

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	HB 1602
Version:	Introduced
Request Number:	7151
Author:	Rep. Walke
Date:	2/9/2021
Impact:	See Analysis Below

Research Analysis

HB 1602, as introduced, creates the Oklahoma Computer Data Privacy Act. The measure allows a customer to request that a business which collects personal information disclose the categories and specific items of information collected, and to delete the consumer's personal information collected by the business. The consumer would be entitled to opt out of the sale of their personal information by the business to third parties. A business would be prohibited to collect a consumer's personal information prior to notifying the consumer of each category of information to be collected, and the purposes for which it will be used, and must obtain the consumer's consent. The bill prohibits a business from discriminating against a consumer who exercises a right included in the act.

The measure applies only to an entity that does business in Oklahoma, collects consumers' personal information, determines the purpose for and means of processing that personal information, and satisfies certain revenue or customer number thresholds. It does not apply to publicly available information, protected health information or a health care provider governed by health privacy laws, information collected as part of a clinical trial, or information sold to be used pursuant to the Fair Credit Reporting Act, the Gramm-Leach-Bliley Act, or the Driver's Privacy Protection Act of 1994.

The bill provides that, in case of conflict with another statute, the one which affords the greatest privacy or protection to consumers will prevail. The act would preempt any rule or ordinance of a political subdivision relating to collection or sale of a consumer's personal information.

The Oklahoma Corporation Commission is directed to adopt rules to implement and enforce this bill. The rules would govern procedures for compliance with a consumer request for information, as well as for facilitating and governing opt-out or opt-in requests. The commission is further authorized to adopt rules necessary to update categories of personal information governed under the act, the methods for submitting requests to obtain information, and any exemptions necessary to comply with federal law.

HB 1602 voids a provision of a contract or agreement which purports to waive or limit a right, remedy or means of enforcement under the act.

Prepared By: Sean Webster

Fiscal Analysis

HB 1602 creates the Oklahoma Computer Data Privacy Act and tasks the Oklahoma Corporation Commission with implementing, administering, and enforcing the Act. Officials from the Corporation Commission anticipate significant costs related to the implementation of the Act.

Though the Corporation Commission is currently unable to provide a fiscal impact estimate in dollar amounts; the Corporation Commission has communicated that “it can be reasonably estimated that the impact would be in the millions of dollars.” Specific cost drivers identified by the Corporation Commission include the need to create, staff, and provide resources for a new division of the agency to administer and enforce the Act. This fiscal analysis will be updated as additional information becomes available.

Prepared By: John McPhetridge

Other Considerations

None.