

SENATE CHAMBER  
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. 2

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

I move to amend Senate Bill No. 546 by substituting the attached floor substitute (Request #1858) for the title, enacting clause, and entire body of the measure.

Submitted by:

Brent Howard  
Senator Howard

I hereby grant permission for the floor substitute to be adopted.

Ally Seiffert  
Senator Seiffert, Chair (required)

Nancy Jech  
Senator Jech

\_\_\_\_\_  
Senator Boren

\_\_\_\_\_  
Senator Bullard

\_\_\_\_\_  
Senator Paxton, President Pro Tempore

\_\_\_\_\_  
Senator Gillespie

B. Gollihare  
Senator Gollihare

Carly Hicks  
Senator Hicks

Paul Rosino  
Senator Rosino

\_\_\_\_\_  
Senator Daniels, Majority Floor Leader

Note: Technology and Telecommunications committee majority requires five (5) members' signatures.

Howard-CN-FS-SB546  
3/13/2025 2:21 PM

(Floor Amendments Only)

Date and Time Filed: 3/17/25 4:23pm JD

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 546

6 By: Howard of the Senate

7 and

8 West (Josh) of the House

9 FLOOR SUBSTITUTE

10 An Act relating to data privacy; defining terms;  
11 establishing consumer rights for processing of  
12 certain data; requiring compliance with certain  
13 consumer requests; establishing procedures for  
14 response to certain consumer requests; requiring  
15 establishment of certain appeal process; prohibiting  
16 certain contractual provisions; requiring  
17 establishment of methods for submission of certain  
18 consumer requests; establishing duties of controller;  
19 prohibiting controller from taking certain actions;  
20 providing exceptions; requiring privacy notice;  
21 specifying required contents in privacy notice;  
22 requiring certain disclosures; establishing duties of  
23 processor; establishing requirements for certain  
24 contracts; authorizing use of independent assessor  
under certain circumstances; requiring data  
protection assessments under certain circumstances;  
establishing requirements for data protection  
assessments; requiring availability of data  
protection assessments to Attorney General upon  
request; providing for confidentiality of data  
protection assessments; specifying applicability of  
requirements for data protection assessments;  
requiring controller in possession of certain data to  
take certain actions; providing enforcement authority  
to the Attorney General; requiring posting of certain  
information on Attorney General website; requiring  
notice of certain action; requiring certain period to  
cure violations before bringing certain action;

1 providing penalties for certain violations;  
authorizing award of certain fees and expenses;  
2 providing for applicability of provisions; providing  
exceptions to applicability of provisions; exempting  
3 certain information; providing for compliance under  
certain circumstances; construing provisions;  
4 authorizing processing of personal data for certain  
purposes; prohibiting violation of evidentiary  
5 privileges; clarifying certain liability; limiting  
authorized purposes for processing of certain data;  
6 providing for codification; and providing an  
effective date.

7  
8  
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 300 of Title 75A, unless there  
12 is created a duplication in numbering, reads as follows:

13 As used in this act:

14 1. "Affiliate" means a legal entity that controls, is  
15 controlled by, or is under common control with another legal entity  
16 or shares common branding with another legal entity. For purposes  
17 of this paragraph, "control" or "controlled" means the:

18 a. ownership of, or power to vote, more than fifty  
19 percent (50%) of the outstanding shares of any class  
20 of voting securities of a company,

21 b. control in any manner over the election of a majority  
22 of the directors or of individuals exercising similar  
23 functions, or  
24

1 c. power to exercise controlling influence over the  
2 management of a company;

3 2. "Authenticate" means to verify through reasonable means that  
4 the consumer who is entitled to exercise the consumer's rights under  
5 this act is the same consumer exercising such consumer rights with  
6 respect to the personal data at issue;

7 3. "Biometric data" means data generated by automatic  
8 measurements of an individual's biological characteristics that is  
9 used to identify a specific individual. The term includes, but is  
10 not limited to, a fingerprint, voiceprint, eye retina or iris, or  
11 other unique biological pattern or characteristic. The term does  
12 not include a physical or digital photograph, a video or audio  
13 recording, or data generated from a physical or digital photograph  
14 or a video or audio recording unless such data is generated to  
15 identify a specific individual. The term does not include  
16 information collected, used, or stored for health care treatment,  
17 payment, or operations under the Health Insurance Portability and  
18 Accountability Act of 1996, 42 U.S.C., Section 1320d et seq.;

19 4. "Business associate" has the meaning assigned to the term  
20 under the Health Insurance Portability and Accountability Act of  
21 1996, 42 U.S.C., Section 1320d et seq. or any regulation adopted  
22 thereunder;

23 5. "Child" means an individual younger than thirteen (13) years  
24 of age;

1           6. "Children's Online Privacy Protection Act of 1998" means 15  
2 U.S.C., Section 6501 et seq. and includes the regulations, rules,  
3 guidance, and exemptions adopted pursuant to the act and any  
4 subsequent amendments;

5           7. "Consent", when referring to a consumer, means a clear  
6 affirmative act signifying a consumer's freely given, specific,  
7 informed, and unambiguous agreement to process personal data  
8 relating to the consumer. The term includes, but is not limited to,  
9 a written statement, including a statement written by electronic  
10 means, or any other unambiguous affirmative action. The term does  
11 not include:

- 12           a. acceptance of a general or broad terms of use or  
13                 similar document that contains descriptions of  
14                 personal data processing along with other, unrelated  
15                 information,
- 16           b. hovering over, muting, pausing, or closing a given  
17                 piece of content, or
- 18           c. agreement obtained through the use of dark patterns;

19           8. "Consumer" means an individual who is a resident of this  
20 state acting only in an individual or household context. The term  
21 does not include an individual acting in a commercial or employment  
22 context;

23

24

1       9. "Controller" means an individual or other person that, alone  
2 or jointly with others, determines the purpose and means of  
3 processing personal data;

4       10. "Covered entity" has the meaning assigned to the term under  
5 the Health Insurance Portability and Accountability Act of 1996, 42  
6 U.S.C., Section 1320d et seq. or any regulation adopted thereunder;

7       11. "Dark pattern" means a user interface designed or  
8 manipulated with the effect of substantially subverting or impairing  
9 user autonomy, decision-making, or choice, and includes any practice  
10 the Federal Trade Commission refers to as a dark pattern;

11       12. "Decision that produces a legal or similarly significant  
12 effect concerning a consumer" means a decision made by the  
13 controller that results in the provision or denial by the controller  
14 of:

- 15           a. financial and lending services,
- 16           b. housing, insurance, or health care services,
- 17           c. education enrollment,
- 18           d. employment opportunities,
- 19           e. criminal justice, or
- 20           f. access to basic necessities such as food and water;

21       13. "De-identified data" means data that cannot reasonably be  
22 linked to an identified or identifiable individual or a device  
23 linked to the individual;

24

1 14. "Health care provider" has the meaning assigned to the term  
2 under the Health Insurance Portability and Accountability Act of  
3 1996, 42 U.S.C., Section 1320d et seq.;

4 15. "Health record" means any written, printed, or  
5 electronically recorded material maintained by a health care  
6 provider in the course of providing health care services to an  
7 individual that concerns the individual and the services provided.  
8 The term includes:

9 a. the substance of any communication made by an  
10 individual to a health care provider in confidence  
11 during or in connection with the provision of health  
12 care services, or

13 b. information otherwise acquired by the health care  
14 provider about an individual in confidence and in  
15 connection with health care services provided to the  
16 individual;

17 16. "Identified or identifiable individual" means a consumer  
18 who can be readily identified, directly or indirectly;

19 17. "Institution of higher education" means:

20 a. a public institution that is a member of The Oklahoma  
21 State System of Higher Education or a technology  
22 center school district, or

23 b. a private institution of higher education;

24 18. "Nonprofit organization" means:

- 1 a. a corporation organized under Title 18 of the Oklahoma  
2 Statutes to the extent applicable to nonprofit  
3 corporations,
- 4 b. an organization exempt from federal taxation under  
5 Section 501(a), Internal Revenue Code of 1986, as  
6 amended, by being listed as an exempt organization  
7 under Section 501(c)(3), 501(c)(6), or 501(c)(12) of  
8 that code,
- 9 c. a political organization,
- 10 d. an organization that is:
- 11 (1) exempt from federal taxation under Section  
12 501(a), Internal Revenue Code of 1986, as  
13 amended, by being listed as an exempt  
14 organization under Section 501(c)(4) of that  
15 code, and
- 16 (2) described by Section 363 of Title 36 of the  
17 Oklahoma Statutes, or
- 18 e. a subsidiary or affiliate of an entity regulated under  
19 Section 151 et seq. of Title 17 of the Oklahoma  
20 Statutes;

21 19. "Personal data" means any information including sensitive  
22 data that is linked or reasonably linkable to an identified or  
23 identifiable individual. The term includes pseudonymous data when  
24 the data is used by a controller or processor in conjunction with



1 additional information that reasonably links the data to an  
2 identified or identifiable individual. The term does not include  
3 de-identified data or publicly available information;

4 20. "Political organization" means a party, committee,  
5 association, fund, or other organization, regardless of whether  
6 incorporated, that is organized and operated primarily for the  
7 purpose of influencing or attempting to influence:

8 a. the selection, nomination, election, or appointment of  
9 an individual to a federal, state, or local public  
10 office or an office in a political organization,  
11 regardless of whether the individual is selected,  
12 nominated, elected, or appointed, or

13 b. the election of a presidential/vice-presidential  
14 elector, regardless of whether the elector is  
15 selected, nominated, elected, or appointed;

16 21. "Precise geolocation data" means information derived from  
17 technology, including global positioning system level latitude and  
18 longitude coordinates or other mechanisms, that directly identifies  
19 the specific location of an individual with precision and accuracy  
20 within a radius of one thousand seven hundred fifty (1,750) feet.  
21 The term does not include the content of communications nor does it  
22 include any data generated by or connected to an advanced utility  
23 metering infrastructure system or to equipment for use by a utility;

24

1        22. "Process" or "processing" means any operation or set of  
2 operations performed, whether by manual or automated means, on  
3 personal data or on sets of personal data, such as the collection,  
4 use, storage, disclosure, analysis, deletion, or modification of  
5 personal data;

6        23. "Processor" means a person who, or legal entity that,  
7 processes personal data on behalf of a controller;

8        24. "Profiling" means any form of solely automated processing  
9 performed on personal data to evaluate, analyze, or predict personal  
10 aspects related to an identified or identifiable individual's  
11 economic situation, health, personal preferences, interests,  
12 reliability, behavior, location, or movements;

13        25. "Protected health information" has the meaning assigned to  
14 the term under the Health Insurance Portability and Accountability  
15 Act of 1996, 42 U.S.C., Section 1320d et seq. or any regulation  
16 adopted thereunder;

17        26. "Pseudonymous data" means personal data that cannot be  
18 attributed to a specific individual without the use of additional  
19 information, provided that the additional information is kept  
20 separately and is subject to appropriate technical and  
21 organizational measures to ensure that the personal data is not  
22 attributed to an identified or identifiable individual;

23        27. "Publicly available information" means information that is  
24 lawfully made available through government records, or information

1 that a business has a reasonable basis to believe is lawfully made  
2 available to the general public through widely distributed media, by  
3 a consumer, or by a person to whom a consumer has disclosed the  
4 information, unless the consumer has restricted the information to a  
5 specific audience;

6 28. "Sale of personal data" means the exchange of personal data  
7 for monetary consideration by the controller to a third party. The  
8 term does not include the:

9 a. disclosure of personal data to a processor that  
10 processes the personal data on the controller's  
11 behalf,

12 b. disclosure of personal data to a third party for  
13 purposes of providing a product or service requested  
14 by the consumer,

15 c. disclosure or transfer of personal data to an  
16 affiliate of the controller,

17 d. disclosure of information or personal data that the  
18 consumer:

19 (1) (a) intentionally made available to the general  
20 public through a mass media channel, and

21 (b) did not restrict to a specific audience, or

22 (2) directs the controller to disclose or  
23 intentionally uses the controller to interact  
24 with a third party, or

1 e. disclosure or transfer of personal data to a third  
2 party as an asset that is part of a proposed or actual  
3 merger, acquisition, bankruptcy, or other transaction  
4 in which the third party assumes control of all or  
5 part of the controller's assets;

6 29. "Sensitive data" means a category of personal data. The  
7 term includes:

8 a. personal data revealing racial or ethnic origin,  
9 religious beliefs, mental or physical health  
10 diagnosis, sexual orientation, or citizenship or  
11 immigration status,

12 b. genetic or biometric data that is processed for the  
13 purpose of uniquely identifying an individual,

14 c. personal data collected from a known child, or

15 d. precise geolocation data;

16 30. "State agency" means a department, commission, board,  
17 office, council, authority, or other agency in the executive branch  
18 of state government that is created by the constitution or a statute  
19 of this state, including a public university system or public  
20 institution of higher education;

21 31. "Targeted advertising" means displaying to a consumer an  
22 advertisement that is selected based on personal data obtained from  
23 that consumer's activities over time and across nonaffiliated  
24

1 websites or online applications to predict the consumer's  
2 preferences or interests. The term does not include:

3 a. an advertisement that is:

4 (1) based on activities within a controller's own  
5 websites or online applications,

6 (2) based on the context of a consumer's current  
7 search query, visit to a website, or online  
8 application, or

9 (3) directed to a consumer in response to the  
10 consumer's request for information or feedback,  
11 or

12 b. the processing of personal data solely for measuring  
13 or reporting advertising performance, reach, or  
14 frequency;

15 32. "Third party" means a person other than the consumer, the  
16 controller, the processor, or an affiliate of the controller or  
17 processor; and

18 33. "Trade secret" means information including a formula,  
19 pattern, compilation, program, device, method, technique, or  
20 process, that:

21 a. derives independent economic value, actual or  
22 potential, from not being generally known to, and not  
23 being readily ascertainable by proper means by, other  
24

1 persons who can obtain economic value from its  
2 disclosure or use, and

3 b. is the subject of efforts that are reasonable under  
4 the circumstances to maintain its secrecy.

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 301 of Title 75A, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. A consumer is entitled to exercise the consumer rights  
9 authorized by this section at any time by submitting a request to a  
10 controller specifying the consumer rights the consumer wishes to  
11 exercise. With respect to the processing of personal data belonging  
12 to a known child, a parent or legal guardian of the child may  
13 exercise the consumer rights on behalf of the child.

14 B. A controller shall comply with an authenticated consumer  
15 request to exercise the right to:

16 1. Confirm whether a controller is processing the consumer's  
17 personal data and to access the personal data;

18 2. Correct inaccuracies in the consumer's personal data,  
19 considering the nature of the personal data and the purposes of the  
20 processing of the consumer's personal data;

21 3. Delete personal data provided by or obtained about the  
22 consumer;

23 4. If the data is available in a digital format, obtain a copy  
24 of the consumer's personal data that the consumer previously

1 provided to the controller in a portable and, to the extent  
2 technically feasible, readily usable format that allows the consumer  
3 to transmit the data to another controller without hindrance, where  
4 the processing is carried out by automated means; or

5 5. Opt out of the processing of the personal data for purposes  
6 of:

- 7 a. targeted advertising,
- 8 b. the sale of personal data, or
- 9 c. profiling in furtherance of a decision that produces a  
10 legal or similarly significant effect concerning the  
11 consumer.

12 SECTION 3. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 302 of Title 75A, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. Except as otherwise provided by this act, a controller shall  
16 comply with a request submitted by a consumer to exercise the  
17 consumer's rights pursuant to Section 2 of this act as provided by  
18 this section.

19 B. A controller shall respond to the consumer request no later  
20 than forty-five (45) days after the date of receipt of the request.  
21 The controller may extend the response period once by an additional  
22 forty-five (45) days when reasonably necessary, considering the  
23 complexity and number of the consumer's requests. The controller  
24

1 shall inform the consumer of an extension within the initial forty-  
2 five-day response period and of the reason for the extension.

3 C. If a controller declines to take action regarding the  
4 consumer's request, the controller shall inform the consumer no  
5 later than the forty-five (45) days after the date of receipt of the  
6 request of the justification for declining to take action and  
7 provide instructions on how to appeal the decision in accordance  
8 with Section 4 of this act.

9 D. A controller shall provide information in response to a  
10 consumer request free of charge, up to twice annually per consumer.  
11 If a request from a consumer is manifestly unfounded, excessive, or  
12 repetitive, the controller may charge the consumer a reasonable fee  
13 to cover the administrative costs of complying with the request or  
14 may decline to act on the request. The controller shall bear the  
15 burden of demonstrating for purposes of this subsection that a  
16 request is manifestly unfounded, excessive, or repetitive.

17 E. If a controller is unable to authenticate the request using  
18 commercially reasonable efforts, the controller shall not be  
19 required to comply with a consumer request submitted under Section 2  
20 of this act and may request that the consumer provide additional  
21 information reasonably necessary to authenticate the consumer and  
22 the consumer's request.

23 F. A controller that has obtained personal data about a  
24 consumer from a source other than the consumer shall be considered



1 to be in compliance with a consumer's request to delete that  
2 personal data pursuant to paragraph 3 of subsection B of Section 2  
3 of this act by:

4 1. Retaining a record of the deletion request and the minimum  
5 data necessary for the purpose of ensuring the consumer's personal  
6 data remains deleted from the business's records and not using the  
7 retained data for any other purpose under this act; or

8 2. Opting the consumer out of the processing of that personal  
9 data for any purpose other than a purpose that is exempt under this  
10 act.

11 SECTION 4. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 303 of Title 75A, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. A controller shall establish a process for a consumer to  
15 appeal the controller's refusal to take action on a request within a  
16 reasonable period of time after the consumer's receipt of the  
17 decision under subsection C of Section 3 of this act. The appeal  
18 process shall be conspicuously available and similar to the process  
19 for initiating action to exercise consumer rights by submitting a  
20 request under Section 2 of this act.

21 B. A controller shall inform the consumer in writing of any  
22 action taken or not taken in response to an appeal under this  
23 section no later than sixty (60) days after the date of receipt of  
24 the appeal including a written explanation of the reason or reasons

1 for the decision. If the controller denies an appeal, the  
2 controller shall provide the consumer with the online mechanism  
3 described by subsection B of Section 12 of this act through which  
4 the consumer may contact the Attorney General to submit a complaint.

5 SECTION 5. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 304 of Title 75A, unless there  
7 is created a duplication in numbering, reads as follows:

8 Any provision of a contract or agreement that waives or limits a  
9 consumer right described by Section 2, 3, or 4 of this act shall be  
10 deemed to be contrary to public policy and shall be void and  
11 unenforceable.

12 SECTION 6. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 305 of Title 75A, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. A controller shall establish two or more secure and reliable  
16 methods to enable consumers to submit a request to exercise their  
17 consumer rights under this act. The methods shall consider:

18 1. The ways in which consumers normally interact with the  
19 controller;

20 2. The necessity for secure and reliable communications of  
21 those requests; and

22 3. The ability of the controller to authenticate the identity  
23 of the consumer making the request.

24

1 B. A controller shall not require a consumer to create a new  
2 account to exercise the consumer's rights under this act but may  
3 require a consumer to use an existing account.

4 C. Except as provided by subsection D of this section, if the  
5 controller maintains an Internet website, the controller shall  
6 provide a mechanism on the website for consumers to submit requests  
7 for information required to be disclosed under this act.

8 D. A controller that operates exclusively online and has a  
9 direct relationship with a consumer from whom the controller  
10 collects personal information shall only be required to provide an  
11 electronic mail address for the submission of requests described by  
12 subsection C of this section.

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 306 of Title 75A, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. A controller shall:

17 1. Limit the collection of personal data to what is adequate,  
18 relevant, and reasonably necessary in relation to the purposes for  
19 which that personal data is processed, as disclosed to the consumer;  
20 and

21 2. For purposes of protecting the confidentiality, integrity,  
22 and accessibility of personal data, establish, implement, and  
23 maintain reasonable administrative, technical, and physical data  
24

1 security practices that are appropriate to the volume and nature of  
2 the personal data at issue.

3 B. A controller shall not:

4 1. Except as otherwise provided by this act, process personal  
5 data for a purpose that is neither reasonably necessary to nor  
6 compatible with the disclosed purpose for which the personal data is  
7 processed, as disclosed to the consumer, unless the controller  
8 obtains the consumer's consent;

9 2. Process personal data in violation of state and federal laws  
10 that prohibit unlawful discrimination against consumers;

11 3. Discriminate against a consumer for exercising any consumer  
12 rights contained in this act, including by denying goods or  
13 services, charging different prices or rates for goods or services,  
14 or providing a different level of quality of goods or services to  
15 the consumer; or

16 4. Process the sensitive data of a consumer without obtaining  
17 the consumer's consent or, in the case of processing the sensitive  
18 data of a known child, without processing that data in accordance  
19 with the Children's Online Privacy Protection Act of 1998.

20 C. Paragraph 3 of subsection B of this section shall not be  
21 construed to require a controller to provide a product or service  
22 that requires the personal data of a consumer that the controller  
23 does not collect or maintain or to prohibit a controller from  
24 offering a different price, rate, level, quality, or selection of

1 goods or services to a consumer, including offering goods or  
2 services for no fee, if the consumer has exercised the consumer's  
3 right to opt out under Section 2 of this act or the offer is related  
4 to a consumer's voluntary participation in a bona fide loyalty,  
5 rewards, premium features, discounts, or club card program.

6 SECTION 8. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 307 of Title 75A, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. A controller shall provide consumers with a reasonably  
10 accessible and clear privacy notice that includes:

11 1. The categories of personal data processed by the controller,  
12 including, if applicable, any sensitive data processed by the  
13 controller;

14 2. The purpose for processing personal data;

15 3. How consumers may exercise their consumer rights under  
16 Sections 2 through 6 of this act, including the process by which a  
17 consumer may appeal a controller's decision with regard to the  
18 consumer's request;

19 4. If applicable, the categories of personal data that the  
20 controller shares with third parties; and

21 5. If applicable, the categories of third parties with whom the  
22 controller shares personal data.

23 B. If a controller sells personal data to third parties or  
24 processes personal data for targeted advertising, the controller

1 shall clearly and conspicuously disclose on the notice required by  
2 subsection A of this section such process and the manner in which a  
3 consumer may exercise the right to opt out of such process.

4 SECTION 9. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 308 of Title 75A, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. A processor shall adhere to the instructions of a controller  
8 and shall assist the controller in meeting or complying with the  
9 controller's duties or requirements under this act, including:

10 1. Taking into account the nature of processing and the  
11 information available to the processor, assisting the controller in  
12 responding to consumer rights requests submitted under Section 2 of  
13 this act by using appropriate technical and organizational measures,  
14 as reasonably practicable;

15 2. Taking into account the nature of processing and the  
16 information available to the processor, assisting the controller  
17 with regard to complying with the requirement relating to the  
18 security of processing personal data and to the notification of a  
19 breach of security of the processor's system under the Security  
20 Breach Notification Act, Section 161 et seq. of Title 24 of the  
21 Oklahoma Statutes; and

22 3. Providing necessary information to enable the controller to  
23 conduct and document data protection assessments under Section 10 of  
24 this act.

1 B. A contract between a controller and a processor shall govern  
2 the processor's data processing procedures with respect to  
3 processing performed on behalf of the controller. The contract  
4 shall include:

5 1. Clear instructions for processing data;

6 2. The nature and purpose of processing;

7 3. The type of data subject to processing;

8 4. The duration of processing;

9 5. The rights and obligations of both parties; and

10 6. A requirement that the processor shall:

11 a. ensure that each person processing personal data is  
12 subject to a duty of confidentiality with respect to  
13 the data,

14 b. at the controller's direction, delete or return all  
15 personal data to the controller as requested after the  
16 provision of the service is completed, unless  
17 retention of the personal data is required by law,

18 c. make available to the controller, upon reasonable  
19 request, all information in the processor's possession  
20 necessary to demonstrate the processor's compliance  
21 with the requirements of this act,

22 d. allow, and cooperate with, reasonable assessments by  
23 the controller or the controller's designated  
24 assessor, and

1 e. engage any subcontractor pursuant to a written  
2 contract that requires the subcontractor to meet the  
3 requirements of the processor with respect to the  
4 personal data.

5 C. Notwithstanding the requirement described by subparagraph d  
6 of paragraph 6 of subsection B of this section, a processor, in the  
7 alternative, may arrange for a qualified and independent assessor to  
8 conduct an assessment of the processor's policies and technical and  
9 organizational measures in support of the requirements under this  
10 act using an appropriate and accepted control standard or framework  
11 and assessment procedure. The processor shall provide a report of  
12 the assessment to the controller on request.

13 D. The provisions of this section shall not be construed to  
14 relieve a controller or a processor from the liabilities imposed on  
15 the controller or processor due to its role in the processing  
16 relationship as described by this act.

17 E. A determination of whether a person is acting as a  
18 controller or processor with respect to a specific processing of  
19 data is a fact-based determination that depends on the context in  
20 which personal data is to be processed. A processor that continues  
21 to adhere to a controller's instructions with respect to a specific  
22 processing of personal data remains in the role of a processor.



1 SECTION 10. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 309 of Title 75A, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. A controller shall conduct and document a data protection  
5 assessment of each of the following processing activities involving  
6 personal data:

7 1. The processing of personal data for purposes of targeted  
8 advertising;

9 2. The sale of personal data;

10 3. The processing of personal data for purposes of profiling,  
11 if the profiling presents a reasonably foreseeable risk of:

12 a. unfair or deceptive treatment of or unlawful disparate  
13 impact on consumers,

14 b. financial, physical, or reputational injury to  
15 consumers,

16 c. a physical or other intrusion on the solitude or  
17 seclusion, or the private affairs or concerns, of  
18 consumers, if the intrusion would be offensive to a  
19 reasonable person, or

20 d. other substantial injury to consumers;

21 4. The processing of sensitive data; and

22 5. Any processing activities involving personal data that  
23 present a heightened risk of harm to consumers.

24

1 B. A data protection assessment conducted under subsection A of  
2 this section shall:

3 1. Identify and weigh the direct or indirect benefits that may  
4 flow from the processing to the controller, the consumer, other  
5 stakeholders, and the public, against the potential risks to the  
6 rights of the consumer associated with that processing, as mitigated  
7 by safeguards that can be employed by the controller to reduce the  
8 risks; and

9 2. Factor into the assessment the:

- 10 a. use of de-identified data,
- 11 b. reasonable expectations of consumers,
- 12 c. context of the processing, and
- 13 d. relationship between the controller and the consumer  
14 whose personal data will be processed.

15 C. A controller shall make a data protection assessment  
16 available to the Attorney General upon written request pursuant to a  
17 civil investigation demand.

18 D. A data protection assessment shall be confidential and  
19 exempt from public inspection and copying under the Oklahoma Open  
20 Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma  
21 Statutes. Disclosure of a data protection assessment in compliance  
22 with a request from the Attorney General shall not constitute a  
23 waiver of attorney-client privilege or work product protection with  
24

1 respect to the assessment and any information contained in the  
2 assessment.

3 E. A single data protection assessment may address a comparable  
4 set of processing operations that include similar activities.

5 F. A data protection assessment conducted by a controller for  
6 the purpose of compliance with other laws or regulations may  
7 constitute compliance with the requirements of this section if the  
8 assessment has a reasonably comparable scope and effect.

9 G. A data protection assessment as required by this section  
10 shall apply to processing activities that commence on or after the  
11 effective date of this act and shall not be retroactive.

12 SECTION 11. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 310 of Title 75A, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. A controller in possession of de-identified data shall:

16 1. Take reasonable measures to ensure that the data cannot be  
17 associated with an individual;

18 2. Publicly commit to process such data only in a de-identified  
19 fashion and not attempt to reidentify the data; and

20 3. Contractually obligate any recipient of the de-identified  
21 data to comply with the requirements of this subsection.

22 B. The provisions of this act shall not be construed to require  
23 a controller or processor to:

24 1. Reidentify de-identified data or pseudonymous data;

1       2. Maintain data in identifiable form or obtain, retain, or  
2 access any data or technology for the purpose of allowing the  
3 controller or processor to associate a consumer request with  
4 personal data; or

5       3. Comply with an authenticated consumer rights request under  
6 Section 2 of this act, if the controller:

7           a. is not reasonably capable of associating the request  
8 with the personal data or it would be unreasonably  
9 burdensome for the controller to associate the request  
10 with the personal data,

11           b. does not use the personal data to recognize or respond  
12 to the specific consumer who is the subject of the  
13 personal data or associate the personal data with  
14 other personal data about the same specific consumer,  
15 and

16           c. does not sell the personal data to any third party or  
17 otherwise voluntarily disclose the personal data to  
18 any third party other than a processor, except as  
19 otherwise permitted by this section.

20       C. The consumer rights under paragraphs 1 through 4 of  
21 subsection B of Section 2 of this act and controller duties under  
22 Section 7 of this act shall not apply to pseudonymous data in cases  
23 in which the controller is able to demonstrate any information  
24 necessary to identify the consumer is kept separately and is subject

1 to effective technical and organizational controls that prevent the  
2 controller from accessing the information.

3 D. A controller that discloses pseudonymous data or de-  
4 identified data shall exercise reasonable oversight to monitor  
5 compliance with any contractual commitments to which the  
6 pseudonymous data or de-identified data is subject and shall take  
7 appropriate steps to address any breach of the contractual  
8 commitments.

9 SECTION 12. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 311 of Title 75A, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. The Attorney General has exclusive authority to enforce the  
13 provisions of this act.

14 B. The Attorney General shall post on the Attorney General's  
15 Internet website:

16 1. Information relating to:

- 17 a. the responsibilities of a controller under this act,
- 18 b. the responsibilities of a processor under this act,
- 19 and
- 20 c. a consumer's rights under this act; and

21 2. An online mechanism through which a consumer may submit a  
22 complaint under this act to the Attorney General.

23

24

1 SECTION 13. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 312 of Title 75A, unless there  
3 is created a duplication in numbering, reads as follows

4 Before bringing an action under Section 14 of this act, the  
5 Attorney General shall notify the controller or processor in  
6 writing, no later than thirty (30) days before bringing the action,  
7 identifying the specific provisions of this act that the Attorney  
8 General alleges have been or are being violated. The Attorney  
9 General shall not bring an action against the controller or  
10 processor if:

11 1. Within the thirty-day period, the controller or processor  
12 cures the identified violation; and

13 2. The controller or processor provides the Attorney General a  
14 written statement that the controller or processor:

- 15 a. cured the alleged violation,
- 16 b. provided supportive documentation to show how the  
17 privacy violation was cured, and
- 18 c. that no further violations will occur.

19 SECTION 14. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 313 of Title 75A, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. A controller or processor who violates this act following  
23 the cure period described by Section 13 of this act or who breaches  
24 a written statement provided to the Attorney General under such

1 section shall be liable for a civil penalty in an amount not to  
2 exceed Seven Thousand Five Hundred Dollars (\$7,500.00) for each  
3 violation.

4 B. The Attorney General may bring an action to:

- 5 1. Recover a civil penalty under this section;
- 6 2. Restrain or enjoin the person from violating this act; or
- 7 3. Recover the civil penalty and seek injunctive relief.

8 C. The court may award reasonable attorney fees and other  
9 expenses incurred in investigating and bringing an action under this  
10 section.

11 D. Civil penalties collected in an action under this section  
12 shall be deposited in the State Treasury to the credit of the  
13 General Revenue Fund.

14 E. Nothing in this act shall be construed as providing a basis  
15 for, or being subject to, a private right of action for a violation  
16 of this act or any other provision of law.

17 SECTION 15. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 314 of Title 75A, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. The provisions of this act apply only to a controller or  
21 processor who:

- 22 1. Conducts business in this state or produces a product or  
23 service targeted to the residents of this state; and
- 24 2. During a calendar year, either:

- a. controls or processes personal data of at least one hundred thousand (100,000) consumers, or
- b. controls or processes personal data of at least twenty-five thousand (25,000) consumers and derives over fifty percent (50%) of gross revenue from the sale of personal data.

B. The provisions of this act shall not apply to:

1. A state agency or a political subdivision of this state, or a service provider processing data on behalf of a state agency or political subdivision of this state;

2. A financial institution or data subject to Title V of the Gramm-Leach-Bliley Act, 15 U.S.C., Section 6801 et seq.;

3. A covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, 45 C.F.R., Parts 160 and 164, established under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C., Section 1320d et seq., and the Health Information Technology for Economic and Clinical Health Act, Division A of Title XIII and Division B of Title IV of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5;

4. A nonprofit organization;

5. An institution of higher education; or



1       6. The processing of personal data by a person in the course of  
2 a purely personal or household activity.

3       SECTION 16.       NEW LAW       A new section of law to be codified  
4 in the Oklahoma Statutes as Section 315 of Title 75A, unless there  
5 is created a duplication in numbering, reads as follows:

6       The following information shall be exempt from this act:

7       1. Protected health information under the Health Insurance  
8 Portability and Accountability Act of 1996, 42 U.S.C., Section 1320d  
9 et seq.;

10       2. Health records;

11       3. Patient identifying information for purposes of 42 U.S.C.,  
12 Section 290dd-2;

13       4. Identifiable private information:

14           a. for purposes of the federal policy for the protection  
15 of human subjects under 45 C.F.R., Part 46,

16           b. collected as part of human subjects research under the  
17 good clinical practice guidelines issued by the  
18 International Council for Harmonisation of Technical  
19 Requirements for Pharmaceuticals for Human Use (ICH)  
20 or of the protection of human subjects under 21  
21 C.F.R., Parts 50 and 56, or

22           c. that is personal data used or shared in research  
23 conducted in accordance with the requirements set  
24

1           forth in this act or other research conducted in  
2           accordance with applicable law;

3           5. Information and documents created for purposes of the Health  
4 Care Quality Improvement Act of 1986, 42 U.S.C., Section 11101 et  
5 seq.;

6           6. Patient safety work product for purposes of the Patient  
7 Safety and Quality Improvement Act of 2005, 42 U.S.C., Section 299b-  
8 21 et seq.;

9           7. Information derived from any of the health care-related  
10 information listed in this section that is de-identified in  
11 accordance with the requirements for de-identification under the  
12 Health Insurance Portability and Accountability Act of 1996, 42  
13 U.S.C., Section 1320d et seq. or any regulation adopted thereunder;

14           8. Information originating from, and intermingled to be  
15 indistinguishable with, or information treated in the same manner  
16 as, information exempt under this section that is maintained by a  
17 covered entity or business associate as defined under the Health  
18 Insurance Portability and Accountability Act of 1996, 42 U.S.C.,  
19 Section 1320d et seq. or any regulation adopted thereunder, or by a  
20 program or a qualified service organization as defined under 42  
21 U.S.C., Section 290dd-2 or any regulation adopted thereunder;

22           9. Information that is included in a limited data set as  
23 described by 45 C.F.R., Section 164.514(e), to the extent that the  
24

1 information is used, disclosed, and maintained in the manner  
2 specified by 45 C.F.R., Section 164.514(e);

3 10. Information collected or used only for public health  
4 activities and purposes as authorized under the Health Insurance  
5 Portability and Accountability Act of 1996, 42 U.S.C., Section 1320d  
6 et seq.;

7 11. The collection, maintenance, disclosure, sale,  
8 communication, or use of any personal information bearing on a  
9 consumer's creditworthiness, credit standing, credit capacity,  
10 character, general reputation, personal characteristics, or mode of  
11 living by a consumer reporting agency or furnisher that provides  
12 information for use in a consumer report, and by a user of a  
13 consumer report, but only to the extent that the activity is  
14 regulated by and authorized under the Fair Credit Reporting Act, 15  
15 U.S.C., Section 1681 et seq.;

16 12. Personal data collected, processed, sold, or disclosed in  
17 compliance with the Driver's Privacy Protection Act of 1994, 18  
18 U.S.C., Section 2721 et seq.;

19 13. Personal data regulated by the Family Educational Rights  
20 and Privacy Act of 1974, 20 U.S.C., Section 1232g;

21 14. Personal data collected, processed, sold, or disclosed in  
22 compliance with the Farm Credit Act of 1971, 12 U.S.C., Section 2001  
23 et seq.;

24

1 15. Data processed or maintained in the course of an individual  
2 applying to, being employed by, or acting as an agent or independent  
3 contractor of a controller, processor, or third party, to the extent  
4 that the data is collected and used within the context of such role;

5 16. Data processed or maintained as the emergency contact  
6 information of an individual under this act that is used for  
7 emergency contact purposes; or

8 17. Data that is processed or maintained and is necessary to  
9 retain to administer benefits for another individual that relates to  
10 an individual described by paragraph 15 of this section and used for  
11 the purposes of administering those benefits.

12 SECTION 17. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 316 of Title 75A, unless there  
14 is created a duplication in numbering, reads as follows:

15 A controller or processor that complies with the verifiable  
16 parental consent requirements of the Children's Online Privacy  
17 Protection Act of 1998 with respect to data collected online shall  
18 be considered to be in compliance with any requirement to obtain  
19 parental consent under this act.

20 SECTION 18. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 317 of Title 75A, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. The provisions of this act shall not be construed to  
24 restrict a controller's or processor's ability to:

- 1        1. Comply with federal, state, or local laws, rules, or  
2 regulations;
- 3        2. Comply with a civil, criminal, or regulatory inquiry,  
4 investigation, subpoena, or summons by federal, state, local, or  
5 other governmental authorities;
- 6        3. Cooperate with law enforcement agencies concerning conduct  
7 or activity that the controller or processor reasonably and in good  
8 faith believes may violate federal, state, or local laws, rules,  
9 ordinances, or regulations;
- 10       4. Investigate, establish, exercise, prepare for, or defend  
11 legal claims;
- 12       5. Provide a product or service specifically requested by a  
13 consumer or the parent or guardian of a child, perform a contract to  
14 which the consumer is a party, including fulfilling the terms of a  
15 written warranty, or take steps at the request of the consumer  
16 before entering into a contract;
- 17       6. Take immediate steps to protect an interest that is  
18 essential for the life or physical safety of the consumer or of  
19 another individual and in which the processing cannot be manifestly  
20 based on another legal basis;
- 21       7. Prevent, detect, protect against, or respond to security  
22 incidents, identity theft, fraud, harassment, malicious or deceptive  
23 activities, or any illegal activity;

24

1 8. Preserve the integrity or security of systems or  
2 investigate, report, or prosecute those responsible for breaches of  
3 system security;

4 9. Engage in public or peer-reviewed scientific or statistical  
5 research in the public interest that adheres to all other applicable  
6 ethics and privacy laws and is approved, monitored, and governed by  
7 an institutional review board or similar independent oversight  
8 entity that determines:

- 9 a. if the deletion of the information is likely to  
10 provide substantial benefits that do not exclusively  
11 accrue to the controller,
- 12 b. whether the expected benefits of the research outweigh  
13 the privacy risks, and
- 14 c. if the controller has implemented reasonable  
15 safeguards to mitigate privacy risks associated with  
16 research, including any risks associated with  
17 reidentification; or

18 10. Assist another controller, processor, or third party with  
19 any of the requirements under this subsection.

20 B. The provisions of this act shall not be construed:

- 21 1. To prevent a controller or processor from providing personal  
22 data concerning a consumer to a person covered by an evidentiary  
23 privilege under the laws of this state as part of a privileged  
24 communication;

1        2. As imposing a requirement on controllers and processors that  
2 adversely affects the rights or freedoms of any person, including  
3 the right of free speech; or

4        3. As requiring a controller, processor, third party, or  
5 consumer to disclose a trade secret.

6        SECTION 19.        NEW LAW        A new section of law to be codified  
7 in the Oklahoma Statutes as Section 318 of Title 75A, unless there  
8 is created a duplication in numbering, reads as follows:

9        A. The requirements imposed on controllers and processors under  
10 this act shall not restrict a controller's or processor's ability to  
11 collect, use, or retain data to:

12        1. Conduct internal research to develop, improve, or repair  
13 products, services, or technology;

14        2. Effect a product recall;

15        3. Identify and repair technical errors that impair existing or  
16 intended functionality; or

17        4. Perform internal operations that are:

18            a. reasonably aligned with the expectations of the  
19 consumer,

20            b. reasonably anticipated based on the consumer's  
21 existing relationship with the controller, or

22            c. otherwise compatible with processing data in  
23 furtherance of the provision of a product or service  
24 specifically requested by a consumer or the

1 performance of a contract to which the consumer is a  
2 party.

3 B. A requirement imposed on a controller or processor under  
4 this act shall not apply if compliance with the requirement by the  
5 controller or processor, as applicable, would violate an evidentiary  
6 privilege under the laws of this state.

7 C. The processing of personal data by an entity for the  
8 purposes described in subsection A of this section shall not solely  
9 make the entity a controller with respect to the processing of the  
10 data.

11 SECTION 20. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 319 of Title 75A, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. A controller or processor that discloses personal data to a  
15 third-party controller or processor, in compliance with the  
16 requirements of this act, shall not be deemed to be in violation of  
17 this act if the third-party controller or processor that receives  
18 and processes that personal data is in violation of this act;  
19 provided, that at the time of the data's disclosure, the disclosing  
20 controller or processor did not have actual knowledge that the  
21 recipient intended to commit a violation.

22 B. A third-party controller or processor receiving personal  
23 data from a controller or processor in compliance with the  
24 requirements of this act shall not be deemed to be in violation of



1 this act for any wrongdoing of the controller or processor from  
2 which the third-party controller or processor receives the personal  
3 data.

4 SECTION 21. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 320 of Title 75A, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. Personal data processed by a controller pursuant to Section  
8 18, 19, or 20 of this act shall not be processed for any purpose  
9 other than a purpose listed in Section 18, 19, or 20 of this act  
10 unless otherwise allowed by this act. Personal data processed by a  
11 controller under Section 18, 19, or 20 of this act may be processed  
12 to the extent that the processing of the data is:

13 1. Reasonably necessary and proportionate to the purposes  
14 listed in Section 18, 19, or 20 of this act; and

15 2. Adequate, relevant, and limited to what is necessary in  
16 relation to the specific purposes listed in Section 18, 19, or 20 of  
17 this act.

18 B. Personal data collected, used, or retained under subsection  
19 A of Section 19 of this act shall, where applicable, consider the  
20 nature and purpose of such collection, use, or retention. The  
21 personal data described by this subsection is subject to reasonable  
22 administrative, technical, and physical measures to protect the  
23 confidentiality, integrity, and accessibility of the personal data

24

1 and to reduce reasonably foreseeable risks of harm to consumers  
2 relating to the collection, use, or retention of personal data.

3 C. A controller that processes personal data under an exemption  
4 in Section 18, 19, or 20 of this act bears the burden of  
5 demonstrating that the processing of the personal data qualifies for  
6 the exemption and complies with the requirements of subsections A  
7 and B of this section.

8 D. The processing of personal data by an entity for the  
9 purposes described by Section 18 of this act does not solely make  
10 the entity a controller with respect to the processing of the data.

11 SECTION 22. This act shall become effective July 1, 2026.

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