

SENATE, No. 4806

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 15, 2026

Sponsored by:
Senator JOHN F. MCKEON
District 27 (Essex and Passaic)

SYNOPSIS

Requires data brokers to delete certain data upon consumer request; establishes “Data Broker Fund.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the deletion of personal data and
2 supplementing Title 56 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Consumer” means the same as that term is defined in section 1
10 of P.L.2023, c.266 (C.56:8-166.4).

11 “Controller” means the same as that term is defined in section 1
12 of P.L.2023, c.266 (C.56:8-166.4).

13 “Data broker” means a person or legal entity, including, but not
14 limited to, a controller, that knowingly collects or purchases the
15 personal data of a consumer with whom the person or legal entity
16 does not have a direct relationship and sells or licenses that data to a
17 third party. A third party shall not include a processor if licensure
18 or disclosure of personal data to the processor is solely to process
19 the personal data on the data broker’s behalf. “Data broker” shall
20 not include a government entity, including any federal agency or
21 State agency as defined in section 2 of P.L.1971, c.182 (C.52:13D-
22 13), any political subdivision, or any division, board, bureau, office,
23 commission, or other instrumentality created by a political
24 subdivision. Examples of a direct relationship include if the
25 consumer is a past or present: (1) customer, client, subscriber, or
26 user of the person or legal entity’s goods or services; (2) employee,
27 contractor, or agent of the person or legal entity; (3) investor in the
28 person or legal entity; or (4) donor to the person or legal entity.

29 “Deletion mechanism” means the deletion mechanism
30 established pursuant to subsection a. of section 2 of P.L. ,
31 c. (C.) (pending before the Legislature as this bill).

32 “Deletion request” means a single verifiable consumer request
33 for every data broker, or associated service provider or contractor of
34 the data broker, that maintains any personal data related to that
35 consumer to delete the consumer’s personal data.

36 “Division” means the Division of Consumer Affairs in the
37 Department of Law and Public Safety.

38 “Personal data” means the same as that term is defined in section
39 1 of P.L.2023, c.266 (C.56:8-166.4).

40 “Processor” means the same as that term is defined in section 1
41 of P.L.2023, c.266 (C.56:8-166.4).

42
43 2. a. The Attorney General shall establish and maintain a
44 deletion mechanism that:

45 (1) implements and maintains reasonable security procedures
46 and practices, including, but not limited to, administrative, physical,
47 and technical safeguards to protect consumers’ personal data from
48 unauthorized use, disclosure, access, destruction, or modification.

1 The security practices and procedures shall be appropriate to the
2 nature of the information and the purposes for which the personal
3 data will be used;

4 (2) allows a consumer to make a deletion request at no cost to
5 the consumer;

6 (3) allows a consumer to selectively exclude a data broker or
7 data brokers from a deletion request;

8 (4) allows a consumer to request to alter a previous deletion
9 request after at least 45 days have passed since the consumer made
10 a deletion request;

11 (5) allows a consumer to securely submit information in one or
12 more ways, as determined by the division, as part of or to aid in a
13 deletion request;

14 (6) allows a data broker registered with the division pursuant to
15 section 2 of P.L.2026, c.25 (C.56:8-166.20) to determine whether a
16 consumer has submitted a deletion request and shall not allow the
17 disclosure of any additional personal data when the data broker
18 accesses the deletion mechanism unless otherwise specified in
19 P.L. , c. (C.) (pending before the Legislature as this bill);

20 (7) allows a consumer to make a deletion request in any
21 language spoken by any consumer for whom personal data has been
22 collected by a data broker;

23 (8) is readily accessible and usable by consumers with
24 disabilities; and

25 (9) allows a consumer, or an authorized agent of the consumer,
26 to verify the status of the consumer's deletion request.

27 b. The deletion mechanism shall be accessible through the
28 division's Internet website together with a description of:

29 (1) the deletion mechanism, including the process for submitting
30 a deletion request and examples of the types of information that
31 may be deleted; and

32 (2) the actions a data broker is required to take pursuant to
33 section 3 of P.L. , c. (C.) (pending before the Legislature
34 as this bill).

35
36 3. a. A data broker shall access the deletion mechanism at least
37 once every 45 days and shall:

38 (1) within 45 days after receiving a deletion request, process all
39 deletion requests and delete all personal data related to the
40 consumers making the deletion requests consistent with the
41 requirements of section 2 of P.L. , c. (C.) (pending before
42 the Legislature as this bill); and

43 (2) direct all service providers or contractors associated with the
44 data broker to delete all personal data in their possession related to
45 the consumer making the deletion request.

46 b. If a data broker denies a consumer's deletion request
47 because the deletion request cannot be verified, the data broker
48 shall process, or direct all service providers or contractors

1 associated with the data broker to process, the deletion request as an
2 opt-out of the sale or sharing of the consumer's personal data, as
3 provided for under section 7 of P.L.2023, c.266 (C.56:8-166.10),
4 within 45 days of receiving the request.

5 c. After a consumer has submitted a deletion request and the
6 data broker has deleted the consumer's personal data pursuant to
7 this section, the data broker shall:

8 (1) delete any of the consumer's personal data that the data
9 broker subsequently acquires at least once every 45 days unless the
10 consumer requests otherwise or the deletion is not required pursuant
11 to subsection d. of this section; and

12 (2) not sell or share any of the consumer's personal data that the
13 data broker subsequently acquires unless the consumer requests
14 otherwise or selling or sharing the personal data is permitted under
15 P.L.2023, c.266 (C.56:8-166.4 et seq.).

16 d. A data broker shall not be required to delete a consumer's
17 personal data pursuant to this section if deleting the consumer's
18 personal data would restrict a data broker's ability to:

19 (1) comply with federal or State law or regulations;

20 (2) comply with a civil, criminal, or regulatory inquiry,
21 investigation, subpoena, or summons by federal, State, municipal,
22 or other governmental authorities;

23 (3) cooperate with law enforcement agencies concerning
24 conduct or activity that the data broker reasonably and in good faith
25 believes may violate federal, State, or municipal ordinances or
26 regulations;

27 (4) investigate, establish, exercise, prepare for, or defend legal
28 claims;

29 (5) provide a product or service specifically requested by a
30 consumer;

31 (6) perform under a contract to which a consumer is a party,
32 including fulfilling the terms of a written warranty;

33 (7) take steps at the request of a consumer prior to entering into
34 a contract;

35 (8) take immediate steps to protect an interest that is essential
36 for the life or physical safety of the consumer or another individual;

37 (9) prevent, detect, protect against, or respond to security
38 incidents, identity theft, fraud, harassment, malicious or deceptive
39 activities, or any illegal activity, preserve the integrity or security of
40 systems, or investigate, report, or prosecute those responsible for
41 any such action; or

42 (10) engage in public or peer-reviewed scientific or statistical
43 research in the public interest that adheres to all other applicable
44 ethics and privacy laws and is approved, monitored, and governed
45 by an institutional review board that determines, or similar
46 independent oversight entities that determine:

1 (a) whether the deletion of the information is likely to provide
2 substantial benefits that do not exclusively accrue to the data
3 broker,

4 (b) the expected benefits of the research outweigh the privacy
5 risks, and

6 (c) whether the data broker has implemented reasonable
7 safeguards to mitigate privacy risks associated with research,
8 including any risks associated with re-identification.

9

10 4. a. Three years after the effective date of P.L. ,
11 c. (C.) (pending before the Legislature as this bill), and every
12 three years thereafter, a data broker shall undergo an audit by an
13 independent third party to determine compliance with P.L. ,
14 c. (C.) (pending before the Legislature as this bill).

15 b. A data broker shall:

16 (1) submit a report resulting from each audit and any related
17 materials to the division within five business days of a written
18 request from the division; and

19 (2) maintain the report and materials described in paragraph (1)
20 of this subsection for at least six years.

21

22 5. The division may charge a data broker a fee to access the
23 deletion mechanism pursuant to section 3 of P.L. , c. (C.)
24 (pending before the Legislature as this bill) that does not exceed the
25 reasonable costs of establishing, maintaining, and providing access
26 to the deletion mechanism.

27

28 6. a. There is established in the Department of the Treasury a
29 special, nonlapsing fund to be known as the “Data Broker Fund.”
30 The fund shall be administered by the State Treasurer and shall be
31 credited with:

32 (1) all monies received through the collection of fees pursuant to
33 section 5 of P.L. , c. (C.) (pending before the Legislature
34 as this bill); and

35 (2) any return on investment of monies deposited in the fund.

36 b. Monies in the fund shall be used solely for the purpose of
37 maintaining and updating the deletion mechanism.

38

39 7. Nothing in P.L. , c. (C.) (pending before the
40 Legislature as this bill) shall apply to:

41 a. protected health information collected by a covered entity or
42 business associate subject to the privacy, security, and breach
43 notification rules issued by the United States Department of Health
44 and Human Services, Parts 160 and 164 of Title 45 of the Code of
45 Federal Regulations, established pursuant to the “Health Insurance
46 Portability and Accountability Act of 1996,” Pub.L.104-191, and
47 the “Health Information Technology for Economic and Clinical
48 Health Act,” 42 U.S.C. s.17921 et seq.;

1 the fee does not exceed the reasonable costs of establishing,
2 maintaining, and providing access to the deletion mechanism.

3 Under the bill, the deletion mechanism is to be accessible on the
4 division's Internet website together with a description of the
5 deletion mechanism and certain requirements for data brokers
6 established by the bill. The bill provides that certain information
7 and entities are exempt from the provisions of the bill, as outlined
8 in the bill.

9 Additionally, the bill requires a data broker to undergo an
10 independent audit every three years after the bill's effective date to
11 ensure compliance with the bill's provisions. Under the bill, a data
12 broker is to submit a report resulting from each audit and any
13 related materials to the division within five business days of a
14 written request from the division and to keep records associated
15 with each audit for at least six years.

16 The bill also establishes a fund, to be known as the "Data Broker
17 Fund," that is to be administered by the State Treasurer and credited
18 with: (1) all monies received through the collection of fees
19 pursuant to the bill; and (2) any return on investment of monies
20 deposited in the fund. The bill provides that all monies deposited
21 into the fund are to be used solely for the purpose of updating and
22 maintaining the deletion mechanism.