

ASSEMBLY, No. 1954

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

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SYNOPSIS

Requires Internet service providers to keep confidential subscriber's personally identifiable information unless subscriber authorizes Internet service provider in writing or email to disclose information; prohibits subscriber penalty.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning Internet service providers and personally
2 identifiable information and supplementing P.L.1960, c.39
3 (C.56:8-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Internet service provider” means a person, business, or
11 organization qualified to do business in this State that provides
12 individuals, businesses, or other entities with the ability to connect
13 by wireline or radio frequency to the Internet through equipment
14 that is located in this State.

15 “Ordinary course of business” means debt-collection activities,
16 order fulfillment, request processing, or the transfer of ownership,
17 and advertising services to the subscriber by the Internet service
18 provider.

19 “Personally identifiable information” means any information that
20 personally identifies, describes, or is able to be associated with a
21 subscriber or users of a subscriber’s account, including, but not
22 limited to:

- 23 an individuals’s name, address, or telephone number;
- 24 information pertaining to creditworthiness, assets, income, or
25 liabilities;
- 26 age or date of birth;
- 27 names of children;
- 28 the age or gender of children;
- 29 height or weight;
- 30 race, religion, or occupation;
- 31 educational history;
- 32 political party affiliation;
- 33 medical conditions;
- 34 drugs, therapies, or medical products or equipment used;
- 35 product information concerning what the subscriber purchased,
36 leased, or rented;
- 37 real property purchased, leased, or rented;
- 38 social security number;
- 39 bank or investment account number or balances;
- 40 credit or debit card number or balance;
- 41 debt payment history;
- 42 Internet searches; or
- 43 Web browser cache.

44 “Subscriber” means a residential or business subscriber located
45 in this State that subscribes with an Internet service provider to
46 receive access to the Internet on equipment located in the State.

1 2. a. An Internet service provider shall keep confidential a
2 subscriber's personally identifiable information unless the
3 subscriber, expressly and in writing or by email, authorizes the
4 Internet service provider to disclose this information.

5 b. An Internet service provider shall provide written notice of
6 the requirements of this section to each subscriber.

7 c. An Internet service provider shall not add a supplemental
8 charge or penalize a subscriber either financially or in quality or
9 speed of delivery of service for choosing not to authorize the
10 disclosure of personally identifiable information.

11 d. The requirements of subsection a. of this section shall not
12 apply to disclosures incidental to the ordinary course of business of
13 the Internet service provider or investigations undertaken pursuant
14 to the "New Jersey Wiretapping and Electronic Surveillance Control
15 Act," P.L.1968, c. 409 (C.2A:156A-1 et seq.).

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17 3. A waiver of the requirements, or an agreement that does not
18 comply with, the provisions of P.L. , c. (C.) (pending before
19 the Legislature as this bill) shall be void and unenforceable.

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21 4. It shall be an unlawful practice and violation of P.L.1960,
22 c.39 (C.56:8-1 et seq.) to violate section 2 of P.L. , c. (C.)
23 (pending before the Legislature as this bill).

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25 5. The Director of the Division of Consumer Affairs in the
26 Department of Law and Public Safety shall promulgate rules and
27 regulations, pursuant to the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
29 purposes of P.L. , c. (C.) (pending before the Legislature as
30 this bill).

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32 6. This act shall take effect immediately.

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STATEMENT

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37 This bill requires an Internet service provider (ISP) to keep
38 confidential a subscriber's personally identifiable information
39 unless the subscriber, expressly and in writing or by email,
40 authorizes the ISP to disclose this information. An ISP is required
41 to provide written notice of this bill's requirements to each
42 subscriber. An ISP is not to add a supplemental charge or penalize a
43 subscriber either financially or in quality or speed of delivery of
44 service for choosing not to authorize the disclosure of personally
45 identifiable information.

46 The provisions of this bill do not apply to disclosures incidental
47 to the ISP's ordinary course of business or to investigations

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1 undertaken pursuant to the “New Jersey Wiretapping and Electronic
2 Surveillance Control Act.”

3 This bill provides that a violation of this bill is to be an unlawful
4 practice in accordance with the State’s Consumer Fraud Act.

5 In this bill, “personally identifiable information” means any
6 information that personally identifies, describes, or is able to be
7 associated with a subscriber or users of a subscriber’s account,
8 including, but not limited to, several examples listed in this bill.

9 This bill also provides that “subscriber” means a residential or
10 business subscriber located in this State that subscribes with an
11 Internet service provider to receive access to the Internet on
12 equipment located in the State.