



General Assembly

Amendment

January Session, 2021

LCO No. 10099



Offered by:
SEN. DUFF, 25th Dist.

To: Subst. Senate Bill No. 893

File No. 360

Cal. No. 222

"AN ACT CONCERNING CONSUMER PRIVACY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section
4 and sections 2 to 19, inclusive, of this act, the following words have the
5 following meanings, unless the context clearly requires otherwise:

6 (1) "Advertisement" means the process by which a person, the
7 advertiser, proposes a commercial transaction or disseminates a public
8 or private communication or message to solicit business or a commercial
9 opportunity.

10 (2) "Algorithm" means a specific procedure, set of rules or order of
11 operations designed to solve a problem or make a calculation,
12 classification or recommendation.

13 (3) "Artificial intelligence" means computerized methods and tools,
14 including, but not limited to, machine learning and natural language

15 processing, that act in a way that resembles human cognitive abilities
16 when it comes to solving problems or performing certain tasks.

17 (4) "Automated decision system" means any computer program,
18 method, statistical model or process that aims to aid or replace human
19 decision-making using algorithms or artificial intelligence, including
20 analyzing complex datasets about human populations to generate
21 scores, predictions, classifications or recommendations used to make
22 decisions.

23 (5) "Biometric information" means information that pertains to
24 measurable biological or behavioral characteristics of an individual that
25 can be used singularly or in combination with each other or with other
26 information for automated recognition or identification of a known or
27 unknown individual, including, but not limited to, fingerprints, retina
28 and iris patterns, voiceprints, DNA sequence, facial characteristics, gait,
29 handwriting, keystroke dynamics and mouse movements. "Biometric
30 information" does not include (A) writing samples, written signatures,
31 photographs, human biological samples used for valid scientific testing
32 or screening, demographic data, tattoo descriptions or physical
33 descriptions such as height, weight, hair color or eye color; (B) donated
34 organs, tissues or parts, or blood, or serum stored on behalf of recipients
35 or potential recipients of living, or cadaveric transplants obtained or
36 stored by a federally designated organ procurement agency,
37 information captured from a patient in a health care setting or
38 information collected, used or stored for health care treatment, payment
39 or operations under the federal Health Insurance Portability and
40 Accountability Act of 1996, or (C) an X-ray, roentgen process, computed
41 tomography, MRI, PET scan, mammography, or other image or film of
42 the human anatomy used to diagnose, prognose, or treat an illness or
43 other medical condition or to further validate scientific testing or
44 screening.

45 (6) "Browser personal information" means Internet Protocol
46 addresses, system configuration information, Uniform Resource
47 Locators of referring pages, local and language preferences, keystrokes,

48 and other similar digital sources associated with an individual.

49 (7) "Collect" means to collect, buy, rent, gather, obtain, receive, trade
50 for or access any personal information pertaining to an individual by
51 any means, online or offline, including, but not limited to, receiving
52 information from the individual or a third party, actively or passively,
53 or obtaining information by observing the individual's behavior.

54 (8) "Conduct business in the state" means to produce, solicit or offer
55 for use or sale any information, product or service in a manner that
56 intentionally targets or may reasonably be expected to contact
57 individuals.

58 (9) "Consent" means freely given, specific, informed, unambiguous,
59 opt-in consent by individuals.

60 (10) "Commission" means the Connecticut Information Privacy
61 Commission established by section 12 of this act.

62 (11) "Covered entity" means an entity that conducts business in the
63 state, processes personal information by itself or by contracting with a
64 data processor, and (A) has earned or received ten million dollars or
65 more of annual revenue through three hundred transactions or more, or
66 (B) processes or maintains the personal information of ten thousand or
67 more unique individuals during the course of a calendar year.

68 (12) "Covered interaction" means an interaction between an
69 individual or its household and a covered entity when such covered
70 entity makes available information, products or services to the
71 individual and collects or otherwise processes personal information
72 pertaining to that individual. "Covered interaction" includes, but is not
73 limited to, posting information, offering a product or service, the
74 placement of targeted advertisements, setting up an account or offering
75 membership or other ongoing relationship with a covered entity.

76 (13) "Data processor" means a person or entity that processes
77 personal information on behalf of a covered entity.

78 (14) "De-identified" means information that cannot reasonably
79 identify, relate to, describe, be capable of being associated with or be
80 directly linked to a particular individual or household.

81 (15) "Device" means a tool that is capable of sending, routing or
82 receiving communications to or from another device and intended for
83 use by a single individual or single household or, if used outside of a
84 home, for use by the general public.

85 (16) "Disclose" means any action, set of actions or omission in which
86 a covered entity, data processor or a third party makes personal
87 information available to another person, intentionally or
88 unintentionally, including, but not limited to, sharing, publishing,
89 releasing, transferring, disseminating, making available, selling, leasing,
90 providing access to, failing to restrict access to or otherwise
91 communicating orally, in writing, electronically or by any other means.

92 (17) "Entity" means a corporation, partnership, limited partnership,
93 limited liability partnership, limited liability company, single member
94 limited liability company, sole proprietorship or nonstock corporation,
95 but does not include governmental entities.

96 (18) "Harm" means potential or realized adverse consequences for an
97 individual or society, including, but not limited to:

98 (A) Direct or indirect financial harm;

99 (B) Physical harm or threats to individuals or property, including, but
100 not limited to, bias-related crimes and threats, harassment and sexual
101 harassment;

102 (C) Discrimination in products, services or economic opportunities
103 such as housing, employment, credit, insurance, education or health
104 care on the basis of an individual or class of individuals belonging to, or
105 being perceived as belonging to, one of the protected classes, as defined
106 in section 46a-64c of the general statutes, except as specifically
107 authorized by law;

108 (D) Interference with or surveillance of First Amendment-protected
109 activities by state actors, except as specifically authorized by law;

110 (E) Interference with the right to vote or with free and fair elections;

111 (F) Violation of individuals' rights to due process or equal protection
112 under the law;

113 (G) Loss of individual control over personal information via
114 nonconsensual sharing of sensitive personal information, data breach,
115 or other actions that violate this section or sections 1 to 18, inclusive, of
116 this act;

117 (H) The nonconsensual capture of information or communications
118 within an individual's home or where an individual is entitled to have
119 a reasonable expectation of privacy or access control; and

120 (I) Other effects on an individual that may not be reasonably
121 foreseeable to, contemplated by or expected by the individual to whom
122 the personal information relates, which are nevertheless reasonably
123 foreseeable to, contemplated by or expected by the covered entity, that
124 alter or limit that individual's choices or predetermine results.

125 (19) "Individual" means a natural person who is a resident of the state.

126 (20) "Legal request" means any request for personal information
127 issued by a court of competent jurisdiction pursuant to state or federal
128 laws such as subpoenas, court orders, search warrants, pen register and
129 trap and trace orders or wiretap orders.

130 (21) "Location information" means information pertaining to where
131 an individual has physically been or directly or indirectly reveals an
132 individual's physical location or the location of a device associated with
133 that individual. "Location information" includes, but is not limited to:

134 (A) Internet protocol addresses;

135 (B) GPS coordinates;

- 136 (C) Cellular phone site location information;
- 137 (D) Time-stamped video or other surveillance information that
138 identifies an individual as being in a certain place;
- 139 (E) Information derived from transportation cards; and
- 140 (F) Information related to an individual's visit to certain locations.
- 141 (22) "Governmental entity" means any agency, executive office,
142 department, board, commission, bureau, division or authority of the
143 state, or of any political subdivision thereof.
- 144 (23) "Monetize" or "monetization" means to sell, rent, release,
145 disclose, disseminate, trade, make available, transfer or otherwise
146 communicate orally, in writing, or by electronic or other means, an
147 individual's personal information by a covered entity, a third party or a
148 data processor in exchange for monetary or other consideration, as well
149 as to leverage or use an individual's personal information to place a
150 targeted advertisement or to otherwise profit, regardless of whether the
151 individual's personal information changes hands.
- 152 (24) "Person" means any natural or legal person.
- 153 (25) "Personal information" means information about an individual
154 directly or indirectly captured in a covered interaction, including any
155 information so captured that directly or indirectly identifies, relates to,
156 describes, is capable of being associated with or could reasonably be
157 linked to a particular individual, household or device. Personal
158 information is reasonably linkable to an individual, household or device
159 if used on its own or in combination with other reasonably available
160 information to identify an individual, household or device, regardless
161 of whether the covered entity holds such additional information.
162 "Personal information" includes, but is not limited to, the following
163 information:
- 164 (A) First names, middle names, last names, aliases and social media
165 and Internet web site-used usernames;

166 (B) Government-issued identification and vehicle license plate
167 numbers;

168 (C) Telephone numbers, including cellular phone numbers, and
169 physical and digital addresses such as Internet protocol addresses and
170 electronic mail addresses;

171 (D) Date of birth, age, gender, race, ethnicity, national origin and
172 sexual orientation;

173 (E) Information revealing political opinions or religious or
174 philosophical beliefs held by identified individuals;

175 (F) Technical identifiers such as a service identification number that
176 can be linked back to an individual;

177 (G) Biometric information;

178 (H) Location information;

179 (I) Medical and health information including an individual's medical
180 history and search queries related to medical conditions;

181 (J) Financial data, including Social Security number, details of
182 financial and commercial transactions and credit scores related to the
183 financial capacity of an individual;

184 (K) Professional data, including resume, job history and other similar
185 records related to an individual;

186 (L) Information pertaining to an individual's behavior online, such as
187 a record of the Internet web sites the individual visits or the files the
188 individual downloads;

189 (M) Browser personal information;

190 (N) Information pertaining to an individual's sex life; and

191 (O) Electronic communications such as messaging, electronic mail

192 and voice conversations;

193 (26) "Processing" or "process" means any action or set of actions
194 performed on or with personal information, including, but not limited
195 to, collecting, accessing, using, storing, retaining, sharing, monetizing,
196 analyzing, creating, generating, aggregating, altering, correlating,
197 operating on, decision-making, recording, modifying, organizing,
198 structuring, disclosing, transmitting, selling, licensing, disposing of,
199 destroying, de-identifying or another handling of personal information,
200 including using personal information in automated decision systems.

201 (27) "Reasonably understandable" means of length and complexity
202 such that an individual with an eighth-grade reading level, as
203 established by the Department of Education, can read and comprehend.

204 (28) "Sensitive personal information" means the following personal
205 information related to an identified individual:

206 (A) Race, ethnicity, national origin and sexual orientation;

207 (B) Date of birth;

208 (C) Cellular phone number;

209 (D) Information revealing political opinions or religious or
210 philosophical beliefs held by identified individuals;

211 (E) Biometric information;

212 (F) Location information;

213 (G) Medical and health information, including an individual's
214 medical history and search queries related to medical conditions;

215 (H) Information pertaining to an individual's sex life;

216 (I) Social Security number; and

217 (J) Credit scores related to the financial capacity of an individual.

218 (29) "Targeted advertisement" means an advertisement directed to an
219 individual or a group of individuals where the advertisement is selected
220 by an automated decision system based on processed personal
221 information obtained or inferred over time from the individual or the
222 groups of individual's devices activities, communications or
223 associations across Internet web sites, applications, services or covered
224 entities. "Targeted advertisement" does not include advertisements
225 directed to an individual solely based upon the individual's current visit
226 to an Internet web site, application, service, covered entity or a direct
227 response to the individual's request for information or feedback.

228 (30) "Third party" means, with respect to an individual's personal
229 information, any person or governmental entity that is not the covered
230 entity or a data processor.

231 (31) "Use model" means a discrete purpose for which collected
232 personal information is to be processed, including, but not limited to,
233 first-party marketing, third-party marketing, first-party research and
234 development, third-party research and development and product
235 improvement and development.

236 Sec. 2. (NEW) (*Effective July 1, 2022*) (a) The provisions of sections 1 to
237 18, inclusive, of this act and any regulations adopted pursuant to said
238 sections shall be interpreted and administered in accordance with the
239 following general principles:

240 (1) Covered entities and data processors shall process personal
241 information and use automated decision systems discreetly and
242 honestly, and only to the extent necessary for carrying out their purpose;
243 and

244 (2) Covered entities and data processors shall be protective of
245 personal information, loyal to the individuals whose personal
246 information is processed and honest about the risk of processing
247 practices, including the use of automated decision systems.

248 (b) Covered entities and data processors shall:

249 (1) Reasonably secure individual personal information from
250 unauthorized access; and

251 (2) Promptly comply with section 36a-701b of the general statutes in
252 case of a breach of security, as defined in said section.

253 (c) Covered entities and data processors shall not use personal
254 information, or information derived from personal information, in any
255 way that:

256 (1) Benefits themselves to the detriment of an individual;

257 (2) Results in reasonably foreseeable and material physical or
258 financial harm to an individual; or

259 (3) Would be unexpected and highly offensive to a reasonable
260 individual that provided consent in accordance with sections 1 to 18,
261 inclusive, of this act.

262 (d) Covered entities and data processors:

263 (1) Shall not disclose or sell personal information to, or share personal
264 information with, any other person except as consistent with the
265 provisions set forth in sections 1 to 18, inclusive, of this act and any
266 regulations adopted to implement said sections;

267 (2) Shall not disclose or sell personal information to, or share personal
268 information with, any third party unless that third party enters into a
269 contract with the covered entity that imposes on the third party the same
270 duties of care, loyalty and confidentiality toward the applicable
271 individual as are imposed on the covered entity under sections 1 to 18,
272 inclusive, of this act; and

273 (3) Shall take reasonable steps to ensure that the practices of any third
274 party to whom the covered entity discloses or sells, or with whom the
275 covered entity shares personal information fulfill the duties of care,
276 loyalty and confidentiality assumed by the third party under the
277 contract described in subdivision (2) of this subsection.

278 (4) Covered entities shall regularly audit the data security and data
279 information practices of any such third party and make such audit
280 publicly available.

281 Sec. 3. (NEW) (*Effective July 1, 2022*) (a) Individuals shall have the
282 right to:

283 (1) Access all their personal information that was processed by the
284 covered entity or a data processor;

285 (2) Access all the information pertaining to the collection and
286 processing of the individual's personal information, including, but not
287 limited to:

288 (A) Where or from whom the covered entity obtained personal
289 information, from the individual or a third party, whether online or
290 offline;

291 (B) The types of third parties to which the covered entity has
292 disclosed or will disclose captured personal information;

293 (C) The purposes of the processing;

294 (D) The categories of personal information concerned;

295 (E) The names of third parties to which the covered entity had
296 disclosed the personal information and a log showing when such
297 disclosure happened; and

298 (F) The period of retention of the personal information.

299 (3) Obtain such individual's personal information processed by a
300 covered entity in a structured, readily usable, portable, and machine-
301 readable format;

302 (4) Transmit or cause the covered entity to transmit the personal
303 information to another covered entity, where technically feasible;

304 (5) Request a covered entity to stop collecting and processing their

305 personal information;

306 (6) Correct inaccurate personal information stored by covered
307 entities; and

308 (7) Delete all their personal information stored by covered entities,
309 provided that a covered entity that has collected personal information
310 from an individual is not required to delete information to the extent it
311 is exempt under sections 1 to 18, inclusive, of this act from the
312 requirement of consent.

313 (b) A covered entity that maintains an individual's personal
314 information in a nonpublic profile or account shall correct or delete such
315 personal information, and any information derived therefrom,
316 pertaining to the individual upon the individual's request.

317 (c) A covered entity shall provide individuals with a reasonable
318 means to exercise their rights specified in subsection (a) of this section
319 in a form that is:

320 (1) Clear and conspicuous;

321 (2) Made available at no additional cost and with no transactional
322 penalty to the individual to whom the information pertains; and

323 (3) In English and any other language in which the covered entity
324 communicates with the individual to whom the information pertains.

325 (d) A covered entity shall comply with a request to exercise the rights
326 specified in subsection (a) of this section not later than thirty days after
327 receiving a verifiable request from the individual. Where the covered
328 entity has reasonable doubts or cannot verify the identity of the
329 individual making a request, the covered entity may request additional
330 personal information necessary for the specific purpose of confirming
331 the identity of the individual. A covered entity may not de-identify an
332 individual's personal information during the sixty-day period
333 beginning on the date on which the covered entity receives a request for
334 correction or deletion from the individual.

335 Sec. 4. (NEW) (*Effective July 1, 2022*) (a) Individuals shall have the
336 right to know what personal information a covered entity or a data
337 processor will collect and process about the individual, including the
338 categories and specific pieces of personal information the covered entity
339 processes, before giving consent for the collection and processing of
340 their personal information.

341 (b) A covered entity shall make both a long-form privacy policy and
342 a short-form privacy policy available to all individuals in accordance
343 with the following:

344 (1) (A) The privacy policies shall be available and readily accessible
345 on the covered entity's Internet web site or mobile application, or

346 (B) In the case of in-person or non-Internet electronic engagement, the
347 privacy policies shall be readily accessible at the primary physical place
348 of business and any offline equivalent maintained by the covered entity.

349 (2) The privacy policies shall be persistently and conspicuously
350 available at or prior to the point of sale of a product or service,
351 subscription to a service, sign up or creation of an account with the
352 covered entity.

353 (3) (A) Covered entities that process personal information shall
354 ensure that individuals are presented with the short-form privacy policy
355 only once upon the individual's first electronic covered interaction that
356 may or will result in the processing of personal information, whether
357 that is through the covered entity's Internet web site or use of the
358 covered entity's mobile application; or

359 (B) In the case of in-person or non-Internet electronic engagement, the
360 short-form privacy policy should be read to or otherwise presented to
361 the individual before the covered entity first collects the individual's
362 personal information.

363 (4) The short-form privacy notice required under this section shall (A)
364 be clear, concise, well-organized and complete; (B) be clear and

365 prominent in appearance; (C) use clear and plain language; (D) use
366 visualizations where appropriate to make complex information
367 understandable by the ordinary user; (E) be reasonably understandable;
368 (F) be distinguishable from other matters; (G) not contain any unrelated,
369 confusing or contradictory information; (H) be no more than six
370 hundred words, excluding the list of third parties with which the
371 covered entity discloses personal information; and (I) be provided free
372 of charge.

373 (5) The short-form privacy notice required under this section shall
374 include (A) the sensitive personal information being processed; (B) the
375 use model and a brief explanation of the relationship between the
376 individual and the covered entity; (C) whether the covered entity by
377 itself or a data processor on its behalf processes the information; (D)
378 whether the covered entity uses automated decision systems; (E)
379 whether personal information is going to be processed for purposes of
380 targeted advertisement or monetization; (F) an example of harm that
381 may arise from a misuse of the personal information; (G) the period of
382 retention of the personal information expressed in exact dates; (H) to
383 what types of third parties the covered entity discloses personal
384 information and for what purposes, including governmental entities;
385 and (I) whether the covered entity collects personal information through
386 offline practices when the individual does not interact directly with the
387 covered entity.

388 (6) A list of the third parties referenced in subparagraph (H) of
389 subdivision (5) of this subsection shall be provided either in the short-
390 form privacy notice or in an easily accessible online form. If the policy
391 is delivered verbally, the person communicating the policy shall offer to
392 read the list of third parties. If provided in the short-form privacy notice,
393 such list must be offset by at least two line breaks from the rest of the
394 short-form privacy notice.

395 (7) The long-form privacy policy shall contain a detailed description
396 of the processing of the personal information, including, but not limited
397 to, all the elements of the short-form privacy policy and an explanation

398 of how the covered entities and their affiliate data processors comply
399 with the provisions of sections 1 to 18, inclusive, of this act, including
400 (A) a brief explanation of the technology that mediates the relationship
401 between the individual and the covered entity, including automated
402 decision systems; and (B) a brief explanation of the risks of harm that
403 arises from the possible misuse of personal information processing.

404 (c) The commission shall (1) establish a standardized short-form
405 privacy notice that complies with this section, (2) determine whether a
406 more concise presentation of a short-form privacy notice is appropriate
407 where the policy is being communicated verbally, and if so, shall
408 establish a standardized short-form verbal privacy notice, (3) develop a
409 recognizable and uniform logo or button to promote individual
410 awareness of the short-form privacy notice, and (4) adopt regulations in
411 accordance with the provisions of chapter 54 of the general statutes
412 specifying additional requirements for the format and substance of
413 short-form privacy notices.

414 Sec. 5. (NEW) (*Effective July 1, 2022*) (a) Individuals shall have the
415 right to consent in accordance with this section before their personal
416 information is collected and processed.

417 (b) Consent given by an individual authorizes a covered entity to
418 collect, cause to collect, process or cause to process personal information
419 from such individual in accordance with the following:

420 (1) A covered entity shall obtain consent (A) before collecting or
421 causing to collect personal information for purposes of processing an
422 individual's personal information for the first time; and (B) after the
423 acceptance of the short-form privacy policy described in section 4 of this
424 act.

425 (2) For continuing covered interactions, the consent required by this
426 section shall be renewed annually, and if not so renewed, shall be
427 deemed to have been withdrawn.

428 (3) A covered entity shall provide new meaningful notice and obtain

429 consent from an individual two weeks before changing the nature of the
430 processing of personal information to which the individual previously
431 consented, except if the change in processing is necessary to enable a
432 new functionality requested by the individual, provided that such
433 individual was given notice and provided consent when making such
434 request.

435 (c) A covered entity requesting consent shall (A) ensure that the
436 option to refuse consent is presented as clearly and prominently as the
437 option to provide consent; (B) provide a mechanism for an individual to
438 withdraw previously given consent at any time; and (C) once a year,
439 provide a notice explaining how the personal information was used,
440 including two examples of such use.

441 (d) A covered entity requesting consent shall not coerce consent
442 through the use of interfaces that (1) threaten or mandate an individual's
443 compliance; (2) ask questions or provide information in a way
444 individuals cannot reasonably understand; (3) attract the individual's
445 attention away from the individual's current task by exploiting
446 perception, particularly preattentive processing; (4) take advantage of
447 individuals' errors to facilitate the interface designer's goals; (5)
448 deliberately increase work for the individual; (6) interrupt the
449 individual's task flow; (7) use information architectures and navigation
450 mechanisms that guide the individual toward not having a real option
451 to consent; (8) hide desired content or interface elements; (9) limit or
452 omit controls that would facilitate task accomplishment by the
453 individual; (10) present disturbing content to the individual; or (11)
454 generally mislead or deceive the individual.

455 (e) Once an individual refuses to provide consent in accordance with
456 this section, and if the individual keeps interacting with the covered
457 entity in any way, the covered entity shall not try to obtain consent
458 unless a period of at least six months has passed.

459 (f) Under no circumstances shall the mere covered interaction of an
460 individual with a covered entity's product or service be deemed as

461 consent.

462 (g) A covered entity may collect browser personal information,
463 provided that the covered entity (1) processes only the personal
464 information necessary to request consent; (2) processes such
465 information solely to request consent; and (3) immediately deletes all
466 the personal information if consent is refused, except the covered entity
467 shall retain the personal information necessary to comply with
468 subsection (e) of this section, and such information shall only be used to
469 comply with said subsection.

470 (h) (1) Except as provided in subdivision (2) of this subsection, a
471 covered entity shall not (A) refuse to serve an individual who does not
472 approve the processing of the individual's personal information under
473 this section unless the processing is necessary for the primary purpose
474 of the transaction that the individual has requested; or (B) offer a
475 program that relates the price or quality of a product or service to the
476 degree of acceptance of personal information processing, including the
477 provision of discounts or other incentives in exchange for the consent.

478 (2) A covered entity may, with the individual's consent given in
479 compliance with this section, operate a program in which information,
480 products, or services sold to the individual are discounted based on that
481 individual's prior purchases from the covered entity, provided that the
482 personal information shall be processed solely to operate such program.

483 (3) A covered entity shall not state or imply that the quality of a
484 product or service will be diminished and shall not actually diminish
485 the quality of a product or service if the individual declines to give
486 consent.

487 Sec. 6. (NEW) (*Effective July 1, 2022*) (a) Individuals shall have the
488 right to (1) know the names of third parties to which the covered entities
489 or data processors will disclose their personal information, and (2)
490 refuse consent for such disclosure.

491 (b) No covered entity or data processor in possession of personal

492 information may disclose, cause to disclose or otherwise disseminate to
493 third parties, including government agencies, personal information
494 unless (1) such disclosure is included in the meaningful notice pursuant
495 to section 4 of this act, and (2) consent from the individual is obtained in
496 the manner prescribed in section 5 of this act. Except as provided in
497 subsection (c) of this section, a covered entity shall not process or cause
498 to process an individual's personal information acquired from a third
499 party, unless it has first obtained the individual's consent.

500 (c) If the processing is necessary to obtain consent, the covered entity
501 shall (A) process only the personal information required to request
502 consent; (B) process the personal information solely to request consent;
503 and (C) immediately delete the personal information if consent is not
504 given.

505 (d) A covered entity shall not disclose personal information to a data
506 processor or another third party without a contractual agreement that
507 (A) requires the data processor or third party to meet the same privacy
508 and security obligations as the covered entity; (B) prohibits the data
509 processor or third party from processing the personal information for
510 any purpose other than the purposes for which the individual provided
511 consent; and (C) prohibits the data processor or third party from further
512 disclosing or processing the personal information except as explicitly
513 authorized by the contract and consistent with sections 1 to 18, inclusive,
514 of this act.

515 (e) If a covered entity learns that a data processor or third party to
516 whom it has provided access to personal information is using such
517 personal information in violation of sections 1 to 18, inclusive, of this
518 act, the covered entity shall immediately (A) limit the violator's access
519 to personal information; (B) seek proof of destruction of personal
520 information previously accessed by the violating data processor or third
521 party; and (C) notify the commission about the violation.

522 Sec. 7. (NEW) (*Effective July 1, 2022*) (a) A covered entity shall not
523 activate the microphone, camera or any other sensor on a device in the

524 lawful possession of an individual that is capable of collecting or
525 transmitting audio, video or image data or data that can be used to
526 measure biological or biometric information, human movement,
527 location, chemicals, light, radiation, air pressure, speed, weight or mass,
528 positional or physical orientation, magnetic fields, temperature or
529 sound without providing notice and obtaining consent pursuant to
530 sections 1 to 18, inclusive, of this act for the specific type of measurement
531 to be activated, provided that such consent shall be effective for not
532 more than one hundred eighty days, after which it shall expire unless
533 renewed.

534 Sec. 8. (NEW) (*Effective July 1, 2022*) (a) For the purposes of sections 1
535 to 18, inclusive, of this act, individuals age thirteen and older are
536 deemed competent to exercise all rights granted to individuals under
537 sections 1 to 18, inclusive, of this act.

538 (b) Rights and obligations relating to individuals under the age of
539 thirteen shall be governed by the Children's Online Privacy Protection
540 Act, 15 USC 6501 et seq., and any regulations adopted pursuant to said
541 act.

542 Sec. 9. (NEW) (*Effective July 1, 2022*) (a) In addition to all provisions of
543 sections 1 to 18, inclusive, of this act generally applicable to personal
544 information, the following provisions shall apply to the processing and
545 collection of biometric and location information, regardless of how such
546 biometric and location information is processed or collected:

547 (1) No covered entity or data processor may collect or process an
548 individual's biometric or location information unless it first (A) informs
549 the individual in writing that biometric or location information is being
550 processed and the specific purpose or purposes and length of time for
551 which the information is being processed; and (B) obtains consent from
552 the individual for the specific purpose of collecting and processing
553 biometric or location information before any such information is
554 collected or processed.

555 (2) For biometric information, the consent shall be handwritten and

556 executed by the individual, explicitly authorize such processing, and be
557 sent to the covered entity by postal mail, facsimile, or electronic scan.

558 (3) Consent shall be for a period specified in the written consent of
559 not more than one year and shall automatically expire at the end of such
560 period unless renewed pursuant to the same procedures. Upon
561 expiration of consent, any biometric or location information possessed
562 by a covered entity shall be destroyed.

563 (4) A covered entity in possession of biometric or location
564 information shall develop a specific written policy, made available to
565 the public, establishing a retention schedule and guidelines for
566 permanently destroying biometric or location information when the
567 initial purpose for processing such information has been satisfied or
568 within one year of the individual's consent, unless renewed, whichever
569 occurs first.

570 (5) Absent a valid warrant issued by a court of competent jurisdiction,
571 a covered entity in possession of biometric or location information shall
572 comply with its established retention schedule and destruction
573 guidelines.

574 (6) No covered entity or data processor in possession of biometric or
575 location information may disclose, cause to disclose, sell or otherwise
576 disseminate or cause to disseminate to third parties, including
577 government agencies, an individual's biometric or location information
578 unless (A) the individual gives consent in writing to the disclosure; (B)
579 the disclosure completes a financial transaction requested or authorized
580 by the subject of the biometric or location information; (C) the disclosure
581 is required by state or federal law, in which case the individual shall be
582 given adequate notice on the occasion of obtaining the consent; or (D)
583 the disclosure is required pursuant to a valid warrant issued by a court
584 of competent jurisdiction, in which case the individual shall be given
585 adequate notice in accordance with section 16 of this act.

586 (7) Except as provided in subsection (b) of this section, no covered
587 entity in possession of biometric or location information may monetize

588 or otherwise profit from an individual's biometric or location
589 information.

590 (b) A covered entity may process an individual's biometric or location
591 information to recommend actions, services, goods or products
592 provided (1) there is full disclosure to the individual about the biometric
593 or location information processed; (2) consent was given in a manner
594 consistent with this section; and (3) there is full disclosure that such
595 recommendation is based on the biometric or location information
596 processed.

597 Sec. 10. (NEW) (*Effective July 1, 2022*) (a) Individuals shall have the
598 right not to be subject to processing of their personal information that
599 results in unlawful discriminatory actions.

600 (b) Covered entities that process personal information shall not
601 engage in unlawful discriminatory practices connected with the use of
602 personal information and the provision of services, products or goods.

603 (c) Unlawful discriminatory practices are acts or practices that:

604 (1) Process personal information in the course of advertising,
605 marketing, soliciting, offering, selling, leasing, licensing, renting or
606 otherwise commercially contracting for employment, finance, health
607 care, credit, insurance, housing or education opportunities in a manner
608 that directly results in discrimination against or otherwise makes an
609 opportunity unavailable on the basis of an individual's or group of
610 individuals' actual or perceived belonging to a protected class, as
611 defined in section 46a-64c of the general statutes;

612 (2) Process personal information in a manner that discriminates in, or
613 otherwise makes unavailable, whether in a commercial transaction or
614 otherwise, any place of public accommodation, resort or amusement as
615 set forth in chapter 814c of the general statutes, on the basis of an
616 individual's or group of individuals' actual or perceived belonging to a
617 protected class, as defined in section 46a-64c of the general statutes; or

618 (3) Enable the use of covered entities' services or products to place
619 targeted advertisements for employment, finance, health care, credit,
620 insurance, housing or education opportunities in such a way that
621 enables the advertiser to determine whether to serve an advertisement
622 to an individual or group of individuals on the basis of actual or
623 perceived belonging to a protected class, as defined in section 46a-64c of
624 the general statutes.

625 (d) Nothing in this section shall limit covered entities from processing
626 personal information for (1) legitimate testing to prevent unlawful
627 discrimination or otherwise determine the extent or effectiveness of the
628 covered entity's compliance with this section; and (2) the purpose of
629 advertising, marketing, soliciting or offering education or employment
630 opportunities to members of a protected class, as defined in section 46a-
631 64c of the general statutes so long as such opportunities are within an
632 affirmative action, diversity program or similar initiative that intends to
633 provide opportunities to the protected classes.

634 Sec. 11. (NEW) (*Effective January 1, 2023*) (a) Covered entities that
635 process personal information shall be in violation of sections 1 to 18,
636 inclusive, of this act in connection with the use of personal information
637 and the provision of services, products or goods if their acts or practices
638 (1) materially interfere with the ability of an individual to understand
639 the way the covered entity processes personal information; or (2) take
640 unreasonable advantage of (A) a lack of understanding on the part of
641 the individual of the material risks, costs or conditions of the processing
642 of personal information; (B) the inability of the individual to protect the
643 interests of the individual in selecting or using a product, good or
644 service provided by the covered entity; or (C) the reasonable reliance by
645 the individual on a covered entity to act in the interests of the consumer.

646 (b) A violation of the requirements of section 1 to 18, inclusive, of this
647 act shall constitute an unfair trade practice for purposes of section 42-
648 110b of the general statutes and shall be enforced by the Attorney
649 General and may be subject to a right of action under section 42-110g of
650 the general statutes.

651 Sec. 12. (NEW) (*Effective from passage*) (a) There is established a
652 Connecticut Information Privacy Commission, which shall be part of the
653 Executive Department.

654 (b) The commission shall consist of the following members: (1) One
655 appointed by the speaker of the House of Representatives; (2) one
656 appointed by the president pro tempore of the Senate; (3) one appointed
657 by the majority leader of the House of Representatives; (4) one
658 appointed by the majority leader of the Senate; (5) one appointed by the
659 minority leader of the House of Representatives; (6) one appointed by
660 the minority leader of the Senate; (7) the Commissioner of Consumer
661 Protection, or the commissioner's designee; and (8) a representative of
662 the Office of the Attorney General.

663 (c) All initial appointments to the commission shall be made not later
664 than sixty days after the effective date of this section. The Governor shall
665 select the chairpersons of the commission from among the members of
666 the commission. Such chairpersons shall schedule the first meeting of
667 the commission, which shall be held not later than sixty days after the
668 effective date of this section.

669 (d) Appointed members of the commission shall serve for four-year
670 terms which shall commence on the date of appointment. Members shall
671 continue to serve until their successors are appointed. Any vacancy shall
672 be filled by the appointing authority. Any vacancy occurring other than
673 by expiration of term shall be filled for the balance of the unexpired
674 term.

675 (e) A majority of the commission shall constitute a quorum for the
676 transaction of any business.

677 (f) The members of the commission shall serve without
678 compensation, but shall, within the limits of available funds, be
679 reimbursed for expenses necessarily incurred in the performance of
680 their duties.

681 (g) The commission shall appoint an executive director. The executive

682 director shall serve at the pleasure of the commission, shall receive such
683 salary as may be determined by the commission and shall devote full
684 time and attention to the duties of the office. The executive director shall
685 be a person with skill and experience in management, and shall be the
686 executive and administrative head of the commission. The executive
687 director shall appoint and employ a chief financial and accounting
688 officer and may, subject to the approval of the commission, employ
689 other employees, consultants, agents and advisors, including legal
690 counsel, and shall attend meetings of the commission. The chief
691 financial and accounting officer of the commission shall be in charge of
692 its funds, books of account and accounting records. No funds shall be
693 transferred by the commission without the approval of the commission
694 and the signatures of the chief financial and accounting officer and the
695 treasurer of the commission. In the case of an absence or vacancy in the
696 office of the executive director or in the case of disability, as determined
697 by the commission, the commission may designate an acting executive
698 director to serve as executive director until the vacancy is filled or the
699 absence or disability ceases. The acting executive director shall have all
700 of the powers and duties of the executive director and shall have similar
701 qualifications as the executive director.

702 (h) The commission shall have the following powers and duties: (1)
703 On and after January 1, 2023, to investigate and enforce violations of
704 sections 1 to 18, inclusive, of this act; (2) to obtain from any executive
705 department, board, commission or other agency of the state such
706 assistance and data as necessary and available to carry out the purposes
707 of this section; (3) to accept any gift, donation or bequest for the purpose
708 of performing the duties described in this section; (4) to create and
709 disseminate information to the public about their rights in relation to
710 personal information privacy and what to do if they believe their rights
711 have been violated; and (5) to perform such other acts as may be
712 necessary and appropriate to carry out the duties described in this
713 section.

714 (i) Not later than February 1, 2022, and annually thereafter, the
715 commission shall submit a report, in accordance with the provisions of

716 section 11-4a of the general statutes, to the Governor and the joint
717 standing committee of the General Assembly having cognizance of
718 matters relating to general law that shall include, but need not be limited
719 to: (1) The activities of the commission during the prior year; and (2)
720 recommendations for policy changes and amendments to the general
721 statutes necessary to implement the provisions of sections 1 to 18,
722 inclusive, of this act.

723 (j) The commission shall, subject to the provisions of chapter 67 of the
724 general statutes, employ such employees as may be necessary to carry
725 out the provisions of this section. The commission may enter into such
726 contractual agreements as may be necessary for the discharge of its
727 duties, within the limits of its appropriated funds and in accordance
728 with established procedures.

729 (k) The commission may (1) make investigations on its own initiative
730 or upon written complaint under oath by any individual, with respect
731 to alleged violations of any provision of sections 1 to 18, inclusive, of
732 this act, (2) hold hearings when the commission deems necessary to
733 investigate such violations, (3) for the purpose of such hearings,
734 administer oaths, examine witnesses and receive oral and documentary
735 evidence, and (4) subpoena witnesses under procedural rules the
736 commission shall adopt, to compel their attendance and to require the
737 production for examination of any books and papers which the
738 commission deems relevant to any matter under investigation or in
739 question. Until the commission determines that it is necessary to
740 investigate a violation, commission members and staff shall keep
741 confidential any information concerning a complaint or preliminary
742 investigation, except upon request of the entity that is the subject of the
743 complaint or preliminary investigation. In case of a refusal to comply
744 with any subpoena issued pursuant to this subsection or to testify with
745 respect to any matter upon which that person may be lawfully
746 interrogated, the superior court for the judicial district of Hartford, on
747 application of the commission, may issue an order requiring such
748 person to comply with such subpoena and to testify; failure to obey any
749 such order of the court may be punished by the court as a contempt

750 thereof. The commission, after reviewing and investigating any alleged
751 violation of sections 1 to 18, inclusive, of this act, may impose a civil
752 penalty and shall report to the office of the Attorney General any such
753 violation along with the commission's findings concerning such
754 violation. The commission may refer cases for criminal prosecution to
755 the appropriate federal, state or local authorities.

756 (l) The commission shall adopt regulations in accordance with the
757 provisions of chapter 54 of the general statutes to implement the
758 provisions of sections 1 to 18, inclusive, of this act.

759 Sec. 13. (NEW) (*Effective January 1, 2023*) (a) Any individual or group
760 of individuals alleging a violation of sections 1 to 18, inclusive, of this
761 act or a regulation promulgated under said sections may bring an
762 administrative complaint before the commission. The commission shall
763 create a form of complaint for use under this section, which shall be in
764 such form and language to permit an individual to prepare and file such
765 complaint pro se. An individual shall not be required to accept
766 mandatory arbitration of a claim under sections 1 to 18, inclusive, of this
767 act as a condition of bringing an administrative complaint. The
768 administrative complaint shall be directed against the covered entity,
769 data processor and the third parties alleged to have committed the
770 violation. The commission shall investigate the allegations and decide
771 whether it amounts to the imposition of a civil administrative penalty.

772 (b) The commission shall also open investigations without any
773 particular alleged violation to assess the compliance of covered entities,
774 data processors and third parties with sections 1 to 18, inclusive, of this
775 act and shall impose civil administrative penalties if necessary.

776 (c) Whenever the commission seeks to assess a civil administrative
777 penalty on any covered entities, data processors and third parties, the
778 commission shall cause to be served upon such person, either by service,
779 in hand or by certified mail, return receipt requested, a written notice of
780 its intent to assess a civil administrative penalty that shall include a
781 concise statement of the alleged act or omission for which such civil

782 administrative penalty is sought to be assessed, each law, regulation or
783 order violated as a result of such alleged act or omission; the amount the
784 commission seeks to assess as a civil administrative penalty for each
785 such alleged act or omission; a statement of such person's right to an
786 adjudicatory hearing in accordance with the provisions of chapter 54 of
787 the general statutes on the proposed assessment; the requirements such
788 person shall comply with to avoid being deemed to have waived the
789 right to an adjudicatory hearing; and the manner of payment thereof if
790 such person elects to pay the penalty and waive an adjudicatory
791 hearing. After such notice of intent to assess a civil administrative
792 penalty has been given, each such day thereafter during which such
793 noncompliance or violation occurs or continues shall constitute a
794 separate offense and shall be subject to a separate civil administrative
795 penalty if reasonable efforts have not been made to promptly come into
796 compliance.

797 (d) Whenever the commission seeks to assess a civil administrative
798 penalty on any person, such person shall have the right to an
799 adjudicatory hearing under chapter 54 of the general statutes. Such
800 person shall be deemed to have waived such right to an adjudicatory
801 hearing unless, within twenty-one days of the date of the commission's
802 notice of intent to assess a civil administrative penalty, such person files
803 with the commission a written statement denying the occurrence of any
804 of the acts or omissions alleged by the commission in such notice, or
805 asserting that the money amount of the proposed civil administrative
806 penalty is excessive. In any adjudicatory hearing, the commission shall,
807 by a preponderance of the evidence, prove the occurrence of each act or
808 omission alleged by the commission.

809 (e) If a person waives such person's right to an adjudicatory hearing,
810 the proposed civil administrative penalty shall be final immediately
811 upon such waiver.

812 (f) If a civil administrative penalty is assessed at the conclusion of an
813 adjudicatory hearing, such civil administrative penalty shall be final
814 upon the expiration of thirty days if no appeal of such decision is

815 commenced pursuant to section 4-183 of the general statutes.

816 (g) Any person who files an appeal under section 4-183 of the general
817 statutes of the final assessment of a civil administrative penalty shall
818 place the full amount of the final assessment in an interest-bearing
819 escrow account in the custody of the clerk of the reviewing court. The
820 establishment of such an interest-bearing escrow account shall be a
821 condition precedent to the jurisdiction of the reviewing court unless the
822 party seeking judicial review demonstrates in a preliminary hearing
823 held within twenty days of the filing of the complaint either the presence
824 of a substantial question for review by the court or an inability to pay.
825 Upon such a demonstration, the court may grant an extension or waiver
826 of the interest-bearing escrow account or may require, in lieu of such
827 interest-bearing escrow account, the posting of a bond payable directly
828 to the state in the amount of one hundred twenty-five per cent of the
829 assessed penalty. If, after judicial review, in a case where the
830 requirement for an escrow account has been waived, and in cases where
831 a bond has been posted in lieu of such requirement, the court affirms, in
832 whole or in part, the assessment of a civil administrative penalty, the
833 commission shall be paid the amount thereof together with interest at
834 twelve per cent. If, after such review in a case where an interest-bearing
835 escrow account has been established, the court affirms the assessment
836 of such penalty, in whole or in part, the commission shall be paid the
837 amount thereof together with the accumulated interest thereon in such
838 interest-bearing escrow account. If the court sets aside the assessment of
839 a civil administrative penalty in a case where the amount of such
840 penalty has been deposited in an interest-bearing escrow account, the
841 person on whom the civil administrative penalty was assessed shall be
842 repaid the amount so set aside, together with the accumulated interest
843 thereon.

844 (h) Any person who fails to pay a civil administrative penalty on
845 time, and who issues a bond pursuant to this section and who fails to
846 pay to the state on time the amount required under this section, shall be
847 liable to the state for up to three times the amount of the civil
848 administrative penalty, together with costs, plus interest from the time

849 the civil administrative penalty became final and attorneys' fees,
850 including all costs and attorneys' fees incurred directly in the collection
851 thereof. The rate of interest shall be twelve per cent.

852 (i) No civil administrative penalty assessed under this section shall
853 be: (1) Less than fifteen-hundredths per cent of the annual global
854 revenue of the covered entity, data processor or third party or fifteen
855 thousand dollars, whichever is greater, per individual violation; or

856 (2) More than four per cent of the covered entity's annual global
857 revenue, data processor or third party or twenty million dollars,
858 whichever is greater, if the commission assesses a civil administrative
859 penalty for multiple violations that affect multiple individuals.

860 (j) In determining the amount of each civil administrative penalty, the
861 commission shall include, but not be limited to, the following in its
862 consideration: (1) The number of affected individuals; (2) the severity of
863 the violation or noncompliance; (3) the risks caused by the violation or
864 noncompliance; (4) whether the violation or noncompliance was part of
865 a pattern of violations and noncompliance and not an isolated instance;
866 (5) whether the violation or noncompliance was wilful and not the result
867 of error; (6) the precautions taken by the defendant to prevent a
868 violation; (7) the number of administrative actions, lawsuits, settlements
869 and consent decrees under sections 1 to 18, inclusive, of this act
870 involving the defendant; (8) the number of administrative actions,
871 lawsuits, settlements and consent decrees involving the defendant in
872 other states and at the federal level in issues involving information
873 privacy; and (9) the international record of the defendant when it comes
874 to information privacy issues;

875 (k) Notwithstanding any provision of the general statutes, including
876 the limitations and considerations set forth in this section, the
877 commission may require that the amount of a civil administrative
878 penalty imposed pursuant to this section exceeds the economic benefit
879 realized by a person for noncompliance.

880 (l) When imposing civil administrative penalties, the commission

881 shall consider the following: (1) Each individual whose personal
882 information was unlawfully processed, and each instance of processing
883 counts as a separate violation; and (2) if a series of steps or transactions
884 were component parts of a single transaction to avoid the reach of
885 sections 1 to 18, inclusive, of this act, the commission shall disregard the
886 intermediate steps or transactions and consider everything one
887 transaction.

888 (m) All civil administrative penalties assessed shall be paid to the
889 state, to the State Treasurer. Once the payment is received, the state shall
890 deposit ten per cent of any such penalty in the Connecticut Privacy
891 Commission account and the remaining proceeds shall be used to
892 redress and mitigate harms caused by the violation to identified
893 individuals.

894 (n) There is established an account to be known as the "Connecticut
895 Privacy Commission account" which shall be a separate, nonlapsing
896 account within the General Fund. The account shall contain any moneys
897 required by law to be deposited in the account. Moneys in the account
898 shall be expended by the Connecticut Privacy Commission for the
899 purposes of fulfilling its duties under section 12 of this act.

900 Sec. 14. (NEW) (*Effective July 1, 2022*) (a) Any provision of a contract
901 or agreement of any kind, including a covered entity's terms of service
902 or a privacy policy, including the short-form privacy notice required
903 under section 4 of this act that purports to waive or limit in any way an
904 individual's rights under sections 1 to 18, inclusive, of this act, including,
905 but not limited to, any right to a remedy or means of enforcement shall
906 be deemed contrary to public policy and shall be void and
907 unenforceable.

908 (b) No covered entity that is a provider of an interactive computer
909 service, as defined in 47 USC 230, shall be treated as the publisher or
910 speaker of any personal information provided by another information
911 content provider, as defined in 47 USC 230 and allowing posting of
912 information by a user without other action by the interactive computer

913 service shall not be deemed processing of the personal information by
914 the interactive computer service.

915 (c) No private or government action brought pursuant to sections 1
916 to 18, inclusive, of this act shall preclude any other action under sections
917 1 to 18, inclusive, of this act.

918 Sec. 15. (NEW) (*Effective July 1, 2022*) (a) A covered entity shall not be
919 required to provide meaningful notice or obtain consent for processing
920 personal information in accordance with sections 4 and 5 of this act
921 when:

922 (1) (A) Except as provided in subparagraph (B) of this subdivision,
923 the processing is necessary to execute the specific transaction for which
924 the individual is providing personal information, such as the provision
925 of financial information to complete a purchase or the provision of a
926 mailing address to deliver a package;

927 (B) Personal information shall not be processed for any other purpose
928 beyond that clear primary purpose without providing meaningful
929 notice to and obtaining consent from the individual to whom the
930 personal information pertains;

931 (2) The covered entity believes that:

932 (A) An emergency involving immediate danger of death or serious
933 physical injury to any individual requires obtaining without delay
934 personal information so that it can be used to respond to the emergency,
935 and

936 (B) the request is narrowly tailored to address the emergency, subject
937 to the following limitations:

938 (i) The request shall document the factual basis for believing that an
939 emergency involving immediate danger of death or serious physical
940 injury to an individual requires obtaining without delay personal
941 information relating to the emergency; and

942 (ii) Simultaneous with the covered entity obtaining personal
943 information under this paragraph, the covered entity shall use
944 reasonable efforts to inform the individual of the personal information
945 obtained, the details of the emergency and the reasons why the covered
946 entity needed to obtain the personal information and shall continue
947 such efforts to inform until receipt of information is confirmed; or

948 (3) The processing involves only de-identified information, provided
949 that a covered entity that processes de-identified information shall:

950 (A) Have a privacy policy that details how the de-identified
951 information is processed;

952 (B) Implement technical safeguards that prohibit indirect re-
953 identification of the information;

954 (C) Implement business processes that expressly prohibit indirect re-
955 identification of the information;

956 (D) Implement business processes that prevent inadvertent release of
957 de-identified information; and

958 (E) Not attempt to re-identify the information.

959 (b) A covered entity, its affiliated data processors or the third parties
960 they contracted with shall not be required to obtain consent for
961 disclosing or sharing personal information in accordance with sections
962 1 to 18, inclusive, of this act if disclosure is required to respond to a legal
963 request, provided a covered entity receiving such legal request shall
964 serve or deliver the following information to the individual to which the
965 legal request for personal information refers by registered or first-class
966 mail, electronic mail or other means reasonably calculated to be
967 effective:

968 (1) A copy of the legal request and a notice that informs the individual
969 of the nature of the inquiry with reasonable specificity;

970 (2) The personal information related to the individual that was

971 supplied to, or requested by, a requesting entity and the date on which
972 the supplying or request took place;

973 (3) An inventory of the personal information requested or supplied;

974 (4) Whether the information was in possession of the covered entity,
975 an affiliate data processor or a third party they contracted with; and

976 (5) The identity of the person that sought the legal request from the
977 court, if known.

978 (c) The covered entity shall serve or deliver such notification
979 immediately upon receiving a legal request asking for or compelling the
980 disclosure of personal information, provided that a covered entity may
981 apply to the court for an order delaying notification. The court may issue
982 the order if notification of the existence of the legal request will result in
983 danger to the life or physical safety of an individual, flight from
984 prosecution, destruction of or tampering with evidence or intimidation
985 of potential witnesses or otherwise seriously jeopardize an investigation
986 or unduly delay a trial. If granted, such an order shall not exceed thirty
987 days but may be renewed up to thirty days at a time while grounds for
988 the delay persist.

989 (d) A covered entity, its affiliated data processors or the third parties
990 they contracted with shall not be required to obtain consent for
991 disclosing or sharing personal information in accordance with sections
992 1 to 18, inclusive, of this act if disclosure is a routine disclosure required
993 by state or federal law, provided the individual received notice of such
994 requirement in accordance with sections 4 and 6 of this act.

995 Sec. 16. (NEW) (*Effective July 1, 2022*) (a) Covered entities that receive
996 any form of a legal request for disclosure of personal information
997 pursuant to sections 1 to 18, inclusive, of this act shall:

998 (1) Provide the commission and the general public a bimonthly report
999 containing the following aggregate information related to legal requests
1000 received by the covered entity, their affiliated data processors and any

1001 third parties they contracted with: (A) The total number of legal
1002 requests, disaggregated by type of requests such as warrants, court
1003 orders and subpoenas; (B) the number of legal requests that resulted in
1004 the covered entity disclosing personal information; (C) the number of
1005 legal requests that did not result in the covered entity disclosing
1006 personal information, including the reasons why the information was
1007 not disclosed; (D) the type of personal information sought in the legal
1008 requests received by the covered entity; (E) the total number of legal
1009 requests seeking the disclosure of location or biometric information; (F)
1010 the number of legal requests that resulted in the covered entity
1011 disclosing location or biometric information; (G) the number of legal
1012 requests that did not result in the covered entity disclosing location or
1013 biometric information, including the reasons for not disclosing such
1014 information; and (H) the nature of the proceedings from which the
1015 requests were ordered and whether it was a governmental entity or a
1016 private person seeking the legal request;

1017 (2) Take all reasonable measures and engage in all legal actions
1018 available to ensure that the legal request is valid under applicable laws
1019 and statutes; and

1020 (3) Require their affiliate data processors and third parties they
1021 contracted with to have similar practices and standards.

1022 (b) Covered entities that are required to disclose personal information
1023 as a matter of law pursuant to subdivision (2) of subsection (b) of section
1024 16 of this act shall provide the commission and the general public a
1025 bimonthly report containing the following aggregate information:

1026 (1) The total number of times that they share information,
1027 disaggregated by: (A) Applicable law that mandates such disclosure; (B)
1028 governmental entity or private party that received the information; and
1029 (C) the type of personal information disclosed.

1030 (2) The total number of individuals affected by such disclosures,
1031 disaggregated by race, ethnicity, gender and age, if such demographics
1032 are known.

1033 (c) The commission shall (1) establish a standardized reporting form
1034 to comply with this section, (2) determine whether a more concise
1035 presentation of the reporting is appropriate and, if so, shall establish a
1036 standardized version of such form, (3) dedicate a section of its Internet
1037 web site to making the reports available to the general public, and (4)
1038 adopt regulations, in accordance with the provisions of chapter 54 of the
1039 general statutes, specifying additional requirements for purposes of
1040 advancing information related to the sharing of information with the
1041 government.

1042 Sec. 17. (NEW) (*Effective July 1, 2022*) Sections 1 to 18, inclusive, of this
1043 act shall not apply to:

1044 (1) Personal information captured from a patient by a health care
1045 provider or health care facility or biometric information collected,
1046 processed, used or stored exclusively for medical education or research,
1047 public health or epidemiological purposes, health care treatment,
1048 insurance, payment or operations under the federal Health Insurance
1049 Portability and Accountability Act of 1996, or to X-ray, roentgen process,
1050 computed tomography, MRI, PET scan, mammography or other image
1051 or film of the human anatomy used exclusively to diagnose, prognose
1052 or treat an illness or other medical condition or to further validate
1053 scientific testing or screening;

1054 (2) Individuals sharing their personal contact information such as
1055 electronic mail addresses with other individuals in the workplace, or
1056 other social, political or similar settings where the purpose of the
1057 information is to facilitate communication among such individuals,
1058 provided sections 1 to 18, inclusive, of this act shall cover any processing
1059 of such contact information beyond interpersonal communication; and

1060 (3) Covered entities' publication of entity-based member or employee
1061 contact information where such publication is intended to allow
1062 members of the public to contact such member or employee in the
1063 ordinary course of the entity's operations.

1064 Sec. 18. (NEW) (*Effective July 1, 2022*) (a) The provisions of sections 1

1065 to 18, inclusive, of this act shall supersede local or state laws, regulations
 1066 and ordinances, except when such local or state laws, regulations or
 1067 ordinances provide stronger privacy protections for individuals.

1068 (b) Sections 1 to 18, inclusive, of this act cover businesses that are
 1069 subject to federal laws concerning the processing of individuals'
 1070 personal information to the extent that (1) sections 1 to 18, inclusive, of
 1071 this act provide stronger privacy protections for individuals than those
 1072 federal laws; and (2) those federal laws do not explicitly preempt state
 1073 laws.

1074 Sec. 19. (*Effective from passage*) (a) The commission shall conduct a
 1075 study to determine the most effective way for covered entities to obtain
 1076 individuals' consent in accordance with section 5 of this act for each type
 1077 of personal information processing. The commission may request data
 1078 and information from covered entities conducting business in the state,
 1079 governmental entities, consumer protection experts, privacy advocates,
 1080 researchers and other relevant sources for purposes of the study.

1081 (b) Not later than February 1, 2022, the commission shall submit a
 1082 report, in accordance with the provisions of section 11-4a of the general
 1083 statutes, to the joint standing committee of the General Assembly
 1084 having cognizance of matters relating to general law concerning the
 1085 findings of such study."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2022</i>	New section
Sec. 3	<i>July 1, 2022</i>	New section
Sec. 4	<i>July 1, 2022</i>	New section
Sec. 5	<i>July 1, 2022</i>	New section
Sec. 6	<i>July 1, 2022</i>	New section
Sec. 7	<i>July 1, 2022</i>	New section
Sec. 8	<i>July 1, 2022</i>	New section
Sec. 9	<i>July 1, 2022</i>	New section
Sec. 10	<i>July 1, 2022</i>	New section

Sec. 11	<i>January 1, 2023</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>January 1, 2023</i>	New section
Sec. 14	<i>July 1, 2022</i>	New section
Sec. 15	<i>July 1, 2022</i>	New section
Sec. 16	<i>July 1, 2022</i>	New section
Sec. 17	<i>July 1, 2022</i>	New section
Sec. 18	<i>July 1, 2022</i>	New section
Sec. 19	<i>from passage</i>	New section