

ASSEMBLY, No. 1861

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

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District 27 (Essex and Morris)

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District 14 (Mercer and Middlesex)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblywoman Spencer, Assemblyman Caputo, Assemblywoman Tucker, Assemblymen McGuckin, Wisniewski and Assemblywoman Oliver

SYNOPSIS

Enacts the “Reader Privacy Act.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT concerning reader privacy and supplementing Title 2A of
2 the New Jersey Statutes.

3

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

6

7 1. This act shall be known as the “Reader Privacy Act.”

8

9 2. As used in this act:

10 “Book” means paginated or similarly organized content in
11 printed, audio, electronic, or other format, including fiction,
12 nonfiction, academic, or other works of the type normally published
13 in a volume or finite number of volumes, excluding serial
14 publications such as a magazine or newspaper, but shall not include
15 items depicting the sexual exploitation or abuse of a child.

16 “Book service” means a service that, as its primary purpose,
17 provides the rental, purchase, borrowing, browsing, or viewing of
18 books. “Book service” does not include a store that sells a variety
19 of consumer products when the book service sales do not exceed
20 two percent of the store’s total annual gross sales of consumer
21 products sold in the United States.

22 “Government entity” means any State, or local unit of
23 government or any agency or instrumentality thereof.

24 “Law enforcement entity” means any law enforcement officer of
25 the State of New Jersey or of a political subdivision thereof who is
26 empowered by law to conduct criminal investigations, or to make
27 arrests, and any attorney authorized by law to prosecute or
28 participate in the prosecution of criminal offenses.

29 “Personal information” means: (1) any information that
30 identifies, relates to, describes, or is associated with a particular
31 user’s use of a book service; (2) a unique identifier or Internet
32 Protocol address, when that identifier or address is used to identify,
33 relate to, describe, or be associated with a particular user, as related
34 to the user’s use of a book service, or book, in whole or in partial
35 form; (3) any information that relates to, or is capable of being
36 associated with, a particular book service user’s access to a book
37 service.

38 “Provider” means any commercial entity offering a book service
39 to the public.

40 “User” means a person who rents, purchases, borrows, browses,
41 views or listens to a book offered by a book service.

42

43 3. A law enforcement entity or other government entity shall
44 not seek the disclosure of the personal information of a book
45 service user from a provider, except in the following circumstances:

46 a. Disclosure is requested or consented to by the user;

47 b. Disclosure is pursuant to a subpoena or court order;

1 c. A government entity requires that a provider serving an
2 institution of higher education disclose the personal information of
3 a book service user to a government entity in order to be reimbursed
4 for the sale or rental of a book that was purchased or rented by a
5 student using book vouchers or other financial aid subsidies for
6 books.

7
8 4. Notwithstanding the provisions of section 3 of P.L. c. (C.
9) (pending before the Legislature as this bill), a law enforcement
10 entity may seek, and a provider shall disclose, the personal
11 information of a book service user if the law enforcement entity
12 asserts that there is an imminent danger of death or serious physical
13 injury requiring the immediate disclosure of the requested personal
14 information and that there is insufficient time to obtain a subpoena
15 or court order. The law enforcement entity shall provide the
16 provider with a written confirmation of its assertions upon request
17 or no later than seven days after seeking disclosure.

18
19 5. Nothing in this act shall prevent a provider from disclosing
20 the personal information of a book service user to a law
21 enforcement entity if the provider in good faith believes that the
22 personal information may be evidence related to a crime against the
23 provider or that user.

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25 6. This act shall take effect on the first day of the second month
26 after the date of enactment.

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29 STATEMENT

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31 This bill enacts the “Reader Privacy Act,” which extends reader
32 privacy protections to book purchases, including the purchase of
33 electronic books (e-books).

34 Under current law, library records which contain the names or
35 other personally identifying details regarding the users of libraries
36 are confidential and protected from disclosure except in certain
37 circumstances. This bill extends similar protections to the readers
38 and purchasers of books and e-books.

39 The bill defines a “book service” as a service that, as its primary
40 purpose, provides the rental, purchase, borrowing, browsing, or
41 viewing of books. Under the provisions of the bill, a law
42 enforcement entity or other government entity will not seek the
43 disclosure of the personal information of a book service user from a
44 provider, except in the following circumstances:

- 45 (1) Disclosure is requested or consented to by the user;
46 (2) Disclosure is pursuant to a subpoena or court order;
47 (3) A government entity requires that a provider serving an
48 institution of higher education disclose the personal information of

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1 a book service user to a government entity in order to be reimbursed
2 for the sale or rental of a book that was purchased or rented by a
3 student using book vouchers or other financial aid subsidies for
4 books.

5 The bill provides that a law enforcement entity may seek, and a
6 provider will disclose, the personal information of a book service
7 user if the law enforcement entity asserts that there is an imminent
8 danger of death or serious physical injury requiring the immediate
9 disclosure of the requested personal information and that there is
10 insufficient time to obtain a subpoena or court order. The law
11 enforcement entity will provide the provider with a written
12 confirmation of its assertions upon request or no later than seven
13 days after seeking disclosure.