



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 313

H.P. 222

House of Representatives, February 7, 2013

An Act To Create the Maine Online Privacy Protection Act

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative RUSSELL of Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, CAREY of Lewiston, DION of Portland, HICKMAN of Winthrop, McCLELLAN of Raymond.

1 **§9573. Privacy statement to protect personal information**

2 **1. Posting of privacy statement.** An operator shall conspicuously post on its
3 publicly accessible website in accordance with subsection 3 a privacy statement that
4 contains the components described in subsection 2.

5 **2. Privacy statement content.** The privacy statement posted pursuant to subsection
6 1 must contain all of the following:

7 A. A list of the personal information that is collected by the operator;

8 B. A description of the entities with whom the operator may share a consumer's
9 personal information;

10 C. If the operator has a process for a consumer who uses the operator's publicly
11 accessible website to review and request changes to the consumer's personal
12 information that is collected by the operator, a description of that process;

13 D. A description of the process used by the operator to notify a consumer who uses
14 its publicly accessible website of material changes to that operator's privacy
15 statement; and

16 E. The effective date of the privacy statement.

17 **3. Conspicuously post.** A privacy statement required under subsection 1 is
18 considered conspicuously posted if it meets any the following criteria:

19 A. The privacy statement in its entirety is posted on the home page or the first page
20 seen by a consumer upon entering the publicly accessible website;

21 B. An icon that links directly to the privacy statement in its entirety is located on the
22 home page or the first page seen by a consumer upon entering the publicly accessible
23 website; and

24 C. A hyperlink that links directly to the privacy statement in its entirety is located on
25 the home page or the first page seen by a consumer upon entering the publicly
26 accessible website, if that hyperlink:

27 (1) Includes the word "privacy"; and

28 (2) Is written in capital letters that are equal to or greater in size than the
29 surrounding text or is set apart from surrounding text by using a contrasting
30 typeface, font or color or other marks that call attention to the privacy statement.

31 **Emergency clause.** In view of the emergency cited in the preamble, this
32 legislation takes effect when approved.

33 **SUMMARY**

34 This bill requires a person or company that owns a publicly accessible website or
35 online service that collects personal information from an individual consumer who is a
36 resident of this State to post a privacy statement in a conspicuous location on its publicly
37 accessible website.

1 The bill also lists required content of the privacy statement.