

ASSEMBLY, No. 2390

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Enacts the “Reader Privacy Act.”

CURRENT VERSION OF TEXT

As introduced.



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. A law enforcement entity or other government entity shall
44 not seek the disclosure of the personal information of a user

- 1 from a provider, except in the following circumstances:
- 2 (1) Disclosure is requested or consented to by the user;
- 3 (2) Disclosure is pursuant to a subpoena or court order; or
- 4 (3) A government entity requires that a provider serving an
- 5 institution of higher education disclose the personal information of
- 6 a user to a government entity in order to be reimbursed for the sale
- 7 or rental of a book that was purchased or rented by a student using
- 8 book vouchers or other financial aid subsidies for books.
- 9 b. A provider shall not disclose the personal information of a
- 10 user, except in the following circumstances:
- 11 (1) Disclosure is requested or consented to by the user;
- 12 (2) Disclosure is pursuant to a subpoena or court order; or
- 13 (3) Disclosure is required in order for a provider serving an
- 14 institution of higher education to be reimbursed for the sale or
- 15 rental of a book that was purchased or rented by a student using
- 16 book vouchers or other financial aid subsidies for books.
- 17
- 18 4. Notwithstanding the provisions of section 3 of P.L. , c.
- 19 (C.) (pending before the Legislature as this bill), a law
- 20 enforcement entity may seek, and a provider shall disclose, the
- 21 personal information of a book service user if the law enforcement
- 22 entity asserts that there is an imminent danger of death or serious
- 23 physical injury requiring the immediate disclosure of the requested
- 24 personal information and that there is insufficient time to obtain a
- 25 subpoena or court order. The law enforcement entity shall provide
- 26 the provider with a written confirmation of its assertions upon
- 27 request or no later than seven days after seeking disclosure.
- 28
- 29 5. Nothing in this act shall prevent a provider from disclosing
- 30 the personal information of a book service user to a law
- 31 enforcement entity if the provider in good faith believes that the
- 32 personal information may be evidence related to a crime against the
- 33 provider or that user.
- 34
- 35 6. This act shall take effect on the first day of the second month
- 36 after the date of enactment.
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38 STATEMENT

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- 41 This bill enacts the “Reader Privacy Act,” which extends reader
- 42 privacy protections to book purchases, including the purchase of
- 43 electronic books (e-books).
- 44 Under current law, library records which contain the names or
- 45 other personally identifying details regarding the users of libraries
- 46 are confidential and protected from disclosure except in certain
- 47 circumstances. This bill extends similar protections to book

1 services users, namely the readers and purchasers of books and e-
2 books.

3 The bill defines a “book service” as a service that, as its primary
4 purpose, provides the rental, purchase, borrowing, browsing, or
5 viewing of books. Under the bill’s provisions, a law enforcement
6 entity or other government entity is not to seek the disclosure of the
7 personal information of a book service user from a provider, except
8 in the following circumstances:

9 (1) disclosure is requested or consented to by the user;

10 (2) disclosure is pursuant to a subpoena or court order; or

11 (3) a government entity requires that a provider serving an
12 institution of higher education disclose the personal information of
13 a user to a government entity in order to be reimbursed for the sale
14 or rental of a book that was purchased or rented by a student using
15 book vouchers or other financial aid subsidies for books.

16 The bill prohibits a book service provider from disclosing a book
17 service user’s personal information, except if disclosure is:

18 (1) requested or consented to by the user;

19 (2) pursuant to a subpoena or court order; or

20 (3) required in order for a provider serving an institution of
21 higher education to be reimbursed for the sale or rental of a book
22 that was purchased or rented by a student using book vouchers or
23 other financial aid subsidies for books.

24 Further, the bill provides that a law enforcement entity may seek,
25 and a provider is to disclose, the personal information of a book
26 service user if the law enforcement entity asserts that there is an
27 imminent danger of death or serious physical injury requiring the
28 immediate disclosure of the requested personal information and that
29 there is insufficient time to obtain a subpoena or court order. The
30 law enforcement entity will provide to the provider a written
31 confirmation of its assertions upon request or no later than seven
32 days after seeking disclosure.