

ASSEMBLY, No. 4811

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 20, 2022

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

SYNOPSIS

Establishes data broker registry.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a registry of data brokers and supplementing
2 Title 56 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Brokered personal information” means one or more of the
10 following computerized data elements about a consumer, if
11 categorized or organized for dissemination to third parties:

12 (1) name;

13 (2) address;

14 (3) date of birth;

15 (4) place of birth;

16 (5) mother’s maiden name;

17 (6) unique biometric data generated from measurements or
18 technical analysis of human body characteristics used by the owner
19 or licensee of the data to identify or authenticate the consumer, such
20 as a fingerprint, retina or iris image, or other unique physical
21 representation or digital representation of biometric data;

22 (7) name or address of a member of the consumer’s immediate
23 family or household;

24 (8) Social Security number or other government-issued
25 identification number; or

26 (9) other information that, alone or in combination with the other
27 information sold or licensed, would allow a reasonable person to
28 identify the consumer with reasonable certainty.

29 “Brokered personal information” shall not include publicly
30 available information to the extent that it is related to a consumer’s
31 business or profession.

32 “Data broker” means a business, or a unit or units of a business,
33 separately or together, that collects and sells or licenses to third
34 parties the brokered personal information of a consumer with whom
35 the business does not have a direct relationship. “Data broker” does
36 not include the following activities conducted by a business and the
37 collection and sale or licensing of brokered personal information
38 incidental to conducting these activities, do not qualify the business
39 as a data broker:

40 (1) developing or maintaining third-party e-commerce or
41 application platforms;

42 (2) providing 411 directory assistance or directory information
43 services, including name, address, and telephone number, on behalf
44 of or as a function of a telecommunications carrier;

45 (3) providing publicly available information related to a
46 consumer’s business or profession; or

47 (4) providing publicly available information via real-time or near
48 real-time alert services for health or safety purposes.

1 “Division” means the Division of Consumer Affairs in the
2 Department of Law and Public Safety.

3 b. The Division of Consumer Affairs in the Department of Law
4 and Public Safety shall establish and maintain an up-to-date and
5 public registry of data brokers doing business in this State.

6 c. The registry shall include, but need not be limited to, the
7 name of the data broker, the data broker’s physical address, a
8 general email address to gain further information about the data
9 broker’s privacy policies and data collection, a website address, a
10 website address specific to the data broker’s privacy policy, and any
11 relevant opt-out information.

12 d. Each data broker shall pay a registration fee of \$100 to the
13 division. The fee shall be used to implement the registry, to offset
14 the upfront costs of starting a new public database, and to hire staff
15 to maintain it.

16 e. In addition to the registration fee, each data broker shall also
17 submit the following information to the division:

18 (1) the name and primary physical, email, and internet addresses
19 of the data broker;

20 (2) whether the data broker permits a consumer to opt out of the
21 data broker’s collection practices, including the method for
22 requesting an opt-out, the type of opt-out, whether the opt-out
23 applies to only certain activities or sales, and whether the data
24 broker permits a consumer to authorize a third party to opt out on a
25 consumer’s behalf;

26 (3) a statement specifying the data collection, databases, or sales
27 activities from which a consumer may not opt out;

28 (4) whether the data broker uses a credentialing process for
29 purchasers of data and, if applicable, a general explanation about
30 that process;

31 (5) any information the data broker has about security breaches it
32 has experienced, including the number of security breaches the data
33 broker has experienced during the prior year and the number of
34 consumers affected by the breaches;

35 (6) a separate statement detailing the data collection practices,
36 databases, sales activities, and opt-out methods that are applicable
37 to the personal information of persons under the age of 18 and
38 whether the data broker has actual knowledge that it possesses the
39 brokered personal information of persons under the age of 18; and

40 (7) any information the division deems appropriate to implement
41 the purposes of P.L. , c. (C.) (pending before the
42 Legislature as this bill).

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44 2. If a data broker does not comply with the registration
45 requirements of P.L. , c. (C.) (pending before the
46 Legislature as this bill), the data broker shall be subject to a civil
47 penalty of \$50 per day, not to exceed \$10,000 per year for each year
48 it fails to register. The penalty prescribed by this section shall be

1 collected and enforced pursuant to the “Penalty Enforcement Law
2 of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

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4 3. This act shall take effect immediately except that section 2
5 shall remain inoperative until 180 days following the date of
6 enactment.

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STATEMENT

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11 This bill requires the Division of Consumer Affairs (division) to
12 establish and maintain an up-to-date and public registry of data
13 brokers in New Jersey. The registry is to include, at a minimum,
14 the name of the data broker, the data broker’s physical address, a
15 general email address to gain further information about the data
16 broker’s privacy policies and data collection, a website address, a
17 website address specific to the data broker’s privacy policy, and any
18 relevant opt-out information.

19 To register, each data broker is required to pay a registration fee
20 and provide certain information to the division. The bill provides
21 that if a data broker does not comply with the registration
22 requirements, then it is subject to a civil penalty of \$50 per day, not
23 to exceed \$10,000 per year for each year it fails to register.