

ASSEMBLY, No. 1399

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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District 39 (Bergen and Passaic)

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SYNOPSIS

Requires Internet service providers to keep confidential subscriber's personally identifiable information unless subscriber authorizes Internet service provider in writing to disclose information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT concerning Internet service providers and personally
2 identifiable information and supplementing P.L.1960,
3 c.39 (C.56:8-1 et seq.).
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
9 Legislature as this bill):

10 “Internet service provider” means a person, business, or
11 organization qualified to do business in this State that provides
12 individuals, businesses, or other entities with the ability to connect
13 by wireline or radio frequency to the Internet through equipment
14 that is located in this State.

15 “Online service” means an information service provided over the
16 Internet, including, but not limited to, offsite data storage services
17 and computer application services.

18 “Personally identifiable information” means any information that
19 personally identifies, describes, or is able to be associated with a
20 subscriber or users of a subscriber’s account, including, but not
21 limited to:

22 name, address, precise geolocation, social security number, or
23 telephone number;

24 requests for specific materials or services from an Internet
25 service provider;

26 online service use history;

27 Internet websites visited during use of a subscriber’s account; or

28 the contents of a subscriber’s communications or data-storage
29 devices.

30 “Ordinary course of business” means debt-collection activities,
31 order fulfillment, request processing, or the transfer of ownership.

32 “Subscriber” means a residential or business subscriber located
33 in this State that subscribes with an Internet service provider to
34 receive access to the Internet on equipment located in the State.
35

36 2. a. An Internet service provider shall keep confidential a
37 subscriber’s personally identifiable information unless the
38 subscriber, expressly and in writing, authorizes the Internet service
39 provider to disclose this information.

40 b. An Internet service provider shall provide written notice of
41 the requirements of this section to each subscriber.

42 c. An Internet service provider shall not refuse to provide
43 Internet service to a subscriber for not authorizing the Internet
44 service provider to disclose a subscriber’s personally identifiable
45 information.

46 d. The requirements of subsection a. of this section shall not
47 apply to disclosures incidental to the ordinary course of business of

1 the Internet service provider or investigations undertaken pursuant
2 to the "New Jersey Wiretapping and Electronic Surveillance Control
3 Act," P.L.1968, c. 409 (C.2A:156A-1 et seq.).
4

5 3. A waiver of the requirements, or an agreement that does not
6 comply with, the provisions of P.L. , c. (C.) (pending before
7 the Legislature as this bill) shall be void and unenforceable.
8

9 4. It shall be an unlawful practice and violation of P.L.1960,
10 c.39 (C.56:8-1 et seq.) to violate section 2 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill).
12

13 5. The Director of the Division of Consumer Affairs in the
14 Department of Law and Public Safety shall promulgate rules and
15 regulations, pursuant to the "Administrative Procedure Act,"
16 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
17 purposes of P.L. , c. (C.) (pending before the Legislature as
18 this bill).
19

20 6. This act shall take effect immediately.
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23 STATEMENT
24

25 This bill requires an Internet service provider (ISP) to keep
26 confidential a subscriber's personally identifiable information
27 unless the subscriber, expressly and in writing, authorizes the ISP to
28 disclose this information. An ISP is required to provide written
29 notice of this bill's requirements to each subscriber. An ISP is not
30 to refuse to provide Internet service to a subscriber for not
31 authorizing the ISP to disclose the subscriber's personally
32 identifiable information. The provisions of this bill do not apply to
33 disclosures incidental to the ISP's ordinary course of business or to
34 investigations undertaken pursuant to the "New Jersey Wiretapping
35 and Electronic Surveillance Control Act."

36 This bill provides that a violation of this bill is to be an unlawful
37 practice in accordance with the State's Consumer Fraud Act.

38 In this bill, "personally identifiable information" means any
39 information that personally identifies, describes, or is able to be
40 associated with a subscriber or users of a subscriber's account,
41 including, but not limited to: name, address, precise geolocation,
42 social security number, or telephone number; requests for specific
43 materials or services from an Internet service provider; online
44 service use history; Internet websites visited during use of a
45 subscriber's account; or the contents of a subscriber's
46 communications or data-storage devices.

47 This bill also provides that "subscriber" means a residential or

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- 1 business subscriber located in this State that subscribes with an
- 2 Internet service provider to receive access to the Internet on
- 3 equipment located in the State.