

105TH CONGRESS
1ST SESSION

H. R. 98

To regulate the use by interactive computer services of personally identifiable information provided by subscribers to such services.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. VENTO introduced the following bill; which was referred to the Committee on Commerce

A BILL

To regulate the use by interactive computer services of personally identifiable information provided by subscribers to such services.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Internet
5 Privacy Protection Act of 1997”.

1 **SEC. 2. REGULATION OF USE BY AN INTERACTIVE COM-**
2 **PUTER SERVICE OF A SUBSCRIBER'S PER-**
3 **SONALLY IDENTIFIABLE INFORMATION.**

4 (a) **DISCLOSURE OF PERSONALLY IDENTIFIABLE IN-**
5 **FORMATION WITHOUT CONSENT PROHIBITED.—**

6 (1) **IN GENERAL.**—An interactive computer
7 service shall not disclose to a third party any person-
8 ally identifiable information provided by a subscriber
9 to such service without the subscriber's prior in-
10 formed written consent.

11 (2) **REVOCATION OF CONSENT.**—Such service
12 shall permit a subscriber to revoke the consent
13 granted under paragraph (1) at any time, and upon
14 such revocation, such service shall cease disclosing
15 such information to a third party.

16 (b) **KNOWING DISCLOSURE OF FALSIFIED PERSON-**
17 **ALLY IDENTIFIABLE INFORMATION PROHIBITED.**—An
18 interactive computer service or an employee of such service
19 shall not knowingly disclose to a third party any personally
20 identifiable information provided by a subscriber to such
21 service that such service, or such employee, has knowingly
22 falsified.

23 (c) **SUBSCRIBER ACCESS TO PERSONALLY IDENTIFI-**
24 **ABLE INFORMATION.—**

25 (1) **IN GENERAL.**—At a subscriber's request, an
26 interactive computer service shall—

1 (A) provide the subscriber's personally
2 identifiable information maintained by the serv-
3 ice to the subscriber;

4 (B) permit the subscriber to verify such in-
5 formation maintained by the service; and

6 (C) permit the subscriber to correct any
7 error in such information.

8 (2) ACCESS TO IDENTITY OF RECIPIENTS OF
9 INFORMATION.—At a subscriber's request, the serv-
10 ice shall provide to the subscriber the identity of the
11 third party recipients of the subscriber's personally
12 identifiable information.

13 (3) FEE.—The service shall not charge a fee to
14 the subscriber for making available the information
15 under this subsection.

16 **SEC. 3. ENFORCEMENT AND RELIEF.**

17 (a) FEDERAL TRADE COMMISSION.—The Federal
18 Trade Commission shall have the authority to examine
19 and investigate an interactive computer service to deter-
20 mine whether such service has been or is engaged in any
21 act or practice prohibited by this Act.

22 (b) RELIEF.—

23 (1) CEASE AND DESIST ORDER.—If the Federal
24 Trade Commission determines an interactive com-
25 puter service has been or is engaged in any act or

1 practice prohibited by this Act, the Commission may
2 issue a cease and desist order as if such service were
3 in violation of section 5 of the Federal Trade Com-
4 mission Act.

5 (2) CIVIL ACTION.—A subscriber aggrieved by a
6 violation of section 2 may in a civil action obtain ap-
7 propriate relief.

8 **SEC. 4. DEFINITIONS.**

9 As used in this Act—

10 (1) the term “interactive computer service”
11 means any information service that provides com-
12 puter access to multiple users via modem to the
13 Internet;

14 (2) the term “Internet” means the international
15 computer network of both Federal and non-Federal
16 interoperable packet switched data networks;

17 (3) the term “personally identifiable informa-
18 tion” has the meaning given such term in section
19 631 of the Communications Act of 1934 (47 U.S.C.
20 551);

21 (4) the term “informed written consent” means
22 a statement—

23 (A) in writing and freely signed by a sub-
24 scriber;

1 (B) consenting to the disclosures such
2 service will make of the information provided;
3 and

4 (C) describing the rights of the subscriber
5 under this Act; and

6 (5) the term “third party” means, with respect
7 to the disclosure of personally identifiable informa-
8 tion provided by a subscriber to an interactive com-
9 puter service, a person or other entity other than—

10 (A) such service;

11 (B) an employee of such service; or

12 (C) that subscriber to such service.

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