



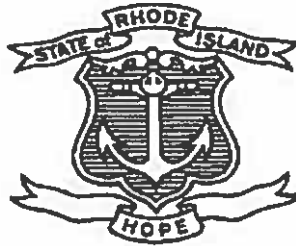
THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

Final Report

Submitted June 8, 2022

TABLE OF CONTENTS

Commission Members	Page 2
A Letter from Chair Shanley	Page 3
Findings	Page 4, 5
Recommendations	Page 6
Appendices:	
• Appendix A – Resolutions	Page 7
• Appendix B - The Rhode Island Transparency and Privacy Protection Act	Page 8
• Appendix C - Meeting Agendas and Presentations	Pages 9, 10
• Appendix D - Written Testimony and Material	Pages 11, 12



Commission Members

- **Representative Evan P. Shanley - Chair – D-District 24, Warwick**
- **Representative Alex Marszalkowski – Vice Chair – D-District 52, Cumberland**
- **Representative Jean Philippe Barros - D-District 59, Pawtucket**
- **Representative Michael Chippendale – R-District 40, Coventry, Foster, Glocester**
- **Representative John Edwards – D-District 70, Portsmouth, Tiverton**
- **Mr. Christopher Gilrein**
- **Ms. Michele Cinquegrano**
- **Mr. Tim Wilkerson**
- **Attorney General Peter Neronha**
- **Dr. Cedric Priebe**
- **Mr. John Simmons**

Dear Speaker Shekarchi:

I am pleased to provide you with the findings and recommendations of the Rhode Island Online Data Transparency and Privacy Protection Commission (the "*Commission*").

The Commission consisted of eleven (11) members and included several dedicated professionals from the information and technology field, the Internet service provider field, and related fields.

The Commission was convened to make a comprehensive study and provide recommendations to the House of Representatives with respect to legislation and/or regulations that will protect individuals from disclosures of personally identifiable information through the Internet by operators of commercial websites or online services. Accordingly, the Commission studied and discussed potential legislation and related topics such as: whether or not the potential legislation would conflict with any existing state or federal law; whether or not the Model Student Act should be utilized as the legislative means by which students are protected; enforcement and jurisdictional issues pertaining to the potential legislation; the use of recommendation engines; and definitions contained in such potential legislation.

This final report is a culmination of thirteen (13) hearings that began in December, 2018 and ended in June, 2022. It contains information presented by various witnesses who testified before the Commission, as well as presentations made, which the Commission has studied.

I would like to express my gratitude to all members of the Commission for their willingness to take part in this process, and we appreciate the investment of the time and talent that they graciously provided.

Sincerely,



Evan P. Shanley
Chair

Commission Findings

The Commission studied the following three** draft bills along with related issues pertaining to online data privacy concerns:

- An Act Relating to Commercial Law - General Regulatory Provisions - Rhode Island Right-To-Know Data Transparency and Privacy Protection Act, which is a draft bill that regulates online service providers and commercial websites (the “*Right-to-Know Draft Bill*”).
- An Act Relating to Public Utilities and Carriers – Duties of Public Utilities and Carriers, which is a draft bill related to student privacy (the “*Student Privacy Draft Bill*”).
- An Act Relating to Commercial Law – General Regulatory Provisions – Establishing the “Consumer Personal Data Protection Act of 2019”, which is a draft bill that regulates data brokers (the “*Data Broker Draft Bill*”).

Based on its study of these draft bills as well as related legislation and issues pertaining to online data privacy concerns, testimony presented to it, and discussions by and amongst its members, **the Commission makes the following findings:**

1. There is no federal law in place that sufficiently protects Rhode Island citizens with respect to online data privacy concerns and issues.
2. In order to protect Rhode Island citizens with respect to online data privacy concerns and issues, we would encourage passage of Bill # 2022 -- H 7400, An Act Relating to Commercial Law – General Regulatory Provisions - Rhode Island Transparency and Privacy Protection Act, which:
 - Is based on the Right-to-Know Draft Bill.
 - Was introduced during the 2022 legislative session.
 - Is enforceable in Rhode Island as any violation of this bill would constitute a violation of the general regulatory provisions of commercial law in title 6 and shall constitute a deceptive trade practice in violation of chapter 13.1 of title 6.
3. In order to protect Rhode Island citizens with respect to online data privacy concerns and issues, there is a need to further study the Student Cloud Computing Privacy and Protection Act (Bill # 2020 -- H 7724), which is based on the Student Privacy Draft Bill, with a focus on determining if Rhode Island should adopt and enact the Model Student Online Personal Information Protection Act, and there is a need to further study the Consumer Personal Data Protection Act of 2020 (Bill # 2020 -- H 7723), which is based on the Data Broker Draft Bill.

****Note:** The Commission also reviewed three other draft bills (i.e., An Act Relating to State Affairs and Government – Office of Information Technology, An Act Relating to Commercial Law – General Regulatory Provisions – The Data Security Breach Notification Act, and An Act

Relating to Criminal Procedure – The Rhode Island Biometric Information Protection Privacy Act), but did not conduct an in-depth study of such bills. Accordingly, the Commission, at this time, will not provide findings or recommendations regarding such bills.

Commission Recommendations

Based on its study of the above-referenced draft bills, testimony presented to it, and discussions by and amongst its members, the Commission makes the following recommendations:

- Encourage passage of Bill # 2022 -- H 7400, The Rhode Island Transparency and Privacy Protection Act, which is based on the “Right-to-Know Draft Bill”, and which is attached hereto, incorporated by reference herein, and may be found in Appendix B of this final report.
- Conduct further study regarding Bill # 2020 -- H 7724, The Student Cloud Computing Privacy and Protection Act, which is based on the Student Privacy Draft Bill, with a focus on determining if the Model Student Online Personal Information Protection Act should be adopted and what impact, if any, such a bill would have on existing law.
- Conduct further study regarding Bill # 2020 -- H 7723, The Consumer Personal Data Protection Act of 2020, which is based on the Data Broker Draft Bill.

Appendix A- Resolutions

- 2018 -- Resolution H8353
- 2019 -- Resolution H6135
- 2021-- Resolution H6043
- 2022 -- Resolution H7022 Substitute A

(See attached)

2018 -- H 8353

LC005981

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

HOUSE RESOLUTION

CREATING A SPECIAL LEGISLATIVE COMMISSION TO BE KNOWN AS THE "RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION"

Introduced By: Representatives Shanley, Keoble, Marszałkowski, Carson, and Kazanian

Date Introduced: June 22, 2018

Referred To: House read and passed

1 WHEREAS, The right to privacy is a personal and fundamental right protected by the
2 United States Constitution, and

3 WHEREAS, All individuals have a right to privacy in information pertaining to them,
4 and providing consumers with transparency about how their personal information, especially
5 information relating to their children, is shared by businesses is of utmost importance; and

6 WHEREAS, This transparency is crucial for Rhode Island citizens to protect themselves
7 and their families from cyber-crimes and identity thieves; and

8 WHEREAS, For free market forces to have a role in shaping the privacy practices and for
9 "opt-in" and "opt-out" remedies to be effective, consumers must be more than vaguely informed
10 that a business might share personal information with third parties; and

11 WHEREAS, Consumers must be better informed about what kinds of personal
12 information is shared with other businesses. With these specifics, consumers can knowledgeably
13 choose to opt-in, opt-out, or choose among businesses that disclose information to third parties on
14 the basis of how protective the business is of consumers' privacy; and

15 WHEREAS, Businesses are now collecting personal information and sharing and selling
16 it in ways not contemplated or properly covered by the current law; and

17 WHEREAS, Some websites are installing tracking tools that record when consumers visit
18 webpages, and sending very personal information, such as age, gender, race, income, health
19 concerns, religion, and recent purchases to third-party marketers and data brokers; and

1 WHEREAS, Third-party data broker companies are buying, selling, and trading personal
2 information obtained from mobile phones, financial institutions, social media sites, and other
3 online and brick and mortar companies; and

4 WHEREAS, Some mobile applications are sharing personal information, such as
5 location information, unique phone identification numbers, and age, gender, and other personal
6 details with third-party companies; and

7 WHEREAS, Consumers need to know the ways that their personal information is being
8 collected by companies and then shared or sold to third parties in order to properly protect their
9 privacy, personal safety, and financial security; now, therefore be it

10 RESOLVED, That a special legislative commission to be known as the "Rhode Island
11 Online Data Transparency and Privacy Protection Commission" be and the same is hereby
12 created consisting of eleven (11) members: five (5) of whom shall be members of the Rhode
13 Island House of Representatives, not more than four (4) from the same political party, to be
14 appointed by the Speaker of the House; one of whom shall be the Rhode Island Attorney General,
15 or designee, one of whom shall be a representative of an Internet service provider, to be
16 appointed by the Speaker of the House; one of whom shall be a representative from a commercial
17 website operator, to be appointed by the Speaker of the House; one of whom shall be a
18 representative of a data transparency and privacy advocacy organization, to be appointed by the
19 Speaker of the House; one of whom shall be a member of a trade association or designee whose
20 membership includes companies from the information technology, e-commerce, the sharing and
21 gig economies, advanced energy, cybersecurity, venture capital and finance, to be appointed by
22 the Speaker of the House, and one of whom shall be a member of the general public, to be
23 appointed by the Speaker of the House.

24 The purpose of said commission shall be to make a comprehensive study and provide
25 recommendations on legislation and/or regulations for protecting individuals from disclosures of
26 personally identifiable information through the Internet by operators of commercial websites or
27 online services.

28 Forthwith upon passage of this resolution, the members of the commission shall meet at
29 the call of the Speaker of the House and organize and shall select a chairperson.

30 Vacancies in said commission shall be filled in like manner as the original appointment.

31 The membership of said commission shall receive no compensation for their services.

32 All departments and agencies of the state shall furnish such advice and information,
33 documentary and otherwise, to said commission and its agents as is deemed necessary or
34 desirable by the commission to facilitate the purposes of this resolution.

1 The Speaker of the House is hereby authorized and directed to provide suitable quarters
2 for said commission, and be it further
3 RESOLVED, That the commission shall report its findings and recommendations to the
4 House of Representatives no later than February 5, 2019, and said commission shall expire on
5 May 5, 2019.

LC005981

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
HOUSE RESOLUTION
CREATING A SPECIAL LEGISLATIVE COMMISSION TO BE KNOWN AS THE "RHODE
ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION"

...

- 1 This resolution would create an eleven (11) member "Rhode Island Online Data
- 2 Transparency And Privacy Protection Commission" to study and make recommendations on
- 3 legislation and/or regulations for protecting individuals from disclosures of personally identifiable
- 4 information through the Internet, and who would report back to the House no later than February
- 5 5, 2019, and whose life would expire on May 5, 2019.

LC005981

2019 – H 6135

LC002666

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

HOUSE RESOLUTION

REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION
DATES OF THE SPECIAL LEGISLATIVE COMMISSION KNOWN AS THE "RHODE
ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION"

Introduced By: Representative Evan P. Shanley

Date Introduced: May 22, 2019

Referred To: House Corporations

1 RESOLVED, That the special legislative commission created by resolution No. 353
2 passed by the House of Representatives at its January session, A.D. 2018, and approved June 22,
3 2018, entitled "House Resolution Creating a Special Legislative Commission to be known as the
4 "Rhode Island Online Data Transparency and Privacy Protection Commission" is hereby
5 reinstated and the same members are hereby reappointed, and it is authorized to continue its study
6 and make a report to the House of Representatives on or before February 5, 2020, and said
7 commission shall expire on May 5, 2020, and be it further

8 RESOLVED, That the time for reporting authorized by resolution No. 353 passed by the
9 House of Representatives at its January session, A.D. 2018, and approved June 22, 2018, be and
10 the same is hereby rescinded.

LC002666

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

HOUSE RESOLUTION
REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION
DATES OF THE SPECIAL LEGISLATIVE COMMISSION KNOWN AS THE "RHODE
ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION"

- 1 This resolution would reinstate the life and extend the reporting and expiration dates of
2 the special legislative commission known as the "Rhode Island Online Data Transparency and
3 Privacy Protection Commission" from February 5, 2019, to February 5, 2020, and said
4 commission would expire on May 5, 2020.

LC002666

2021 -- H 6043

LC002165

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

HOUSE RESOLUTION

REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION
DATES OF THE SPECIAL LEGISLATIVE COMMISSION KNOWN AS THE "RHODE
ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION"

Introduced By: Representatives Shanley, Marszalkowski, and Barros

Date Introduced: February 26, 2021

Referred To: House Special Legislation

- 1 RESOLVED, That the special legislative commission created by resolution No. 353
2 passed by the House of Representatives at its January session, A.D. 2018, and approved June 22,
3 2018, entitled "House Resolution Creating a Special Legislative Commission to be known as the
4 "Rhode Island Online Data Transparency and Privacy Protection Commission" is hereby
5 reinstated and the same members are hereby reappointed, and it is authorized to continue its study
6 and make a report to the House of Representatives on or before May 5, 2021, and said
7 commission shall expire on July 5, 2021; and be it further
8 RESOLVED, That the time for reporting authorized by resolution No. 353 passed by the
9 House of Representatives at its January session, A.D. 2018, and approved June 22, 2018, be and
10 the same is hereby rescinded.

LC002165

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

HOUSE RESOLUTION

REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION
DATES OF THE SPECIAL LEGISLATIVE COMMISSION KNOWN AS THE "RHODE
ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION"

...

- 1 This resolution would reinstate the life and extend the reporting and expiration dates of
2 the special legislative commission known as the "Rhode Island Online Data Transparency and
3 Privacy Protection Commission" from February 5, 2019, to May 5, 2021, and said commission
4 would expire on July 5, 2021.

LC002165

2022 — H 7022 SUBSTITUTE A

LC003228/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

HOUSE RESOLUTION

**REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION
DATES OF THE SPECIAL LEGISLATIVE COMMISSION KNOWN AS THE "RHODE
ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION"**

Introduced By, Representative Evan P. Shanley

Date Introduced, January 10, 2022

Referred To, House Innovation, Internet, & Technology

1 RESOLVED, That the special legislative commission created by resolution No. 353
2 passed by the House of Representatives at its January session, A.D. 2018, and approved June 22,
3 2018, entitled "House Resolution Creating a Special Legislative Commission to be known as the
4 "Rhode Island Online Data Transparency and Privacy Protection Commission" and as amended
5 by resolution No. 187 passed by the House of Representatives at its January session, A.D. 2021,
6 entitled "House Resolution Reinstating the life of and extending the Reporting and Expiration
7 Dates of the Special Legislative Commission to be known as the "Rhode Island Online Data
8 Transparency and Privacy Protection Commission" is hereby reinstated and the same members
9 are hereby reappointed, and it is authorized to continue its study and make a report to the House
10 of Representatives on or before June 24, 2022, and said commission shall expire on July 8, 2022,
11 and be it further

12 RESOLVED, That the time for reporting authorized by resolution No. 353 passed by
13 the House of Representatives at its January session, A.D. 2018, and approved June 22, 2018, and
14 as amended by resolution No. 187 passed by the House of Representatives at its January session,
15 A.D. 2021, be and the same is hereby rescinded.

LC003228/SUB A

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

HOUSE RESOLUTION

REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION
DATES OF THE SPECIAL LEGISLATIVE COMMISSION KNOWN AS THE "RHODE
ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION"

...

- 1 Reinstates the life and extends the expiration and reporting dates of the "Rhode Island
- 2 Online Data Transparency and Privacy Protection Commission" from May 5, 2021, to June 24,
- 3 2022, and said commission would expire on July 8, 2022.

LC003228/SUB A

Appendix B – The Rhode Island Transparency and Privacy Protection Act

2022 — H 7400

LC003955

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

AN ACT

RELATING TO COMMERCIAL LAW — GENERAL REGULATORY PROVISIONS —
RHODE ISLAND DATA TRANSPARENCY AND PRIVACY PROTECTION ACT

Introduced By: Representatives Shanley, Carson, Edwards, Ruggiero, Convriend, and
Barros

Date Introduced: February 09, 2022

Referred To: House Innovation, Internet, & Technology

It is enacted by the General Assembly as follows

1 SECTION 1. Title 6 of the General Laws entitled "COMMERCIAL LAW - GENERAL
2 REGULATORY PROVISIONS" is hereby amended by adding thereto the following chapter;

3 CHAPTER 48.1

4 RHODE ISLAND DATA TRANSPARENCY AND PRIVACY PROTECTION ACT

5 6-48.1-1. Short title.

6 This chapter shall be known and may be cited as the "Rhode Island Data Transparency and
7 Privacy Protection Act."

8 6-48.1-2. Legislative findings.

9 The general assembly hereby finds and declares that:

10 (1) The right to privacy is a personal and fundamental right protected by the United States
11 Constitution. As such, all individuals have a right to privacy in information pertaining to them. This
12 state recognizes the importance of providing consumers with transparency about how their
13 personally identifiable information, especially information relating to their children, is shared by
14 businesses. This transparency is crucial for Rhode Island citizens to protect themselves and their
15 families from cyber-crimes and identity thieves.

16 (2) Furthermore, for free market forces to have a role in shaping the privacy practices and
17 for "opt-in" and "opt-out" remedies to be effective, consumers must be more than vaguely informed
18 that a business might share personally identifiable information with third parties (as that term is

1 hereinafter defined). Consumers must be better informed about what kinds of personally
2 identifiable information is shared with other businesses. With these specifics, consumers can
3 knowledgeably choose to opt-in, opt-out, or choose among businesses that disclose (as that term is
4 hereinafter defined) personally identifiable information to third parties on the basis of how
5 protective the business is of consumers' privacy.

6 (3) Businesses are now collecting personally identifiable information and disclosing it in
7 ways not contemplated or properly covered by the current law. Some websites are installing
8 tracking tools that record when consumers visit webpages, and sending personally identifiable
9 information, such as age, gender, race, income, health concerns, religion, and recent purchases to
10 third-party marketers and data brokers. Third-party data broker companies are buying and
11 disclosing personally identifiable information obtained from mobile phones, financial institutions,
12 social media sites, and other online and brick and mortar companies. Some mobile applications are
13 sharing personally identifiable information, such as location information, unique phone
14 identification numbers, age, gender, and other personal details with third-party companies.

15 (4) As such, consumers need to know the ways that their personally identifiable
16 information is being collected by companies and then shared or sold to third parties in order to
17 properly protect their privacy, personal safety, and financial security.

18 6-48.1-3. Definitions.

19 As used in this chapter:

20 (1) "Affiliate" means any entity that, directly or indirectly, controls, is controlled by, or is
21 under common control with the entity that has disclosed personally identifiable information to it.

22 (2) "Customer" means an individual residing in this state who provides, either knowingly
23 or unknowingly, personally identifiable information to any entity, with or without an exchange of
24 consideration, in the course of purchasing, viewing, accessing, renting, leasing, or otherwise using
25 real or personal property, or any interest therein, or obtaining a product or service, including
26 advertising or any other content.

27 (3) "Disclose" means to sell, release, transfer, share, disseminate, make available, or
28 otherwise communicate orally, in writing, or by electronic means or any other means to any
29 individual or third party in exchange for anything of value. "Disclose" does not include the
30 following:

31 (i) Disclosure to an affiliate, provided that the affiliate does not disclose the personally
32 identifiable information to any third party;

33 (ii) Disclosure of personally identifiable information by any entity to a third party under a
34 written contract authorizing the third party to utilize the personally identifiable information to

1 perform services on behalf of such entity, including maintaining or servicing accounts, providing
2 customer service, processing or fulfilling orders and transactions, verifying customer information,
3 processing payments, providing financing, or similar services, but only if:

4 (A) The contract prohibits the third party from using the personally identifiable information
5 for any reason other than performing the specified service or services on behalf of such entity and
6 from disclosing any such personally identifiable information to additional third parties; and

7 (B) The entity effectively enforces these prohibitions;

8 (iii) Disclosure of personally identifiable information by a business to a third party based
9 on a good-faith belief that disclosure is required to comply with applicable law, regulation, legal
10 process, or court order; or

11 (iv) Disclosure of personally identifiable information by any entity to a third party that is
12 reasonably necessary to address fraud, security, or technical issues; to protect the disclosing entity's
13 rights or property; or to protect customers or the public from illegal activities as required or
14 permitted by law.

15 (4) "Operator" means any person or entity that owns a website located on the Internet or an
16 online service that collects and maintains personally identifiable information from a customer
17 residing in this state who uses or visits the website or online service if the website or online service
18 is operated for commercial purposes. It does not include any third party that operates, hosts, or
19 manages, but does not own, a website or online service on the owner's behalf or by processing
20 information on behalf of the owner. "Operator" does not include businesses having ten (10) or fewer
21 employees, or any third party that operates, hosts, or manages, but does not own, a website or online
22 service on the owner's behalf or by processing information on behalf of the owner.

23 (5) "Personally identifiable information" or "personal information" means an individual's
24 first name or first initial and last name in combination with any one or more of the following data
25 elements, when the name and the data elements are not either encrypted or utilizing a protocol that
26 provides a higher degree of security or are in hard copy, paper format:

27 (i) Social security number;

28 (ii) Driver's license number, passport number, Rhode Island identification card number, or
29 tribal identification number;

30 (iii) Account number, credit, or debit card number, in combination with any required
31 security code, access code, password, or personal identification number, that would permit access
32 to an individual's financial account;

33 (iv) Medical or health insurance information; or

34 (v) Email address with any required security code, access code, or password that would

1 permit access to an individual's personal, medical, insurance, or financial account.

2 (6) "Third party" means any entity that is a separate legal entity from the entity that has
3 disclosed the personally identifiable information, provided, however, that an affiliate of the entity
4 that has disclosed the personally identifiable information shall not be considered a third party.

5 **6-48.1-4. Information sharing practices.**

6 (a) An operator of a commercial website or online service that collects, stores and sells
7 categories of personally identifiable information through the Internet about individual customers
8 residing in this state who use or visit its commercial website or online service shall, in its customer
9 agreement or incorporated addendum or in another conspicuous location on its website or online
10 service platform where similar notices are customarily posted:

11 (1) Identify all categories of personally identifiable information that the operator collects
12 through the website or online service about individual customers who use or visit its commercial
13 website or online service; and

14 (2) Identify all categories of third-party persons or entities with whom the operator may
15 disclose that personally identifiable information.

16 (b) Nothing in this chapter shall be construed to authorize the collection, storage or
17 disclosure of information or data that is otherwise prohibited, restricted or regulated by state or
18 federal law.

19 **6-48.1-5. Violations.**

20 (a) A violation of this chapter constitutes a violation of the general regulatory provisions
21 of commercial law in title 6 and shall constitute a deceptive trade practice in violation of chapter
22 13.1 of title 6; provided further, that in the event that any individual or entity intentionally discloses
23 personally identifiable information:

24 (1) To a shell company or any entity that has been formed or established solely, or in part,
25 for the purposes of circumventing the intent of this chapter;

26 (2) To any third party that is not exempt pursuant to § 6-48.2-3, or

27 (3) In violation of any provision of this chapter, that individual or entity shall pay a fine of
28 not less than one hundred dollars (\$100) and no more than five hundred dollars (\$500) for each
29 such disclosure.

30 (b) The office of the attorney general shall have sole enforcement authority of the
31 provisions of this chapter and may enforce a violation of this chapter pursuant to:

32 (1) The provisions of this section; or

33 (2) General regulatory provisions of commercial law in title 6, or both.

34 (c) Nothing in this section shall be construed to authorize any private right of action to

1 enforce any provision of this chapter, any regulation hereunder, or any other provisions of
2 commercial law in title 6.

3 **6-48.1-6. Waivers – Severability.**

4 Any waiver of the provisions of this chapter shall be void and unenforceable. If any
5 provision of this chapter or its application to any person or circumstance is held invalid by a court
6 of competent jurisdiction, the invalidity shall not affect other provisions or applications of the
7 chapter that can be given effect without the invalid provision or application, and to this end the
8 provisions of the chapter are severable.

9 **6-48.1-7. Construction.**

10 (a) Nothing in this chapter shall be deemed to apply in any manner to any information or
11 data that is subject to the Federal Gramm-Leach-Bliley Act of 1999 and the rules promulgated
12 under that act, or to information or data subject to the Health Insurance Portability and
13 Accountability Act of 1996 (HIPAA); provided, however, no entity or individual shall be exempt
14 from the provisions of this chapter.

15 (b) Nothing in this chapter shall be construed to apply to a contractor, subcontractor, or
16 agent of a state agency or local unit of government when working for that state agency or local unit
17 of government.

18 (c) Nothing in this chapter shall be construed to apply to any entity recognized as a tax-
19 exempt organization under the Internal Revenue Code.

20 (d) Nothing in this chapter shall be construed to mandate and/or require the retention or
21 disclosure of any specific individual's personally identifiable information.

22 (e) Nothing in this chapter shall prohibit or restrict the dissemination or sale of product
23 sales summaries or statistical information or aggregate customer data which may include personally
24 identifiable information.

25 (f) Nothing in this chapter shall be construed to apply to any personally identifiable
26 information or any other information collected, used, processed, or disclosed by or for a consumer
27 reporting agency as defined by 15 USC § 1681a(f).

28 **SECTION 2.** This act shall take effect on January 1, 2023.

LC003955

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
RHODE ISLAND DATA TRANSPARENCY AND PRIVACY PROTECTION ACT

...

1 This act would require online service providers and commercial websites that collect, store
2 and sell personally identifiable information to disclose what categories of personally identifiable
3 information they collect and to what third parties they sell the information. This act does not
4 prohibit the collection or sale of personally identifiable information and does not require the
5 retention or disclosure of personally identifiable information by online service providers or
6 commercial websites. Any intentional disclosure of personal information in violation of the
7 provisions of this act would be punishable by a fine of not less than one hundred dollars (\$100) nor
8 more than five hundred dollars (\$500) per disclosure with sole enforcement vested in the
9 department of the attorney general.

10 This act would take effect on January 1, 2023.

LC003955

Appendix C - Meeting Agendas and Presentations

- **December 11, 2018**
 - Agenda (See attached)
- **January 3, 2019**
 - Agenda (See attached)
- **January 22, 2019**
 - Agenda (See attached)
 - Randall Rose from RI Rights provided testimony
- **February 14, 2019**
 - Agenda (See attached)
 - Hanna Stern from the ACLU provided testimony and written testimony; Randall Rose provided testimony.
- **March 7, 2019**
 - Agenda (See attached)
 - Hanna Stern from the ACLU provided testimony; Lisha Gomes from the American Council of Life Insurers provided testimony and written testimony.
- **March 26, 2019**
 - Agenda (See attached)
 - Randall Rose provided testimony and written testimony; Ernie Shaghalian, an independent insurance agent, provided testimony.
- **May 2, 2019**
 - Agenda (See attached)
 - Hanna Stern from the ACLU provided testimony and written testimony; Randall Rose provided testimony; Sarah Bratko from the Rhode Island Hospitality Association provided testimony and written testimony.

Appendix C - Meeting Agendas and Presentations (continued)

- **May 29, 2019**
 - Agenda (See attached)
 - Hanna Stern from the ACLU provided testimony and written testimony; Patricia Fontes from RI Rights provided testimony; Randall Rose provided testimony.
- **September 18, 2019**
 - Agenda (See attached)
 - Ryan Holt provided a summary of the Attorney General's response to Chair Shanley's letter; Hanna Stern from the ACLU provided testimony and written testimony; Randall Rose provided testimony; Angel Lopez provided testimony and written testimony; Tim Ryan from the Rhode Island School Superintendents' Association testified.
- **January 9, 2020**
 - Agenda (See attached)
 - Representative Lauren Carson provided testimony and written testimony; Representative Liana Cassar provided testimony; Randall Rose provided testimony.
- **January 30, 2020**
 - Agenda (See attached)
 - Hanna Stern from the ACLU provided testimony and written testimony; Representative Lauren Carson provided testimony.
- **May 10, 2021**
 - Agenda (See attached)
 - Review draft Commission report
 - Discussion of the Virginia Consumer Data Protection Act
- **June 7, 2022**
 - Agenda (See attached)
 - Review and discuss draft Commission report

THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

NOTICE OF MEETING

DATE: Tuesday, December 11, 2018

TIME: 3:00 PM

PLACE: Room 101 - State House

Agenda:

- I. Call Meeting to Order.
- II. Election of Chairperson and Vice Chairperson.
- III. Discussion: Scope of Commission, goals and strategies.
- IV. Next Meeting Date.
- V. Adjournment.

***No public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy,
with questions at 401-528-1764 or at rmillerick@rilcislature.gov

POSTED: THURSDAY, NOVEMBER 29, 2018, 2:00 PM

**THE RHODE ISLAND ONLINE DATA
TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION**

NOTICE OF MEETING

DATE: Thursday, January 3, 2019

TIME: 3:00 PM

PLACE: Room 135 - State House

Agenda:

- I. Call Meeting to Order.
- II. Discussion regarding proposed amendments and revisions to H7111 and other proposed 2019 legislation.
- III. Discussion regarding the Vermont Attorney General's report on data privacy.
- IV. Next Meeting Date.
- V. Adjournment.

***No public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy, with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: THURSDAY, DECEMBER 27, 2018, 3:28 PM

**THE RHODE ISLAND ONLINE DATA
TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION**

NOTICE OF MEETING

DATE: Tuesday, January 22, 2019

TIME: 3:00 PM

PLACE: Room 203 - State House

Agenda:

- I. Call Meeting to Order.
- II. Group discussion of proposed House Bill 7111.
- III. Discussion of potential Data Broker legislation and other, potential legislation, including bill LC000698.
- IV. Next Meeting Date.
- V. Adjournment.

***No public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy,
with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: THURSDAY, JANUARY 17, 2019, 12:00 PM

**THE RHODE ISLAND ONLINE DATA
TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION**

NOTICE OF MEETING

DATE: Thursday, February 14, 2019
TIME: 3:00 PM
PLACE: Room 101 - State House

Agenda:

- I. Call Meeting to Order.
- II. Discussion of potential legislation.
- III. Public Comment.
- IV. Next Meeting Date.
- V. Adjournment

***No public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy,
with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: MONDAY, FEBRUARY 11, 2019, 12:35 PM

**THE RHODE ISLAND ONLINE DATA
TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION**

NOTICE OF MEETING

DATE: Thursday, March 7, 2019
TIME: 3:00 PM
PLACE: Room 101 - State House

Agenda:

- I. Call Meeting to Order.
- II. Public Comment.
- III. Discussion of potential legislation.
- IV. Next Meeting Date.
- V. Adjournment.

***Public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy,
with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: WEDNESDAY, FEBRUARY 27, 2019, 3:50 PM

THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

NOTE: ROOM CHANGE NOTICE OF MEETING

DATE: Tuesday, March 26, 2019
TIME: 3:00 PM
PLACE: Room 101 - State House

Agenda:

I. Call Meeting to Order.

II. **Public Comment.**

III. Discussion of the following pieces of potential legislation:

- An Act Relating to Public Utilities and Carriers – Duties of Public Utilities and Carriers (the student privacy bill)
- An Act Relating to Commercial Law – General Regulatory Provisions – Establishing the "Consumer Personal Data Protection Act of 2019" (the bill that will regulate data brokers. RD700a)
- An Act Relating to Commercial Law – General Regulatory Provisions - Rhode Island Right-To-Know Data Transparency and Privacy Protection Act (House Bill 7111 SubA3)

IV. Next Meeting Date.

V. Adjournment.

***Public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy, with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: WEDNESDAY, MARCH 20, 2019, 2:10 PM

REVISED: FRIDAY, MARCH 22, 2019, 2:50 PM

THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

NOTICE OF MEETING

DATE: Thursday, May 2, 2019

TIME: 3:00 PM

PLACE: Room 101 - State House

Agenda:

I. Call Meeting to Order.

II. Public Comment.

III. Discussion of proposed amendments to the following pieces of potential legislation:

- An Act Relating to Public Utilities and Carriers – Duties of Public Utilities and Carriers (the student privacy bill)
- An Act Relating to Commercial Law – General Regulatory Provisions – Establishing the "Consumer Personal Data Protection Act of 2019" (the bill that will regulate data brokers, RD700a)
- An Act Relating to Commercial Law – General Regulatory Provisions - Rhode Island Right-To-Know Data Transparency and Privacy Protection Act (House Bill 7111 SubA3)

IV. Next Meeting Date.

V. Adjournment.

***Public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy, with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: MONDAY, APRIL 29, 2019, 1:30 PM

THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

NOTICE OF MEETING

DATE: Wednesday, May 29, 2019

TIME: 3:00 PM

PLACE: House Lounge - State House

Agenda:

I. Call Meeting to Order.

II. Public Comment.

III. Discussion of proposed amendments to the following pieces of potential legislation:

- An Act Relating to Public Utilities and Carriers – Duties of Public Utilities and Carriers (the student privacy bill)
- An Act Relating to Commercial Law – General Regulatory Provisions – Establishing the "Consumer Personal Data Protection Act of 2019" (the bill that will regulate data brokers, RD700a)
- An Act Relating to Commercial Law – General Regulatory Provisions - Rhode Island Right-To-Know Data Transparency and Privacy Protection Act (House Bill 7111 SubA3)

IV. Next Meeting Date.

V. Adjournment.

***Public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy, with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: WEDNESDAY, MAY 8, 2019, 11:40 AM

THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

NOTICE OF MEETING

DATE: Wednesday, September 18, 2019

TIME: 3:00 PM

PLACE: Room 101 - State House

AGENDA:

- I. Call Meeting to Order**
- II. Discussion of the Rhode Island Attorney General's response to Chair Shanley's letter regarding the following potential legislation:**
 - The potential Model Student Privacy bill
 - The potential Data Broker bill
 - The potential Right-To-Know bill
- III. Public Comment**
- IV. Next Meeting Date**
- V. Adjournment**

***Public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy, with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: FRIDAY, SEPTEMBER 6, 2019, 10:55 AM

**THE RHODE ISLAND ONLINE DATA
TRANSPARENCY AND PRIVACY PROTECTION
COMMISSION**

NOTICE OF MEETING

DATE: Thursday, January 9, 2019

TIME: 3:00 PM

PLACE: Room 101 - State House

AGENDA:

- I. Call Meeting to Order.
- II. Discussion regarding potential legislation.
- III. Next Meeting Date.
- IV. Adjournment.

***No public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy,
with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: TUESDAY, DECEMBER 17, 2019, 3:20 PM

THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

NOTICE OF MEETING

DATE: Thursday, January 30, 2020

TIME: 3:00 PM

PLACE: Room 101 - State House

AGENDA:

- I. Call Meeting to Order.
- II. Public Comment.
- III. Discussion of potential legislation.
- IV. Next Meeting Date.
- V. Adjournment.

***Public comment will be received at this meeting.**

Please contact Robert Millerick, Esq., Deputy Director of House Policy,
with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: FRIDAY, JANUARY 24, 2020, 10:35 AM

THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

NOTICE OF MEETING

DATE: Monday, May 10, 2021

TIME: 3:00 PM

PLACE: Room 101 – State House

- I. Call Meeting to Order.**
- II. Review draft report.**
- III. Discussion regarding Title 59.1, Chapter 52, §§ 59.1-571 - 59.1-581 of the Virginia Consumer Data Protection Act.**
- IV. Next Meeting Date.**
- V. Adjournment.**

The State House remains closed to the public at this time.

Public comment will be received by telephone at this meeting.

In order to provide verbal testimony, [CLICK HERE](#)

***DEADLINE: Requests for verbal testimony must be submitted via the link by 4:00 PM on Sunday, May 9, 2021.**

The meeting will be televised on Capitol Television, which can be seen on Cox Channels 15, and 61, in high definition on Cox Channel 1061, on Full Channel on Channel 15 and on Channel 34 by Verizon subscribers. It will also be live streamed at <http://rilegislature.gov/CapTV/Pages/default.aspx>.

Please contact Robert Millerick, Esq., Deputy Director of House Policy, with questions at 401-528-1764 or at rmillerick@rilegislature.gov

POSTED: TUESDAY, MAY 4, 2021, 11:08 AM

THE RHODE ISLAND ONLINE DATA TRANSPARENCY AND PRIVACY PROTECTION COMMISSION

NOTICE OF MEETING

DATE: Tuesday, June 7, 2022

TIME: 2:00 PM

PLACE: Room 101 - Rhode Island State House

- I. Call Meeting to Order.
- II. Review and discuss draft Commission report.
- III. Adjournment.

Public Testimony will not be accepted at this meeting.

If you have any questions please contact Robert Millerick, Esq., Deputy Director of House Policy, with questions at 401-528-1764 or at rmillerick@rilegislature.gov.

The meeting will be recorded and televised on Capitol Television on a later date, which can be seen on Cox Channels 15, and 61, in high definition on Cox Channel 1061, on Full Channel on Channel 15 and on Channel 34 by Verizon subscribers.

The meeting will also be available on demand the next day at
<https://www.rilegislature.gov/CapTV/Pages/default.aspx>

POSTED: THURSDAY, JUNE 2, 2022, 9:00 A.M.

Appendix D - Written Testimony and Material

(See attached)

1. An Act Relating to Commercial Law - General Regulatory Provisions - Rhode Island Right-To-Know Data Transparency and Privacy Protection Act (draft H7111 SubA3)
2. Bill # 2018 -- H 7111 Sub A, An Act Relating to Commercial Law - General Regulatory Provisions - Rhode Island Right-To-Know Data Transparency and Privacy Protection Act
3. Bill # 2017 -- H 6087, An Act Relating to Commercial Law - General Regulatory Provisions - Right-to-Know Act
4. State Privacy and Security Coalition, 6/20/18 letter and related attachment
5. Report to Vermont General Assembly on Data Privacy, 12/15/18
6. Report to the General Assembly of the Data Broker Working Group (Vermont), 12/15/17
7. Related Vermont legislation
8. California Coalition, 8/6/18 letter
9. An Act Relating to Public Utilities and Carriers – Duties of Public Utilities and Carriers (The LC000698 draft version and the Public Utilities and Carriers draft version)
10. An Act Relating to Commercial Law – General Regulatory Provisions – Establishing the “Consumer Personal Data Protection Act of 2019” (draft RD700a)
11. An Act Relating to State Affairs and Government – Office of Information Technology (The LC000702 draft version and the State Affairs and Government version)
12. An Act Relating to Commercial Law – General Regulatory Provisions – The Data Security Breach Notification Act (draft 699 – Relating to Commercial Law)
13. An Act Relating to Criminal Procedure – The Rhode Island Biometric Information Protection Privacy Act (2019, draft)
14. ACLU Commentary (2/14/19)
15. Timothy Edgar Memorandum (2/13/19)
16. NAPBS Model Language regarding CRA Privacy
17. American Council of Life Insurers letter (undated)
18. Model Student Online Personal Information Protection Act
19. Rhode Island Business Coalition, 3/26/19 letter
20. Christina Fisher/TechNet, 3/26/19 letter
21. Consumer Data Industry Association, 3/25/19 letter and related material

Appendix D - Written Testimony and Material (continued)

(See attached)

22. Martiesian & Associates, 3/26/19 letters and related material
23. Randall Rose, 3/25/19 letter
24. Rhode Island Bankers Association, 3/26/19 letter
25. Roberts Carroll Feldstein & Pierce, 5/2/19 letter
26. ACLU, 5/2/19 letter and attachment
27. Rhode Island Hospitality Association, 5/2/19 letter
28. ACLU, 5/29/19 letter and attachment
29. Letter from Chair Shanley to Attorney General
30. FTC/Attorney Generals' Comments, 6/11/19
31. Rhode Island Association of Realtors, 9/16/19 letter
32. ACLU, 9/18/19 letter and commentary
33. Angel Lopez, 9/18/19 material
34. Washington Post articles and related material
35. TechNet letter, 1/30/20
36. Rhode Island Bankers Association letter, 1/29/20
37. America's Health Insurance Plans letter, 1/30/20
38. Greater Providence Chamber of Commerce (Adler Pollock & Sheehan) letter, 1/30/20
39. Rhode Island Association of Realtors letter, 1/30/20
40. ACLU commentary, 1/30/20
41. Bill # 2020 -- H 7778, An Act Relating to Commercial Law – General Regulatory Provisions - Rhode Island Transparency and Privacy Protection Act.
42. Bill # 2020 -- H 7724, An Act Relating to Commercial Law – General Regulatory Provisions – Establishing the Student Cloud Computing Privacy and Protection Act
43. Bill # 2020 -- H 7723, An Act Relating to Commercial Law – General Regulatory Provisions – Establishing the Consumer Personal Data Protection Act of 2020
44. Virginia Consumer Data Protection Act
45. Rhode Island Bankers Association, 3/29/21 letter