,
- e. provides each stakeholder an opportunity to change the stakeholder's position after reviewing comments, and
- f. informs each stakeholder of the disposition of each objection and the reason for the disposition;

2. Provides stakeholders a reasonable opportunity to contribute their knowledge, talents, and efforts to the development of the standard;

3. Is responsive to the concerns of all stakeholders;

4. Consistently complies with documented and publicly available policies and procedures that provide adequate notice of meetings and standards development; and

5. Permits a stakeholder to file a statement of dissent.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200.14 of Title 75A, unless there is created a duplication in numbering, reads as follows:

A. On filing of a request by any person, the Attorney General may recognize a voluntary consensus standard if the Attorney General finds the standard:

1. Does not conflict with any requirement of Sections 6 through 11 of this act;

2. Is developed through a procedure that substantially complies with Section 15 of this act; and

1           3. If necessary, reasonably reconciles a requirement of this act  
2 with the requirements of other law.

3           B. The Attorney General shall adopt rules under the Administrative  
4 Procedures Act, Sections 250 through 323 of Title 75 of the Oklahoma  
5 Statutes, or otherwise establish a procedure for filing a request under  
6 subsection A of this section. The rules may require:

7           1. That the request be in a record demonstrating the standard and  
8 procedure through which it was adopted complies with this act;

9           2. The person filing the request to indicate whether the standard  
10 has been recognized as appropriate in another jurisdiction and, if so,  
11 identify the authority that recognized it; and

12           3. The person filing the request to pay a fee, which must reflect  
13 the cost reasonably expected to be incurred by the Attorney General in  
14 acting on a request.

15           C. The Attorney General shall determine whether to grant or deny  
16 the request and provide the reason for a grant or denial. In making  
17 the determination, the Attorney General shall consider the need to  
18 promote predictability and uniformity among the states and give  
19 appropriate deference to a voluntary consensus standard developed  
20 consistent with this act and recognized by a privacy-enforcement agency  
21 in another state.

22           D. After notice and hearing, the Attorney General may withdraw  
23 recognition of a voluntary consensus standard if the Attorney General  
24

1 finds that the standard or its implementation is not consistent with  
2 this act.

3 E. A voluntary consensus standard recognized by the Attorney  
4 General is a public record under the Oklahoma Open Records Act,  
5 Sections 24A.1 through 24A.33 of Title 51 of the Oklahoma Statutes.

6 SECTION 17. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 200.15 of Title 75A, unless  
8 there is created a duplication in numbering, reads as follows:

9 A. Subject to subsection D of this section, the enforcement  
10 authority, remedies, and penalties provided by the Oklahoma Consumer  
11 Protection Act, beginning in Section 751 of Title 15 of the Oklahoma  
12 Statutes, apply to a violation of this act.

13 B. The Attorney General may adopt rules under Administrative  
14 Procedures Act, Sections 250 through 323 of Title 75 of the Oklahoma  
15 Statutes, to implement this act.

16 C. In adopting rules under this section, the Attorney General  
17 shall consider the need to promote predictability for data subjects,  
18 controllers, and processors and uniformity among the states. The  
19 Attorney General may:

20 1. Consult with Attorneys General and other agencies with  
21 authority to enforce personal-data privacy in other jurisdictions  
22 that have laws substantially similar to this act;

23  
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1           2. Consider suggested or model rules or enforcement guidelines  
2 promulgated by the National Association of Attorneys General or a  
3 successor organization;

4           3. Consider the rules and practices of Attorneys General and  
5 other agencies with authority to enforce personal-data privacy in  
6 other jurisdictions; and

7           4. Consider voluntary consensus standards developed consistent  
8 with this act, that have been recognized by other Attorneys General  
9 or other agencies with authority to enforce personal-data privacy.

10          D. A private cause of action for a violation of this act is not  
11 authorized by this act or the Oklahoma Consumer Protection Act,  
12 beginning in Section 751 of Title 15 of the Oklahoma Statutes.

13          SECTION 18.       NEW LAW       A new section of law to be codified  
14 in the Oklahoma Statutes as Section 200.16 of Title 75A, unless  
15 there is created a duplication in numbering, reads as follows:

16           This act does not create or affect a cause of action under other  
17 law of this state.

18          SECTION 19.       NEW LAW       A new section of law to be codified  
19 in the Oklahoma Statutes as Section 200.17 of Title 75A, unless  
20 there is created a duplication in numbering, reads as follows:

21           In applying and construing this uniform act, a court shall  
22 consider the promotion of uniformity of the law among jurisdictions  
23 that enact it.

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1 SECTION 20. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 200.18 of Title 75A, unless  
3 there is created a duplication in numbering, reads as follows:

4 This act modifies, limits, or supersedes the Electronic  
5 Signatures in Global and National Commerce Act, 15 U.S.C. Section  
6 7001 et seq., as amended, but does not modify, limit, or supersede  
7 15 U.S.C. Section 7001(c), or authorize electronic delivery of any  
8 of the notices described in 15 U.S.C. Section 7003(b).

9 SECTION 21. This act shall become effective November 1, 2022.

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11 58-2-9493 MJ 12/29/21

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