

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2340 and 2489

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED MARCH 5, 2020

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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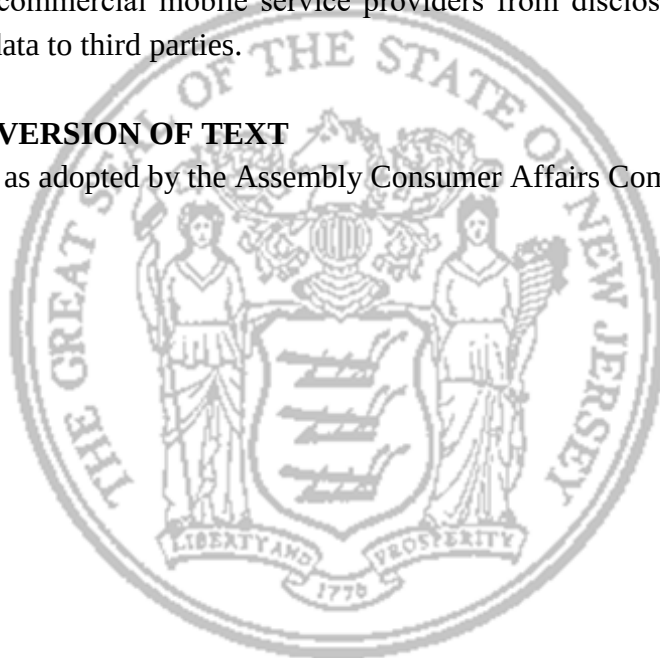
Assemblyman Webber, Assemblywoman Timberlake, Assemblyman Benson, Assemblywoman Dunn, Assemblymen Mejia, Conaway, Freiman and Assemblywoman Downey

SYNOPSIS

Prohibits commercial mobile service providers from disclosing customer's geolocation data to third parties.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Consumer Affairs Committee.



(Sponsorship Updated As Of: 3/25/2021)

1 **AN ACT** concerning commercial mobile service providers and
2 geolocation data and supplementing Title 56 of the Revised
3 Statutes.

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

7
8 1. As used in P.L. , c. (C.) (pending before the Legislature
9 as this bill):

10 “Aggregate customer information” means information that
11 relates to a group or category of customers, from which individual
12 customer identities have been removed, that is not linked or
13 reasonably linkable to any customer or household, including
14 through use of a device. “Aggregate customer information” shall
15 not mean one or more individual customer records that have been
16 deidentified.

17 “Commercial mobile service” means a type of mobile
18 telecommunications service as defined in subsection (d) of section 332
19 of the Communications Act of 1934 (47 U.S.C. s.332(d)).

20 “Commercial mobile service provider” or “provider” means an
21 individual, proprietorship, partnership, corporation, association, or
22 other legal entity that provides commercial mobile service on a mobile
23 device.

24 “Customer” means an individual within this State who provides,
25 either knowingly or unknowingly, geolocation data to a commercial
26 mobile service provider in the course of using the provider’s service
27 on a mobile device.

28 “Deidentified information” means information that cannot
29 reasonably identify, relate to, describe, be capable of being associated
30 with, or be linked, directly or indirectly, to a particular customer,
31 provided that a provider that uses deidentified information has:

32 implemented technical safeguards that prohibit reidentification of
33 the customer to whom the information pertains;

34 implemented business processes that specifically prohibit
35 reidentification of the information;

36 implemented business processes to prevent inadvertent release of
37 deidentified information; and

38 makes no attempt to reidentify the information.

39 “Device” means any physical object that is capable of connecting
40 to the Internet, either directly or indirectly, or to another device.

41 “Disclose” means to release, transfer, share, disseminate, make
42 available, sell, or otherwise communicate by any means to a third
43 party a customer’s geolocation data.

44 “Geolocation data” means a customer’s physical location
45 information collected by a satellite-based navigation system on a
46 mobile device that is accessible to a commercial mobile service
47 provider but shall not include deidentified or aggregate customer
48 information.

1 “Mobile device” means wireless telecommunications device that is
2 capable of collecting a customer’s geolocation data.

3 “Third party” means an individual, proprietorship, partnership,
4 corporation, association, or other legal entity that may knowingly or
5 willfully disclose a customer’s geolocation data.

6
7 2. a. A commercial mobile service provider that provides
8 commercial mobile service to a customer shall not disclose the
9 customer’s geolocation data to a third party, unless the customer has
10 given consent for the third party to access the customer’s geolocation
11 data.

12 b. A third party that accesses a customer’s geolocation data
13 pursuant to subsection a. of this section shall not sell the geolocation
14 data in any case, and shall disclose the geolocation data otherwise only
15 as necessary to effectuate the purpose for which consent was given.

16
17 3. The provisions of section 2 of P.L. , c. (C.) (pending
18 before the Legislature as this bill) shall not apply to:

19 a. information provided to a law enforcement agency in response
20 to a legal process;

21 b. information provided to an emergency service organization
22 responding to a 9-1-1 communication or any other communication
23 reporting an imminent threat to life or property;

24 c. information required to be provided by federal, State, or local
25 law; or

26 d. a customer providing the customer’s own location data to a
27 commercial mobile service provider or mobile application developer to
28 be disclosed for an authorized use.

29
30 4. It shall be an unlawful practice and violation of P.L.1960, c.39
31 (C.56:8-1 et seq.) for a commercial mobile service provider or a third
32 party to disclose a customer’s geolocation data in violation of section 2
33 of P.L. , c. (C.) (pending before the Legislature as this bill).

34
35 5. The Director of the Division of Consumer Affairs in the
36 Department of Law and Public Safety shall promulgate rules and
37 regulations, pursuant to the “Administrative Procedure Act,”
38 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
39 purposes of P.L. , c. (C.) (pending before the Legislature as
40 this bill).

41
42 6. This act shall take effect on the first day of the third month
43 next following the date of enactment.