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State of Minnesota

A bill for an act

relating to telecommunications; requiring telecommunications and Internet service

providers to reimburse consumers for distributing consumer information obtained

from the Internet; requiring the Public Utilities Commission to establish the level

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2642

05/04/2017 Authored by Thissen and Metsa

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.5 1.6	of reimbursement for distributing consumer information obtained from the Internet; proposing coding for new law in Minnesota Statutes, chapter 237.
1.7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.8	Section 1. [237.417] CONSUMER INFORMATION; REIMBURSEMENT.
1.9	Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.10	the meanings given them.
1.11	(b) "Consumer" means an individual who, in the course of accessing the Internet,
1.12	knowingly or unknowingly provides consumer information to a covered entity or Internet
1.13	service provider with or without an exchange of consideration.
1.14	(c) "Consumer information" means information obtained from a consumer that has a
1.15	value to an Internet service provider, a telecommunications provider, or a covered entity,
1.16	and that identifies:
1.17	(1) a consumer, the consumer's spouse, or the consumer's children by physical or
1.18	electronic address, name, date of birth, Social Security number, or telephone number;
1.19	(2) a consumer's occupation, credit history, financial account information, medical
1.20	history, political party affiliation, or disability or other status protected under chapter 363A
1.21	(3) a consumer as having requested or obtained specific materials or services from an
1.22	Internet service provider;

Section 1.

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2.4 address associated with an electronic device that belongs to the consumer; or 2.5 (6) a consumer, the consumer's spouse, or the consumer's children by aggr information in clauses (1) to (5) to create a profile of that person. Consumer is includes information that may be disseminated in personally identifiable, aggr disaggregated forms. 2.9 (d) "Covered entity" means an entity, including a search engine service, so or other Web-based application, that uses the Internet to collect consumer infor a consumer. 2.10 (e) "Internet service provider" means a person who provides access to the (f) "Telecommunications service provider" has the meaning given in sectic subdivision 6b. 2.11 Subd. 2. Service provider; reimbursement for value of consumer infor Beginning January 1, 2019, a telecommunications service provider, Internet serv or covered entity must reimburse a consumer, or (2) uses consumer infor direct advertising or other similar purposes. The consumer must be reimbursed of consumer information reimbursement rate established under subdivision 3. 2.11 Subd. 3. Value of consumer information reimbursement rate. By July 2.12 commission must establish a value of consumer information reimbursement rate being gathered, processed, packaged, and then sold or distributed by the telecom service provider, Internet service provider, or covered entity. In setting the val commission may consult with experts, consumers, and other interested parties gather information from telecommunications service providers, Internet servic and other covered entities related to the value of the consumer information ga Minnesota consumers, including information regarding the cost of gathering the processing the information, and selling, sharing, otherwise distributing the inf value or consideration to third parties, and the gross and net profits from adve on the consumer information. The value may vary based on the amount and type information obtained by a telecommunications service provider, Internet servi	2.1	(4) a consumer's Internet sites or browsing cache, cookies, or history, including the
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processing the information, and selling, sharing, otherwise distributing the information value or consideration to third parties, and the gross and net profits from adversion on the consumer information. The value may vary based on the amount and type information obtained by a telecommunications service provider, Internet services.	2.28	and other covered entities related to the value of the consumer information gathered from
value or consideration to third parties, and the gross and net profits from adve on the consumer information. The value may vary based on the amount and type information obtained by a telecommunications service provider, Internet service	2.29	Minnesota consumers, including information regarding the cost of gathering the information,
on the consumer information. The value may vary based on the amount and type information obtained by a telecommunications service provider, Internet service	2.30	processing the information, and selling, sharing, otherwise distributing the information for
information obtained by a telecommunications service provider, Internet service	2.31	value or consideration to third parties, and the gross and net profits from advertising based
	2.32	on the consumer information. The value may vary based on the amount and type of consumer
or covered entity. A telecommunications service provider, Internet service pro	2.33	information obtained by a telecommunications service provider, Internet service provider,
	2.34	or covered entity. A telecommunications service provider, Internet service provider, or

Section 1. 2

05/01/17 REVISOR RSI/JC 17-4523

- covered entity that conducts business in Minnesota or with any Minnesota resident must
- 3.2 provide information requested by the commission to assist in establishing the rate required
- 3.3 <u>under this subdivision.</u>

3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

Section 1. 3