

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 2607

4  
5 By: Representative Creekmore  
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## For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS INTERNET PRIVACY  
10 ACT; TO REQUIRE CERTAIN DISCLOSURES TO INTERNET  
11 USERS; TO PROVIDE FOR ENFORCEMENT OF THE ACT; AND  
12 FOR OTHER PURPOSES.

### Subtitle

14 INTERNET PRIVACY ACT.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Title.

21 This act shall be known as the "Internet Privacy Act".  
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23 SECTION 2. Internet Service Providers.

24 (a) An Internet service providers shall not disclose any personally  
25 identifiable information about a user to a third party unless the provider  
26 has provided notice to the user as required under this act and has provided  
27 the consumer with the ability to electronically request at any time that the  
28 provider limit its disclosure of personally identifiable information.  
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30 SECTION 3. Notice to consumers.

31 (a) An Internet service provider that maintains personally  
32 identifiable information of its users must provide the user, at the time that  
33 personally identifiable information is collected, with a clear and  
34 conspicuous notice that substantially describes the following:

35 (1) That personally identifiable information is collected,  
36 stored, or disclosed to third parties;



1           (2) What information is or will be collected, stored or  
2 disclosed;

3           (3) A description of the methods of obtaining information, such  
4 as an electronic means of observing Internet browsing history or buying  
5 habits;

6           (4) The intended use of the information including marketing or  
7 online profiling;

8           (5) That the user may at any time direct the provider to limit  
9 the collection, disclosure, and storage of personally identifiable  
10 information, except to the extent that the information is necessary for the  
11 processing, billing, collection, and maintenance of an individual account;

12           (6) The period of time the information will be maintained; and

13           (7) A description of the procedures by which a user may correct  
14 any erroneous information.

15           (b) If the user has requested that the provider limit disclosure of  
16 any personally identifying information, the provider must comply with the  
17 request within a reasonable time period.

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19           SECTION 4. Information security obligations.

20           In order to prevent the unauthorized access, disclosure, or release of  
21 personally identifiable information, each Internet service provider shall  
22 prepare and implement an information security policy that is applicable to  
23 the information security practices and treatment of personally identifiable  
24 information maintained by the provider which shall be considered and approved  
25 by the provider's senior management.

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27           SECTION 5. Enforcement.

28           (a) A violation of this act shall be an unfair or deceptive act or  
29 practice under § 4-88-107.

30           (b)(1) All remedies, penalties and authority granted to the Attorney  
31 General under § 4-88-104 are available to the Attorney General for  
32 enforcement of this act.

33           (2) The remedies and penalties provided by this section are  
34 cumulative to each other and to the remedies or penalties available under  
35 other laws of this state.

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1 SECTION 6. Scope.

2 This act applies to Internet service providers that supply Internet  
3 services to consumers in the State of Arkansas.

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