

REFERENCE TITLE: **personal data; internet; consent**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1495

Introduced by
Senator Mesnard

AN ACT

AMENDING TITLE 18, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7; RELATING TO INFORMATION TECHNOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 18, Arizona Revised Statutes, is amended by adding
3 chapter 7, to read:

4 CHAPTER 7

5 PERSONAL DATA PROTECTION

6 ARTICLE 1. GENERAL PROVISIONS

7 18-701. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "COLLECT" MEANS RECEIVING AND TAKING, INCLUDING BY AUTOMATED
10 MEANS, ANY PERSONAL DATA, INCLUDING PURCHASING, LEASING, ASSEMBLING,
11 RECORDING, GATHERING, ACQUIRING OR PROCURING PERSONAL DATA.

12 2. "CONSENT" MEANS A CLEAR, AFFIRMATIVE ACT SIGNIFYING A SPECIFIC,
13 INFORMED AND UNAMBIGUOUS INDICATION OF A USER'S AGREEMENT, SUCH AS BY A
14 WRITTEN STATEMENT OR OTHER CLEAR AFFIRMATIVE ACTION.

15 3. "PERSONAL DATA":

16 (a) MEANS ANY INFORMATION THAT IS OR CAN REASONABLY BE LINKED TO AN
17 IDENTIFIED OR IDENTIFIABLE NATURAL PERSON.

18 (b) DOES NOT INCLUDE DEIDENTIFIED DATA OR PUBLICLY AVAILABLE
19 INFORMATION.

20 4. "SEARCH ENGINE PLATFORM" MEANS A SOFTWARE SYSTEM THAT IS
21 DESIGNED TO CARRY OUT WEB SEARCHES.

22 5. "SOCIAL MEDIA PLATFORM" MEANS AN INTERNET WEBSITE OR APPLICATION
23 THAT ENABLES USERS TO COMMUNICATE WITH EACH OTHER BY POSTING INFORMATION,
24 COMMENTS, MESSAGES OR IMAGES.

25 6. "USER":

26 (a) MEANS A PERSON WHO IS A RESIDENT OF THIS STATE AND WHO IS
27 ACTING ONLY IN AN INDIVIDUAL, NONCOMMERCIAL OR HOUSEHOLD CONTEXT.

28 (b) DOES NOT INCLUDE A PERSON WHO IS ACTING IN A COMMERCIAL OR
29 EMPLOYMENT CONTEXT.

30 18-702. User rights; personal data

31 A SOCIAL MEDIA PLATFORM OR SEARCH ENGINE PLATFORM MAY NOT COLLECT
32 AND STORE A USER'S PERSONAL DATA OR SEARCH HISTORY WITHOUT THE USER'S
33 CONSENT.

34 18-703. Parental consent; requirements

35 A PARENT OF A USER WHO IS UNDER SIXTEEN YEARS OF AGE:

36 1. MUST CONSENT BEFORE A SOCIAL MEDIA PLATFORM OR SEARCH ENGINE
37 PLATFORM ACCOUNT IS ESTABLISHED FOR THE PARENT'S CHILD. THE PARENTAL
38 CONSENT MUST BE VERIFIED.

39 2. MUST HAVE THE ABILITY TO LIMIT THE AMOUNT OF USAGE TIME OF THE
40 SOCIAL MEDIA PLATFORM OR SEARCH ENGINE PLATFORM PER DAY AND SPECIFY THE
41 TIME OF DAY OF USAGE FOR THE PARENT'S CHILD.

42 3. MUST PREAPPROVE ANY PHOTO OR IMAGE OF THE PARENT'S CHILD BEFORE
43 THE SOCIAL MEDIA PLATFORM OR SEARCH ENGINE PLATFORM POSTS OR SHARES THE
44 PHOTO OR IMAGE.

1 18-704. Civil penalty; private right of action

2 A SOCIAL MEDIA PLATFORM OR SEARCH ENGINE PLATFORM THAT VIOLATES THIS
3 ARTICLE IS SUBJECT TO A CIVIL PENALTY OF \$1,000 FOR EACH VIOLATION OR
4 MONETARY DAMAGES, WHICHEVER IS GREATER. ANY USER OR PARENT OF A USER
5 ALLEGING A VIOLATION OF THIS ARTICLE MAY BRING AN ACTION IN SUPERIOR COURT
6 FOR COMPENSATORY DAMAGES.