

[First Reprint]

**SENATE, No. 1913**

---

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

---

INTRODUCED MARCH 10, 2016

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**

**District 8 (Atlantic, Burlington and Camden)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

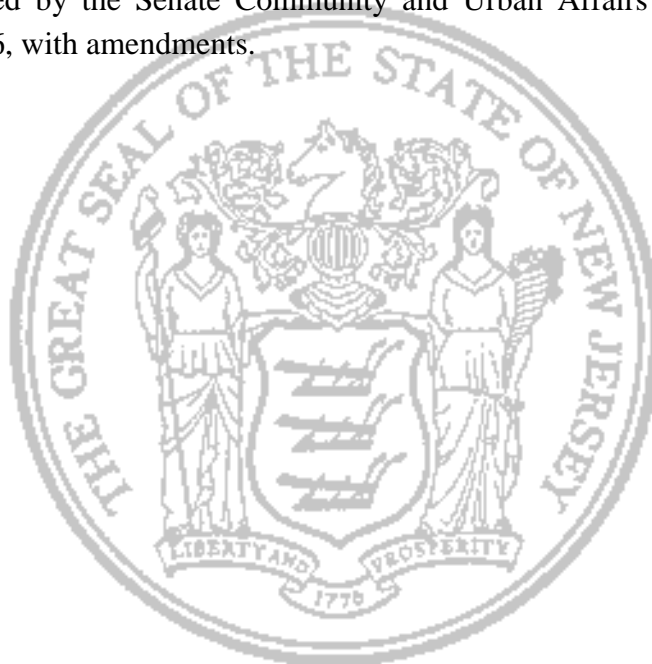
**Senator Beck**

**SYNOPSIS**

"Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes.

**CURRENT VERSION OF TEXT**

As reported by the Senate Community and Urban Affairs Committee on June 16, 2016, with amendments.



**(Sponsorship Updated As Of: 9/16/2016)**

1 AN ACT concerning the collection of certain personal information  
2 and 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. This act shall be known and may be cited as the “Personal  
8 Information and Privacy Protection Act.”

9

10 2. a. For the purposes of this section:

11 “Identification card” means a driver’s license, issued pursuant to  
12 R.S.39:3-10, a probationary license, issued pursuant to section 4 of  
13 P.L.1950, c.127 (C.39:3-13.4), a non-driver photo identification card,  
14 issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3), or any  
15 similar card issued by another state or the District of Columbia for  
16 purposes of identification or permitting its holder to operate a motor  
17 vehicle.

18 “Scan” means to access the barcode or any other machine-readable  
19 section of a person’s identification card with an electronic device  
20 capable of deciphering, in an electronically readable format,  
21 information electronically encoded on the identification card.

22 b. A retail establishment shall scan a person’s identification card  
23 only for the following purposes:

24 (1) to verify the authenticity of the identification card or to verify  
25 the identity of the person if the person pays for goods or services with  
26 a method other than cash, returns an item, or requests a refund or an  
27 exchange;

28 (2) to verify the person’s age when providing age-restricted goods  
29 or services to the person;

30 (3) to prevent fraud or other criminal activity if the person returns  
31 an item or requests a refund or an exchange and the business uses a  
32 fraud prevention service company or system;

33 (4) to establish or maintain a contractual relationship;

34 (5) to record, retain, or transmit information as required by State or  
35 federal law;

36 (6) to transmit information to a consumer reporting agency,  
37 financial institution, or debt collector to be used as permitted by the  
38 federal "Fair Credit Reporting Act," 15 U.S.C. s.1681 et seq.,  
39 “Gramm-Leach-Bliley Act,” 15 U.S.C. s.6801 et seq., and the "Fair  
40 Debt Collection Practices Act," 15 U.S.C. s.1692 et seq.; or

41 (7) to record, retain, or transmit information by a covered entity  
42 governed by the medical privacy and security rules pursuant to Parts  
43 160 and 164 of Title 45 of the Code of Federal Regulations,  
44 established pursuant to the “Health Insurance Portability and  
45 Accountability Act of 1996,” Pub.L.104-191.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCU committee amendments adopted June 16, 2016.

1 c. Information collected by scanning a person's identification  
2 card pursuant to subsection b. of this section shall be limited to the  
3 person's name, address, date of birth, 'the State issuing the  
4 identification card.'<sup>1</sup> and identification card number.

5 d. (1) No retail establishment shall retain information obtained  
6 pursuant to paragraphs (1) and (2) of subsection b. of this section.

7 (2) Any information retained by a retail establishment pursuant to  
8 paragraphs (3) through (7) of subsection b. of this section shall be  
9 securely stored, and any breach of the security of the information shall  
10 be promptly reported to the Division of State Police in the Department  
11 of Law and Public Safety and any affected person, in accordance with  
12 section 12 of P.L.2005, c.226 (C.56:8-163).

13 (3) No retail establishment shall sell or disseminate to a third party  
14 any information obtained pursuant to this section for any purpose,  
15 including marketing, advertising, or promotional activities, except  
16 dissemination as permitted by paragraphs (3) through (7) of subsection  
17 b. of this section <sup>1</sup>; provided, however, that nothing in this subsection  
18 shall be construed to prevent an automated return fraud system from  
19 issuing a reward coupon to a loyal customer'<sup>1</sup>.

20  
21 3. a. Any person who violates the provisions of this act shall  
22 be subject to a civil penalty of \$2,500 for a first violation and  
23 \$5,000 for any subsequent violation. The penalty prescribed in this  
24 section shall be collected in a civil action by a summary proceeding  
25 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
26 c.274 (C.2A:58-10 et seq.).

27 b. In addition to the penalties described in this section, any  
28 person aggrieved by a violation of this act may bring an action in  
29 Superior Court to recover damages.

30  
31 4. This act shall take effect on the first day of the third month  
32 next following the date of enactment.