

105TH CONGRESS  
2D SESSION

# H. R. 4470

To prohibit Federal, State, and local agencies and private entities from transferring, selling, or disclosing personal data with respect to an individual to other agencies or entities without the express consent of the individual except in limited circumstances, and to require such agencies and entities to provide individuals with personal data maintained with respect to such individuals.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. HINCHEY introduced the following bill; which was referred to the  
Committee on Government Reform and Oversight

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## A BILL

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1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Personal Data Privacy  
3 Act of 1998”.

4 **SEC. 2. LIMITATIONS ON TRANSFER, SALE, OR DISCLOSURE**  
5 **OF PERSONAL DATA.**

6       (a) LIMITATION ON TRANSFER, SALE, OR DISCLO-  
7 SURE OF PERSONAL DATA.—Except as provided in sub-  
8 section (b), no Government agency or private entity may  
9 transfer, sell, or disclose any personal data with respect  
10 to an individual to another Government agency or private  
11 entity without the express consent of such individual. The  
12 preceding sentence shall apply with respect to each trans-  
13 fer, sale, or disclosure of personal data by a Government  
14 agency or private entity.

15       (b) EXCEPTIONS.—Subsection (a) shall not apply  
16 with respect to the transfer, sale, or disclosure of data by  
17 a Government agency for a national security purpose, law  
18 enforcement purpose, or purpose relating to the Federal  
19 or State regulation of an industry.

20 **SEC. 3. REQUIREMENT TO PROVIDE ACCESS TO PERSONAL**  
21 **DATA UPON REQUEST OF INDIVIDUAL; RE-**  
22 **PORTS ON DATA COLLECTED.**

23       (a) ACCESS TO PERSONAL DATA REQUIRED.—A  
24 Government agency or private entity, shall, upon the re-  
25 quest of an individual with respect to whom the agency  
26 or entity maintains personal data, provide such individual

1 with access to such personal data not later than five busi-  
2 ness days after the individual makes the request.

3 (b) REPORTS.—Each year a Government agency or  
4 private entity shall provide, to each individual regarding  
5 whom the agency or entity has collected or maintained  
6 personal data during the preceding 12-month period, a re-  
7 port including the personal data collected with respect to  
8 the individual during such period. A Government agency  
9 or private entity shall provide such report to an individual  
10 regardless of whether the agency or entity has provided  
11 the data to the individual pursuant to the requirement in  
12 subsection (a).

13 **SEC. 4. DEFINITIONS.**

14 For purposes of this Act:

15 (1) The term “personal data” means any data  
16 that contains individually identifiable information  
17 with respect to an individual, including (but not lim-  
18 ited to) the following:

19 (A) The name of the individual.

20 (B) The address of the individual.

21 (C) The Social Security number of the in-  
22 dividual.

23 (D) Any information relating to the medi-  
24 cal records of the individual.

1 (E) The passport number or driver's-li-  
2 cense number of the individual.

3 (F) Any student identification or taxpayer  
4 identification numbers with respect to the indi-  
5 vidual.

6 (G) Any school records of the individual.

7 (H) The Internet address of the individual.

8 (I) Any information relating to a credit  
9 card account of the individual.

10 (J) Any other information regarding an ac-  
11 count with information that is individually iden-  
12 tifiable with respect to the individual.

13 (2) The term "Government agency" means any  
14 Federal, State, or local agency.

15 (3) The term "private entity" means any busi-  
16 ness, corporation, joint venture, affiliate, or subsidi-  
17 ary thereof.

18 **SEC. 5. PRIVATE RIGHT OF ACTION FOR VIOLATIONS.**

19 Whenever a Government agency or private entity fails  
20 to comply with the provisions of this Act, the individual  
21 with respect to whom the personal data relates may bring  
22 a civil action against such agency or entity, and the dis-  
23 trict courts of the United States shall have jurisdiction  
24 in the matters under the provisions in this Act.

1 **SEC. 6. EFFECTIVE DATE.**

2       This Act shall take effect on November 1, 1998.

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