HOUSE BILL NO. 367

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE STORY

Introduced: 2/23/26
Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the privacy of consumer personal information; establishing the Consumer Personal Information Privacy Act; establishing data broker registration requirements; relating to social security numbers; making certain violations unfair or deceptive trade practices; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 44.33.020(a) is amended by adding a new paragraph to read:

(45) establish and maintain a data broker registry established under AS 45.48.900.

*** Sec. 2.** AS 45.48.430(b) is amended to read:

(b) The prohibition in (a) of this section does not apply if

(1) the disclosure is authorized by local, state, or federal law, including **AS 45.48.800 - 45.48.945 or** a regulation adopted under AS 45.48.470;

(2) the person is engaging in the business of government and

(A) is authorized by law to disclose the individual's social

security number; or

(B) the disclosure of the individual's social security number is required for the performance of the person's duties or responsibilities as provided by law;

(3) the disclosure is to a person subject to or for a transaction regulated by the Gramm-Leach-Bliley Financial Modernization Act, and the disclosure is for a purpose authorized by the Gramm-Leach-Bliley Financial Modernization Act or to facilitate a transaction of the individual;

(4) the disclosure is to a person subject to or for a transaction regulated by the Fair Credit Reporting Act, and the disclosure is for a purpose authorized by the Fair Credit Reporting Act;

(5) the disclosure is part of a report prepared by a consumer credit reporting agency in response to a request by a person and the person submits the social security number as part of the request to the consumer credit reporting agency for the preparation of the report; or

(6) the disclosure is for a background check on the individual, identity verification, fraud prevention, medical treatment, law enforcement or other government purposes, or the individual's employment, including employment benefits.

*** Sec. 3.** AS 45.48.450(b) is amended to read:

(b) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, and except as provided **under AS 45.48.800 - 45.48.945 or** for an agent under (a) of this section, a person may disclose an individual's social security number to an independent contractor of the person to facilitate the purpose or transaction for which the individual initially provided the social security number to the person, but the independent contractor may not use the social security number for another purpose or make an unauthorized disclosure of the individual's personal information. In this subsection, "independent contractor" includes a debt collector.

*** Sec. 4.** AS 45.48 is amended by adding new sections to read:

Article 6A. Consumer Personal Information Privacy.

Sec. 45.48.800. Notice before collection; disclosure of information; other notices. (a) A business that collects personal information from a consumer shall notify

the consumer before collecting the information. Notification to the consumer must clearly and conspicuously indicate the categories of personal information that will be collected, the specific purposes for which each category of personal information will be used, the consumer's right under AS 45.48.835 not to have the consumer's personal information sold, shared, or disclosed, and the limitations established under AS 45.48.840 on the use of the consumer's precise geolocation data by the business. A business may not collect an additional category of personal information or use the collected personal information for an additional purpose without first notifying the consumer in accordance with this section.

(b) A business shall maintain, and update at least once every 12 months, in the business's online privacy policies and in any state-specific description of consumers' privacy rights, or on the business's Internet website if the business does not maintain online privacy policies or description, the following information:

(1) a description of a consumer's rights under AS 45.48.800 - 45.48.945;

(2) all the designated methods of the business by which a consumer can request access to or deletion of information as provided under AS 45.48.800 - 45.48.945;

(3) a list of the categories of consumer personal information that the business collected, sold, or disclosed for a business or commercial purpose in the preceding 12 months, and a designation of that information as collected, sold, or disclosed for a business or commercial purpose; or, if the business did not collect, sell, or disclose any consumer personal information for a business or commercial purpose, a disclosure of that fact;

(4) the categories of sources from which the consumer personal information was collected; in this paragraph, "categories of sources" includes the consumer, advertising networks, Internet service providers, data analytics providers, government entities, operating systems and platforms, social networks, data brokers, other sources listed in regulations adopted under AS 45.48.800 - 45.48.945, and other types or groupings of persons or entities from which a business collects personal information about consumers, described with enough particularity to provide

consumers with a meaningful understanding of the type of person or entity;

(5) a description of the business purpose or commercial purpose for which each category of consumer personal information was collected, sold, or disclosed;

(6) the categories of third parties to whom the business sold or disclosed consumer personal information; in this paragraph, "categories of third parties" includes advertising networks, Internet service providers, data analytics providers, government entities, operating systems and platforms, social networks, data brokers, other sources listed in regulations adopted under AS 45.48.800 - 45.48.945, and other types or groupings of third parties with whom the business shares personal information, described with enough particularity to provide consumers with a meaningful understanding of the type of third party;

(7) a description of a consumer's right to request the specific pieces of the consumer's personal information that the business collected;

(8) a statement that information collected to verify a consumer's disclosure or deletion request shall only be used as provided in AS 45.48.850(d) and (e)(1).

(c) In addition to the requirements under (b) of this section, a business shall include on the home page of the business's Internet website under the business's online privacy policies, if the business has online privacy policies, and under any state-specific description of consumers' privacy rights, the following:

(1) a clear and conspicuous link to an Internet website page titled "Do Not Collect or Sell My Personal Information" that enables a consumer to exercise the consumer's rights under AS 45.48.800 - 45.48.945; a business may not require a consumer to create an account to access this Internet website page or to exercise the consumer's rights under AS 45.48.800 - 45.48.945; and

(2) a description of a consumer's rights under AS 45.48.800 - 45.48.945.

(d) A business may comply with (c) of this section by including the required content on a separate and additional Internet website page that is dedicated to consumers.

(e) A business shall include on an Internet website page dedicated to consumers the content required under (b) and (c) of this section and reasonably ensure that consumers are directed to the alternative Internet website.

(f) In this section, "home page" means

(1) the introductory page of an Internet website where personal information is collected;

(2) in the case of a mobile application, the application's platform page or download page, an electronic link within the application, and any other location that allows consumers to review the notice required by (a) of this section.

Sec. 45.48.805. Limits on use, processing, collection, sharing, and retention of personal information. (a) A business that collects a consumer's personal information shall limit its collection and sharing of the personal information with third parties to what is reasonably necessary for the business to provide a service or conduct an activity that a consumer has requested, or has consented to, or that is reasonably necessary for security or fraud prevention. In this subsection, "reasonably necessary for security or fraud prevention" does not include profiting financially from the personal information.

(b) A business that collects a consumer's personal information is not required to retain personal information collected for a single one-time transaction if the business does not sell or disclose the information.

(c) Except for the collection and sharing of personal information under (a) of this section, a business shall limit the business's use and retention of collected personal information to what is reasonably necessary to provide a service or conduct an activity that a consumer has requested or consented to, or for a related operational purpose; however, personal information that is collected or retained solely for security or fraud prevention may not be used for operational purposes.

Sec. 45.48.810. Notification of business upon receipt or disclosure of personal information. (a) When a person receives personal information for a business purpose or commercial purpose that a business originally collected from a consumer, the person shall notify the business that the person possesses the personal information and provide the person's contact information. The person shall provide updated contact

information to the business if the person's contact information changes.

(b) A person who receives personal information that a business originally collected from a consumer, and who discloses the personal information to another person for a business purpose or commercial purpose, shall notify the business that originally collected the information not later than 10 days after the disclosure. The notification must include the contact information of the person to whom the personal information was disclosed.

(c) A person that receives personal information that a business originally collected from a consumer shall either de-identify the personal information or maintain the personal information in a way that the person can readily comply with a disclosure or deletion request under AS 45.48.800 - 45.48.945.

Sec. 45.48.815. Required records. A business that collects or has collected personal information from a consumer shall maintain records of each person to whom the business discloses the personal information. The business shall also maintain all records provided to the business under AS 45.48.810(a) and (b).

Sec. 45.48.820. Request for disclosure of collected personal information. (a) A consumer may request a business that collects or collected the consumer's personal information to disclose to the consumer

(1) the categories and specific pieces of personal information that the business collects or collected within the five years preceding the date of the request;

(2) the sources from which the business collects or collected each category of personal information; and

(3) the business purpose or commercial purpose for the collection of each category of personal information.

(b) A business shall respond to a consumer request under this section as required by AS 45.48.850.

Sec. 45.48.825. Request for deletion of personal information. (a) A consumer may request a business to delete any of the consumer's personal information collected by the business from the consumer within the five years preceding the date of the request.

(b) Upon receiving a consumer request under this section, a business shall

delete from the business's records the information identified in the request.

(c) Within 45 days after a consumer's deletion request, a business that receives a deletion request under (b) of this section shall direct all persons to whom a business disclosed records under AS 45.48.810 to delete the personal information and provide a written statement verifying that the information has been deleted. A person shall comply with a direction under this subsection. The business shall immediately provide written notification to the attorney general and the consumer of a person who fails to provide written verification of compliance.

(d) A person is not required to delete personal information under (c) of this section if the person maintains the personal information to

(1) complete the transaction for which the personal information was collected;

(2) provide a good or service requested or reasonably anticipated within an ongoing business relationship with the consumer;

(3) fulfill the terms of a written warranty or product recall conducted in accordance with federal law;

(4) perform a contract between the business and consumer;

(5) detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute the person responsible for that activity;

(6) identify and repair errors that impair the existing intended functionality of a product or service;

(7) exercise a right provided for by law, including the right under the First Amendment of the United States Constitution and art. I, sec. 5, of the Constitution of the State of Alaska to freedom of speech, or ensure the right of another consumer to exercise that consumer's right to freedom of speech;

(8) comply with a search warrant, subpoena, or court order;

(9) engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, if

(A) the deletion of information is likely to seriously impair or render impossible the achievement of the research; and

(B) the consumer has provided consent to the research;

(10) enable solely internal uses that are reasonably aligned with the consumer's expectations, based on the consumer's relationship with the business; or

(11) comply with a legal obligation.

(e) A person may not disclose personal information that a business collected from a consumer unless the personal information is disclosed in accordance with a contract that requires the recipient to comply with a deletion request issued under AS 45.48.800 - 45.48.945.

Sec. 45.48.830. Request for disclosure of personal information sold or disclosed for a business purpose or commercial purpose. (a) A consumer may request that a business that sold or disclosed the consumer's personal information for a business purpose or commercial purpose within the last five years disclose to the consumer

(1) the third parties subject to AS 45.48.810 in possession of the consumer's personal information;

(2) the categories of personal information or specific pieces of personal information that were sold or disclosed to each third party for a business purpose or commercial purpose;

(3) for the third parties to which the business directly disclosed the consumer's personal information for a business purpose or commercial purpose, the business purpose or commercial purpose for disclosing each category of personal information.

(b) A business shall respond to a consumer request under this section as required by AS 45.48.850.

Sec. 45.48.835. Request not to sell, share, or disclose personal information. (a) A consumer may, at any time, request a business not to sell, share, or disclose the consumer's personal information or not to sell, share, or disclose particular categories of the consumer's personal information.

(b) If a business collects personal information from a consumer online and the consumer uses a global privacy control, the business shall treat the use of the global privacy control as a valid request submitted by the consumer under (a) of this section

not to sell, share, or disclose the consumer's personal information. In this subsection,

(1) "extension" means a piece of software code that enables a computer application or program to perform an activity the application or program cannot do by itself;

(2) "global privacy control" includes a browser extension, privacy setting, device setting, or other mechanism that communicates or signals the consumer's choice not to have the consumer's personal information sold, shared, or disclosed.

(c) A consumer may, as provided by regulation adopted under AS 45.48.915, authorize another person solely to request that a business not sell, share, or disclose the consumer's personal information, and a business shall comply with the request received from the person for the consumer.

(d) A business shall respond to a consumer request under this section as required by AS 45.48.850, unless the consumer later provides a clear and explicit renunciation of the request. For one year after receiving a request under (a) - (c) of this section, a business may not contact the consumer to request that the consumer renounce the request.

(e) A business subject to this section may only use the personal information collected from a consumer request under this section to comply with the request, unless otherwise authorized by the consumer or by another provision of law.

Sec. 45.48.840. Use and disclosure of precise geolocation data. (a) A business may use a consumer's precise geolocation data for other purposes than the purpose disclosed under AS 45.48.800(a) if the consumer consents to the use. A consumer who consents to the use of the consumer's precise geolocation data for other purposes may, at any time, request that the business stop using the data for other purposes. The consumer's consent must be in writing and in an agreement separate from any other agreement for use, and the consumer must agree to the business's use of the consumer's precise geolocation data for other purposes.

(b) Except as provided in (a) of this section, a business shall limit the use and disclosure of a consumer's precise geolocation data to that necessary to provide goods or services that a consumer requests and reasonably expects, or goods and services the

business reasonably expects the consumer will request.

(c) The provisions of AS 45.48.800 - 45.48.945 do not apply to a business that uses a consumer's precise geolocation data if the consumer is an employee, contractor, or vendor of the business.

Sec. 45.48.845. Treatment of individuals 16 years of age or under. (a) Notwithstanding any other provision of AS 45.48.800 - 45.48.945, a business that has actual knowledge that a consumer is 16 years of age or under may not

(1) disclose the personal information of the consumer for a business purpose or commercial purpose, or use the consumer's precise geolocation data for a purpose other than to provide goods or services that the consumer reasonably requests and expects, unless the consumer's parent or guardian consents to the disclosure or use; or

(2) sell or share the personal information of the consumer.

(b) A business that recklessly disregards a reasonable likelihood that a consumer is 16 years of age or under is considered to have actual knowledge of the consumer's age. In this subsection, "recklessly" has the meaning given in AS 11.81.900(a).

(c) A business may not track or profile the personal information of an individual who is 16 years of age or under in order to provide to the individual a commercial advertisement that is based on the personal information or online activity of the individual.

Sec. 45.48.850. Disclosure or deletion request; process. (a) A business shall respond to a consumer request under AS 45.48.820 or 45.48.830 by

(1) providing the requested information electronically to the consumer in a portable and, to the extent technically feasible, readily useable format that allows the consumer to transmit the information to another person without hindrance;

(2) if the information provided under (1) of this subsection is not in a human-readable format, providing the requested information to the consumer in a format that is easily readable by a human; and

(3) at the consumer's request, providing the requested information by mail.

(b) A business subject to AS 45.48.800 - 45.48.945 shall designate at least two methods for a consumer to submit a request under AS 45.48.820 - 45.48.835, including, at a minimum, a toll-free telephone number and an electronic mail address. If a business maintains an Internet website, the website must include an option to submit requests under AS 45.48.820 - 45.48.835 on a public facing page. A designated method for submitting requests may include a mailing address, electronic mail address, Internet website, Internet website portal, toll-free telephone number, other applicable contact information, or a new consumer-friendly means of contacting a business as determined by regulation.

(c) A person may not charge a consumer a fee for performing a duty required by AS 45.48.800 - 45.48.945.

(d) A person may only use the information provided by a consumer in a request made under AS 45.48.820 - 45.48.835 to identify the consumer and comply with the request.

(e) In response to a request made under AS 45.48.820 - 45.48.835, a business shall

(1) promptly determine whether the request is a consumer request; a business may not require that a consumer create an account with the business; however, if the consumer maintains an account with the business, the business may require the consumer to submit the request through the account;

(2) identify in writing the personal information subject to a disclosure request; the information disclosed must

(A) cover the 12-month period preceding the request, or another applicable period designated by the consumer;

(B) be designated by the most relevant category of personal information;

(C) clearly separate information requested under AS 45.48.820 and 45.48.830;

(3) disclose and deliver the identified information in writing not later than 45 days after receipt of the request;

(4) not later than 45 days after receipt of a deletion request, comply

with AS 45.48.825, and provide confirmation of compliance to the consumer.

(f) The time to respond to a disclosure or deletion request under (e)(3) and (4) of this section may be extended once for an additional 45 days when reasonably necessary. If the time to respond is extended, the business shall notify the consumer of the extension.

(g) A business may disclose or provide confirmation of deletion of information to the consumer by mail, through the consumer's account with the business, or electronically at the consumer's request if the consumer does not have an account with the business.

(h) Notwithstanding any other requirement in this section, if a consumer's requests are manifestly unfounded or excessive, in particular because of the requests' repetitive character, a business may either charge a reasonable fee, taking into account the administrative costs of complying with the consumer's request, or refuse to act on the request. The business shall notify the consumer of a decision to charge a fee or to deny a request within the timeline provided under (e)(3) and (4) and (f) of this section. The notification must completely explain the business's reason for finding the request manifestly unfounded or excessive, including all pertinent facts. The business shall bear the burden of proving that a consumer's request is manifestly unfounded or excessive.

(i) A business is not required to respond to a disclosure or deletion request under AS 45.48.825 or 45.48.830 if the consumer making the request has made two consumer requests in the previous 365 days.

(j) A business is not required under this section to re-identify or otherwise link data that, in the ordinary course of business, is not maintained in a manner that would be considered personal information.

Sec. 45.48.855. Third-party disclosure and handling of personal information. (a) A third party may not disclose personal information to another person if the personal information was originally collected in violation of AS 45.48.800 or 45.48.835. A third party that reasonably inquires into whether personal information was collected in violation of AS 45.48.800 or 45.48.835, and reasonably concludes that information was not obtained in violation of AS 45.48.800

or 45.48.835 may not be held liable for a violation under this section.

(b) A third party may not disclose a consumer's personal information for a business purpose or commercial purpose unless the third party receives written confirmation from the business that originally collected the personal information that the information was collected in compliance with AS 45.48.800 and 45.48.835.

Sec. 45.48.860. Service provider obligations. (a) A service provider may not

(1) retain, use, or disclose personal information received from a business for any purpose other than to perform the services specified in a written contract with the business;

(2) combine personal information received from a business with personal information the service provider receives from other sources, unless otherwise provided in regulation;

(3) disclose personal information received from a business to any other person without first

(A) receiving written consent of the business to disclose the personal information to the other person; and

(B) entering into a written contract with the other person that prohibits the other person from engaging in conduct prohibited under this section.

(b) A person who receives personal information from a service provider may not disclose the personal information to any other person.

Sec. 45.48.865. Exemptions. (a) AS 45.48.800 - 45.48.945 do not apply to

(1) protected health information that is collected by a covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services in 45 C.F.R. Parts 160 and 164, established under the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and the Health Information Technology for Economic and Clinical Health Act (P.L. 111-5); in this paragraph, "protected health information" has the meaning given in 45 C.F.R. 160.103;

(2) a covered entity governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human

Services in 45 C.F.R. Parts 160 and 164, established under the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191), to the extent the provider or covered entity maintains patient information in the same manner as medical information or protected health information as described in (1) of this subsection;

(3) information collected as part of a clinical trial subject to 45 C.F.R. Part 46 (Protection of Human Subjects) under

(A) good clinical practice guidelines issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use; or

(B) human subject protection requirements of the United States Food and Drug Administration;

(4) vehicle information or ownership information retained or shared between a new motor vehicle dealer, as defined in AS 45.25.990, and the motor vehicle manufacturer, as defined in AS 45.25.990, if the information is shared for the purpose of or in anticipation of effectuating a vehicle repair covered by a vehicle warranty or recall conducted under 49 U.S.C. 30118 - 30120, if the new motor vehicle dealer or vehicle manufacturer does not sell, share, or use the information for another purpose; in this paragraph,

(A) "ownership information" means the name of each registered owner and accompanying contact information;

(B) "vehicle information" means the vehicle identification number, the vehicle's make, model, or year, or the vehicle's odometer reading;

(5) a person, including a subsidiary or affiliate of the person, and data that are subject to 15 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Act) and related regulations;

(6) an individual's personal information collected by a business if the business collects the personal information through the individual's

(A) job application made to the business;

(B) service as an employee, officer, or director of the business; or

(C) work as a contractor for the business and consists only of

(i) personal information used solely within the context for which it was collected;

(ii) emergency contact information used solely for the purpose of having an emergency contact on file; or

(iii) personal information retained solely to administer benefits for the individual.

(b) AS 45.48.800 - 45.48.945 do not apply to the disclosure of a consumer's personal information to

(1) comply with federal, state, or local law;

(2) comply with a civil, criminal, or regulatory inquiry or an investigation, subpoena, or summons by federal, state, or local authorities;

(3) cooperate with law enforcement agencies concerning conduct or activity that the person reasonably and in good faith believes may violate federal, state, or local law;

(4) exercise or defend legal claims;

(5) collect, use, retain, sell, or disclose de-identified consumer personal information or aggregated consumer personal information.

(c) AS 45.48.800 - 45.48.945 do not apply to the collection or sale of a consumer's personal information if the commercial conduct takes place wholly outside the state. For the purpose of this subsection, commercial conduct takes place wholly outside the state if

(1) the business collected the information while the consumer was outside the state; the exemption allowed under this subsection does not include the storage of personal information, including on a personal device, while the consumer is in the state and collection when the consumer and stored information later leave the state;

(2) no part of the sale of the consumer's personal information occurred in the state; and

(3) no personal information collected while the consumer was in the state was sold.

(d) AS 45.48.800 - 45.48.875 and 45.48.885 - 45.48.945 do not apply to

(1) an activity that is subject to 15 U.S.C. 1681 - 1681x (Fair Credit Reporting Act) that involves the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency;

(2) a furnisher of information who provides information for use in a consumer report, or a user of a consumer report, to the extent the information is used as authorized under 15 U.S.C. 1681 - 1681x (Fair Credit Reporting Act);

(3) personal information collected, processed, sold, or disclosed under 18 U.S.C. 2721 - 2725 (Driver's Privacy Protection Act of 1994) and related regulations.

(e) Except as provided in AS 45.48.835 and 45.48.880, personal information contained in a written communication, oral communication, or transaction between a business and a consumer is exempt from AS 45.48.800 - 45.48.945 if

(1) the consumer is an individual acting as an employee, owner, director, officer, member, or contractor of a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that is organized or operated for the profit or financial benefit of its shareholders, partners, members, or other owners, or is a government agency; in this paragraph, "owner" means an individual who

(A) owns, directly or indirectly, or has the power to vote, more than 50 percent of the outstanding shares of a class of voting securities of a business;

(B) controls, in any manner, the election of a majority of the directors or of individuals exercising similar functions; or

(C) has the power to exercise a controlling influence over the majority of the directors or of individuals exercising similar functions; and

(2) the communication or transaction occurs solely within the context of the business exercising due diligence regarding a product or service of, the receipt of a product or service from, or providing a product or service to the corporation, partnership, sole proprietorship, or government agency.

(f) A requirement under AS 45.48.800 - 45.48.945 does not apply if

(1) compliance with the requirement would violate an evidentiary privilege under state law;

(2) the business provides personal information as part of privileged communication to a person covered by an evidentiary privilege;

(3) the right or obligation would adversely affect a right of another consumer;

(4) the requirement would infringe on the noncommercial activity of a person or entity exercising rights under art. I, sec. 5, Constitution of the State of Alaska.

(g) A business does not sell or share a consumer's personal information under AS 45.48.800 - 45.48.945 if

(1) the consumer intentionally directs the business to disclose the consumer's personal information to a third party, intentionally uses the business to disclose the consumer's personal information to a third party, or intentionally directs the business to interact with a third party, and the third party does not also disclose the personal information or discloses the personal information consistent with AS 45.48.800 - 45.48.945;

(2) the business uses or shares a unique identifier for a consumer to alert third parties that the consumer has requested under AS 45.48.835 that the business not sell, share, or disclose the consumer's personal information or particular categories of the consumer's personal information.

(h) A business does not sell personal information under AS 45.48.800 - 45.48.945 when the business uses or shares with a service provider a consumer's personal information that is necessary to perform a business purpose if

(1) the business has provided notice under AS 45.48.800 of the personal information being used or shared; and

(2) the service provider does not further collect, sell, or use the consumer's personal information except as necessary to perform the business purpose.

(i) In this section,

(1) "contractor" means a person who is not an employee of a business

but provides a service to the business under a written contract;

(2) "covered entity" has the meaning given in 45 C.F.R. 160.103;

(3) "director" has the meaning given in AS 10.06.990;

(4) "intentionally" does not mean hovering over, muting, pausing, or closing a piece of content;

(5) "officer" means a person appointed or designated as an officer of a corporation by or under applicable law or the corporation's articles of incorporation or bylaws, or a person who performs for the corporation the functions usually performed by an officer of a corporation.

Sec. 45.48.870. Retaliation prohibited; financial incentives. (a) A business may not retaliate against a consumer in response to a consumer exercising rights under AS 45.48.800 - 45.48.945. Retaliation includes

(1) denying goods or services;

(2) charging different prices or rates for goods or services, including using discounts or other benefits or imposing penalties;

(3) providing a different level or quality of goods or services to a consumer;

(4) suggesting that a consumer will receive a different price or rate for goods or services or a different level or quality of goods or services.

(b) Notwithstanding (a) of this section, a business may charge a consumer a different rate or provide a different level or quality of goods or services to a consumer if the difference is reasonably related to the value provided to the business by the consumer's personal information.

(c) Notwithstanding (a) of this section, a business may offer a consumer a financial incentive for the collection, sale, or retention of personal information, including direct payments to a consumer as compensation. A business that offers a financial incentive under this subsection

(1) shall notify consumers of the financial incentive;

(2) shall obtain a consumer's consent before entering a consumer into a financial incentive program; to obtain a consumer's consent under this paragraph, the business shall provide the consumer access to a clear and conspicuous description of

the material terms of the financial incentive program; the consumer may revoke the consent at any time;

(3) may not use financial incentive practices that are unjust, unreasonable, coercive, or usurious.

(d) In this section, "business" does not include a newspaper.

Sec. 45.48.875. Transfer of information in a merger, acquisition, bankruptcy, and certain other transactions. (a) A business may transfer to or share with a third party a consumer's personal information as an asset that is part of a business change transaction.

(b) If a business shares a consumer's personal information with a third party in the process of evaluating and consummating a business change transaction, the business shall require that the third party agree by contract to keep the personal information confidential and not use the personal information for a purpose other than evaluating and consummating the transaction.

(c) A third party under (a) of this section may not use or share the consumer's personal information in a manner that is materially inconsistent with (a) of this section or with the uses identified in the notification made under AS 45.48.800.

(d) A transfer under (a) of this section does not authorize a business to make material retroactive privacy policy changes or other changes in a manner that constitutes an unfair or deceptive trade practice under AS 45.50.471 - 45.50.561.

(e) In this section, "business change transaction" means a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business.

Sec. 45.48.880. Duty to maintain reasonable security measures. A business that owns, licenses, or maintains a consumer's personal information shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

Sec. 45.48.885. Component parts. If a series of steps or transactions are component parts of a single transaction and are intended from the beginning to avoid the reach of AS 45.48.800 - 45.48.945, including a business's disclosure of

information to a third party to avoid being considered a sale, the steps or transactions may not be considered separate for the purposes of determining compliance with, an exception to, or a violation of AS 45.48.800 - 45.48.945.

Sec. 45.48.890. Violations. (a) A violation of AS 45.48.800 - 45.48.945 is an unfair or deceptive act or practice under AS 45.50.471 - 45.50.561. Each day of a violation constitutes a separate violation.

(b) In an action brought under AS 45.50.531(a), a consumer whose personal information is subjected to unauthorized access, destruction, use, modification, or disclosure has suffered an ascertainable loss of $1 or another amount proven at trial, whichever is greater.

(c) The remedies under this section are in addition to the remedies provided under AS 45.48.080 for a violation of AS 45.48.010 - 45.48.090.

Sec. 45.48.895. Consumer privacy account. (a) The consumer privacy account is established as a separate account in the general fund.

(b) The consumer privacy account consists of

(1) money appropriated to the account by the legislature;

(2) the registration fees collected under AS 45.48.900(b)(2);

(3) the fees collected under AS 45.48.910; and

(4) civil penalties and money collected in or as a result of an action brought by the attorney general under AS 45.48.800 - 45.48.945.

(c) The purposes of the consumer privacy account are to pay

(1) the salaries of attorneys in the Department of Law that enforce the provisions of AS 45.48.800 - 45.48.945 at an amount that is competitive with the private sector; and

(2) the administrative costs incurred by the department and the Department of Law to enforce AS 45.48.800 - 45.48.945.

(d) The legislature may appropriate money deposited under (b)(2) - (4) of this section for the purposes of the account.

Sec. 45.48.900. Data broker registration. (a) Before a business begins operating as a data broker, the business shall register with the commissioner in accordance with this section.

(b) To register as a data broker, a business shall

(1) provide, on a form provided by the commissioner,

(A) the name of the data broker;

(B) the data broker's primary physical and mailing addresses;

(C) the data broker's electronic mailing address;

(D) the data broker's primary Internet website address; and

(E) the data broker's "Do Not Collect or Sell My Personal Information" Internet website page as required under AS 45.48.800(c) or alternative Internet website page that meets the requirements of AS 45.48.800(d); and

(2) pay a registration fee in an amount established by the department by regulation.

(c) The department shall deposit the fees paid under (b)(2) of this section into the consumer privacy account established under AS 45.48.895.

Sec. 45.48.905. Data broker registry publicly displayed. The commissioner shall make the information provided by data brokers under AS 45.48.900(b)(1) available on the department's Internet website.

Sec. 45.48.910. Revenue fees. (a) A business that collects, sells, or shares personal information from a consumer shall pay a fee to the department. The amount of this fee is three percent of the revenue received by the business from the buying, selling, or sharing of the personal information of a consumer or household information.

(b) The department shall deposit the fees paid under (a) of this section into the consumer privacy account established under AS 45.48.895.

Sec. 45.48.915. Regulations. (a) The attorney general shall adopt regulations under AS 44.62 (Administrative Procedure Act) that

(1) create specific exceptions required to comply with state or federal law;

(2) govern the Internet website page requirement of AS 45.48.800, including

(A) the use of a recognizable and uniform mark to identify the

opportunity to exercise a right under AS 45.48.800 - 45.48.945;

(B) the submission of a consumer request;

(C) a business's compliance with a request under AS 45.48.835;

(3) update, as necessary, additional categories of personal information required to be disclosed in response to relevant changes in technology, data collection practices, privacy concerns, or obstacles to implementation;

(4) update, as necessary, the interpretation of unique identifiers in response to relevant changes in technology, data collection practices, privacy concerns, or obstacles to implementation;

(5) update, as necessary, the interpretation of designated methods for submitting requests to facilitate a consumer's ability to obtain information from a business;

(6) establish requirements to ensure that notices and information provided under AS 45.48.800 are in plain language, accessible to consumers with disabilities, and available in the language primarily used by the business to interact with the consumer, including with regard to financial incentive offerings;

(7) designate the process for a consumer to authorize a representative to exercise the rights provided under AS 45.48.800 - 45.48.945 on the consumer's behalf; and

(8) further define the meaning of "profile."

(b) The attorney general may adopt regulations under AS 44.62 (Administrative Procedure Act) that

(1) establish rules and procedures for processing and complying with a consumer request for specific pieces of personal information relating to a household to address obstacles to implementation and privacy concerns;

(2) state that service providers may combine personal information for specified purposes;

(3) are necessary to further the purposes of AS 45.48.800 - 45.48.945.

(c) The department shall establish by regulation adopted under AS 44.62 (Administrative Procedure Act) the amount of the registration fee that a data broker shall pay under AS 45.48.900(b)(2).

Sec. 45.48.920. Persons who may consent. Except as provided in AS 45.48.845(a), a person may provide consent for a consumer under AS 45.48.800 - 45.48.945 if the person is

(1) the consumer;

(2) the consumer's legal guardian;

(3) a person who holds a power of attorney for the consumer; or

(4) a person who is acting as a conservator for the consumer.

Sec. 45.48.925. Personnel training. A business subject to AS 45.48.800 - 45.48.945 shall provide training to individuals responsible for handling consumer questions or requests under AS 45.48.800 - 45.48.945, including training the individuals how to direct a consumer to exercise the consumer's rights under AS 45.48.800 - 45.48.945.

Sec. 45.48.930. Provisions not waivable. A consumer's waiver of the provisions of AS 45.48.800 - 45.48.945 is contrary to public policy and is unenforceable and void. This section does not prevent a consumer from

(1) declining to request information from a business;

(2) declining to request that a business not collect, sell, or disclose the consumer's personal information; or

(3) authorizing a business to sell the consumer's personal information after previously requesting that the business not sell the personal information.

Sec. 45.48.935. Liberal construction. The intent of AS 45.48.800 - 45.48.945 is remedial and its provisions shall be liberally construed.

Sec. 45.48.940. Definitions. In AS 45.48.800 - 45.48.945, unless the context indicates otherwise,

(1) "aggregated consumer information" means information that relates to a group or category of consumers from which individual consumer identities have been removed, and that is not linked or reasonably linkable by a device or other method to a consumer or household; "aggregated consumer information" does not mean an individual consumer record that has been de-identified;

(2) "application" means a computer software package that performs a specific function;

(3) "beacon" means a small computer device that allows computer information to be transmitted to a portable device that can connect to the Internet;

(4) "business" means a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that is organized or operated for the profit or financial benefit of its shareholders, partners, members, or other owners, that collects or has collected consumers' personal information or on the behalf of which that information is collected, that alone or jointly with others determines the purposes and means of processing personal information of consumers, that does business in the state, and that

(A) satisfies one or both of the following thresholds:

(i) alone or in combination with another person, annually buys, sells, or shares the personal information of 100,000 or more consumers or households; or

(ii) derives 50 percent or more of its annual revenue from selling or sharing the personal information of consumers; or

(B) controls or is controlled by a business that meets a threshold in (A) of this paragraph and shares a name, service mark, trademark, or other form of common branding with the business; in this subparagraph, "control" means

(i) ownership or the power to vote more than 50 percent of the outstanding shares of any class of voting security of a business;

(ii) control, in any manner, of the election of a majority of the directors or of individuals exercising similar functions; or

(iii) the power to exercise a controlling influence over the majority of the directors or of individuals exercising similar functions;

(5) "business purpose" means a use for an operational purpose or other notified purpose, if the use is reasonably necessary and proportionate to achieving the operational purpose or other notified purpose for which personal information was collected or processed, or is a compatible use;

(6) "categories of personal information" includes a category of

personal information set out in (24) of this section and a category of personal information not specifically enumerated;

(7) "collect" includes buying, renting, gathering, obtaining, receiving, or accessing personal information pertaining to a consumer by actively or passively receiving information from the consumer, by observing the consumer's behavior, or by any other means;

(8) "commercial purpose" includes marketing, advertising, and any other purpose that advances a person's commercial or economic interests, except engaging in political speech, journalism, or other speech that state or federal courts have recognized as noncommercial speech;

(9) "commissioner" means the commissioner of commerce, community, and economic development;

(10) "compatible use" means

(A) auditing related to a current interaction with the consumer and counting the advertisement impressions made to individual visitors, verifying positioning and quality of advertisement impressions, and auditing compliance with this paragraph, other standards, and other concurrent transactions;

(B) detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those persons responsible for that activity;

(C) identifying and removing errors from computer hardware or software that impair existing intended functionality;

(D) the contextual customization of advertisements shown as part of the same interaction and other short-term transient use, if the personal information is not disclosed to a third party and is not used to build a profile about a consumer or alter the experience of an individual consumer outside the current interaction;

(E) maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing advertising

or marketing services, providing analytical services, and performing other services on behalf of the business or service provider;

(F) conducting internal research for technological development and demonstration;

(G) performing activities to verify or maintain the quality or safety of a service or device that is owned by, manufactured by, manufactured for, or controlled by the business, and to improve, upgrade, or enhance the service or device; or

(H) performing another use that is consistent with the context in which the personal information was collected;

(11) "consent"

(A) means a consumer's freely given, specific, informed, and unambiguous indication by statement, action, or other method, that the consumer agrees to the processing of the consumer's personal information for a narrowly defined purpose;

(B) does not mean

(i) acceptance of general terms of use, a broad statement of terms of use, or a similar document that contains descriptions of personal information processing along with other, unrelated information;

(ii) hovering over, muting, pausing, or closing a given piece of content on the Internet; or

(iii) an agreement obtained through the use of a user interface designed or manipulated to subvert or impair user autonomy, decision making, or choice;

(12) "conservator" has the meaning given in AS 13.06.050;

(13) "consumer" means an individual who is a resident of the state under AS 01.10.055, whether identified by a unique identifier or other method of identification, but does not mean an individual acting

(A) as an employee, owner, director, officer, member, or contractor or in another capacity of a corporation, limited liability company,

sole proprietorship, partnership, association, nonprofit, or other entity or government agency;

(B) for the entity or agency with another entity or agency; or

(C) in an employment context;

(14) "consumer request" means a request that is made by a consumer, by a parent or legal guardian with legal custody of the consumer, or by a individual or a person registered with the United States Secretary of State, authorized by the consumer to act on the consumer's behalf;

(15) "data broker" means a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship, but does not include a consumer reporting agency to the extent the agency is covered by 15 U.S.C. 1681 et seq. (Fair Credit Reporting Act);

(16) "de-identified" means that the information cannot reasonably identify, relate to, describe, be capable of being associated with, or be directly or indirectly linked to, an individual consumer, and the business holding the information

(A) has implemented technical safeguards that prohibit re-identification of the consumer to whom the information may pertain;

(B) has implemented business processes that specifically prohibit re-identification of the information;

(C) has implemented business processes to prevent inadvertent release of de-identified information; and

(D) makes no attempt to re-identify the information;

(17) "department" means the Department of Commerce, Community, and Economic Development;

(18) "device" includes a computer and a physical object that can

(A) read, write, or store information that is represented in numerical form;

(B) connect to the Internet, directly or indirectly, or to another device;

(19) "disclose" includes all types of disclosure, including the disclosure of personal information related to a sale of personal information;

(20) "Internet website page" means a document accessible through the Internet with a unique identifier used to locate a resource on the Internet;

(21) "knowingly" has the meaning given in AS 11.81.900(a);

(22) "operational purpose" means the use of personal information, when reasonably necessary and proportionate, to achieve, if the use is limited to a direct relationship and experience with a consumer,

(A) debugging to identify and repair errors that impair existing intended functions;

(B) based on information collected by the business, undertaking internal research for analysis, product improvement, and technology development;

(C) verification or maintenance of the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by the business, or to improve, upgrade, or enhance a service or device that is owned, manufactured, manufactured for, or controlled by the business;

(D) customization of content based on information collected by the business; or

(E) customization of advertising or marketing based on information collected by the business;

(23) "person" means an individual, proprietorship, corporation, company, partnership, firm, association, and any other nongovernmental organization or group of persons acting in concert;

(24) "personal information"

(A) means the information in the following categories that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household:

(i) a real name, alias, postal address, unique identifier, online identifier, Internet protocol address, electronic mail address, account name, or other identifier;

(ii) signature;

(iii) physical characteristics or physical description;

(iv) telephone number;

(v) insurance policy number;

(vi) characteristics of protected classifications under state or federal law;

(vii) commercial information, including bank accounts, records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies;

(viii) browsing history, search history, and information regarding a consumer's interaction with an Internet website, application, or advertisement, or other Internet or electronic network activity information;

(ix) geolocation data, including precise geolocation data;

(x) audio, electronic, visual, thermal, olfactory, or similar information;

(xi) professional or employment-related information;

(xii) information that is personally identifiable information, as defined in 34 C.F.R. 99.3, that is not publicly available;

(xiii) sensitive personal information;

(xiv) inferences drawn from any of the information identified in this subparagraph to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes;

(B) does not mean

(i) publicly available information;

(ii) consumer information that is de-identified or is aggregated consumer information;

(iii) biometric information; in this sub-subparagraph,

"biometric information" means an individual's physiological, biological, or behavioral characteristics that can be used to establish individual identity;

(25) "precise geolocation data"

(A) means data that is derived from a consumer device through a technology that

(i) is capable of determining with specificity the latitude and longitude coordinates or other spatial location of a person or device;

(ii) has an accuracy level of less than 1,750 feet;

(iii) uses a global positioning system, a triangulated location provided by a beacon, network radios, or a technology that allows computers, mobile phones, or other devices to connect to the Internet or communicate with one another wirelessly within a particular area, or another technology;

(B) does not mean information that is or will be

(i) altered before the information is processed, in order to be able to determine with specificity the physical location of an individual or device;

(ii) used by a business when acting as an employer;

(26) "processing" means any operation or set of operations performed on personal data or on sets of personal data, whether or not by automated means;

(27) "profile" or "profiling" means automated processing of personal information, as further defined by regulation adopted under AS 45.48.915, to analyze or predict an individual's work performance, economic situation, health, personal preferences, interests, reliability, behavior, location, movements, or other personal features;

(28) "publicly available information" means information that is lawfully made available from federal, state, or local government records, that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media, or that a consumer makes

available by a person to whom the consumer has disclosed the information if the consumer has not restricted the information to a specific audience;

(29) "research" means scientific systematic study and observation that is in the public interest, that adheres to all applicable ethics and privacy laws, and

(A) is compatible with the business purpose for which the personal information was collected;

(B) is used solely for research purposes that are compatible with the context in which the personal information was collected;

(C) is not used for a commercial purpose; and

(D) in which the personal information is

(i) later pseudonymized and de-identified, or de-identified and in the aggregate, if the information cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer; personal information is considered pseudonymized if the information is processed so that it is no longer attributable to a specific consumer without the use of additional information, and the additional information is kept separate and is subject to technical and organizational measures to ensure that the personal information is not attributed to an identified or identifiable consumer;

(ii) subject to technical safeguards that prohibit re-identification of the consumer to whom the information may pertain;

(iii) subject to business processes that specifically prohibit re-identification of the information;

(iv) subject to business processes to prevent inadvertent release of de-identified information; and

(v) subjected by the business conducting the research to additional security controls that limit access to the research data to individuals in the business as necessary to carry out the research purpose;

(30) "sale," "sell," or "sold" means renting, releasing, disclosing,

disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by a business to a third party for monetary or other valuable consideration or for another commercial purpose;

(31) "sensitive personal information" means information that is not publicly available information and reveals

(A) a consumer's social security number, driver's license number, known traveler number, state identification card number, passport number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual;

(B) the number of a consumer's Internet account, financial account, debit card account, credit card account, or other account, in combination with any required security or access code, password, or credentials allowing access to the account;

(C) a consumer's precise geolocation;

(D) a consumer's racial or ethnic origin, religious or philosophical beliefs, mental or physical health diagnosis, sexual orientation, citizenship or immigration status, or union membership;

(E) the contents of a consumer's mail or electronic mail, text message, or other electronic communication, unless the business possessing the information is the intended recipient of the communication;

(F) a consumer's genetic data;

(G) information about an individual who is less than 18 years of age;

(H) information collected and analyzed concerning a consumer's health; or

(I) information collected and analyzed about a consumer's sexual life or sexual orientation;

(32) "service provider" means a person that receives personal information from a business to be used solely for a business purpose under a written contract that requires the service provider to comply with AS 45.48.860;

(33) "share" means renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means personal information by a business to a third party for cross-context behavioral advertising, whether for monetary or other valuable consideration, or in a transaction between a business and a third party for cross-context behavioral advertising for the benefit of a business in which no money is exchanged; in this paragraph, "cross-context behavioral advertising" means the targeting of advertising to a consumer based on the consumer's personal information obtained from the consumer's activity across businesses, distinctly branded Internet websites, applications, or services, other than the business, distinctly branded website, application, or service with which the consumer intentionally interacts;

(34) "third party" means any person, except

(A) the business that collected the personal information from the consumer; and

(B) a service provider contracting with the business that collected the personal information from the consumer;

(35) "unique identifier" includes a device identifier; an Internet protocol address; cookies, beacons, pixel tags, mobile ad identifiers, or similar technology; customer number, unique pseudonym, or user alias; telephone numbers, or other forms of persistent or probabilistic identifiers that can be used to identify a particular consumer or device; or another persistent identifier that can be used to recognize a consumer, a household, or a device that is linked to a consumer or household, over time and across different services; in this paragraph,

(A) "cookie" means information from an Internet website stored by a person's computer that is used to identify the person's computer while the person is using the website;

(B) "pixel tag" means a small design or picture that is loaded when a computer user visits an Internet website page or opens electronic mail;

(C) "probabilistic identifier" means the identification of a consumer or a device to a degree of certainty of more probable than not based on a category of personal information included in, or similar to, the categories

of personal information.

Sec. 45.48.945. Short title. AS 45.48.800 - 45.48.945 may be cited as the Consumer Personal Information Privacy Act.

*** Sec. 5.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(58) violating AS 45.48.800 - 45.48.945 (Consumer Personal Information Privacy Act).

*** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY: CONTRACTS. This Act applies to a contract entered into on or after the effective date of secs. 1 - 6 of this Act.

*** Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The attorney general shall adopt regulations as authorized under AS 45.48.915, added by sec. 4 of this Act, to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

*** Sec. 8.** Section 7 of this Act takes effect immediately under AS 01.10.070(c).

*** Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect January 1, 2027.