

REFERENCE TITLE: private digital information; use; consent

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1429**

Introduced by  
Senators Johnson: Garcia

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 34; RELATING TO PRIVATE DIGITAL INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding  
3 chapter 34, to read:

4 CHAPTER 34

5 PRIVATE DIGITAL INFORMATION

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7701. Private digital information: collection, use or  
8 dissemination: consent

9 A. A GOVERNMENT AGENCY THAT COLLECTS, USES OR DISSEMINATES PRIVATE  
10 DIGITAL INFORMATION MUST HAVE THE INDIVIDUAL'S CONSENT BEFORE THE COLLECTION,  
11 USE OR DISSEMINATION UNLESS CONSENT IS NOT REQUIRED BY STATE LAW.

12 B. A GOVERNMENT AGENCY SHALL NOT DISSEMINATE PRIVATE DIGITAL  
13 INFORMATION TO ANOTHER LOCAL, STATE OR FEDERAL GOVERNMENT AGENCY, AN INDIAN  
14 TRIBE, A PRIVATE BUSINESS, A NONPROFIT ENTITY OR ANY OTHER ENTITY WITHOUT THE  
15 INDIVIDUAL'S CONSENT UNLESS CONSENT IS NOT REQUIRED BY STATE LAW.

16 C. AN INDIVIDUAL MUST BE TOLD ABOUT ANY EXCEPTIONS TO THE REQUIREMENT  
17 OF CONSENT TO THE COLLECTION, USE AND DISSEMINATION OF THE INDIVIDUAL'S  
18 PRIVATE DIGITAL INFORMATION. ALL EXCEPTIONS SHALL BE MADE PUBLIC AND BE  
19 REVIEWED BY THE LEGISLATURE EVERY THREE YEARS.

20 D. A STATE, NONPROFIT OR PRIVATE ENTITY THAT CONTRACTS WITH THIS STATE  
21 AND THAT COLLECTS, USES OR DISSEMINATES PRIVATE DIGITAL INFORMATION MUST  
22 RECEIVE THE CONSENT OF THE INDIVIDUAL OR, IF A MINOR, THE INDIVIDUAL'S PARENT  
23 OR GUARDIAN BEFORE USING THE INFORMATION. CONSENT MUST BE RECEIVED PURSUANT  
24 TO THIS SUBSECTION FOR ANY PURPOSE OTHER THAN THAT FOR WHICH THE INFORMATION  
25 WAS ORIGINALLY COLLECTED.

26 E. A PUBLIC, NONPROFIT OR PRIVATE ENTITY THAT COLLECTS PRIVATE DIGITAL  
27 INFORMATION FROM AN INDIVIDUAL MUST INFORM THE INDIVIDUAL OF ANY INTENDED  
28 USES OF THAT INFORMATION, AND ANY USES, OTHER THAN THOSE AGREED ON WITHOUT  
29 THE INDIVIDUAL'S CONSENT ARE LEGALLY ACTIONABLE. THE LEASING OR RENTING OF  
30 AN INDIVIDUAL'S PRIVATE DIGITAL INFORMATION TO A THIRD PARTY DOES NOT  
31 RELINQUISH THE INDIVIDUAL'S OWNERSHIP OF THE INFORMATION, AND CONSENT IS  
32 REQUIRED FOR ANY NONAGREED USE OF THE INFORMATION BY THE THIRD PARTY.

33 F. AN INDIVIDUAL MAY MAKE A ONE TIME CONSENT FOR THE USE OF THE  
34 INDIVIDUAL'S PRIVATE DIGITAL INFORMATION OR MAY MAKE A COMPLETE CONSENT, BUT  
35 ALL OF THE USES IN THE COMPLETE CONSENT MUST BE KNOWN TO THE INDIVIDUAL.

36 G. AN INDIVIDUAL'S CONSENT TO THE USE OF THE INDIVIDUAL'S PRIVATE  
37 DIGITAL INFORMATION BY A THIRD PARTY PURSUANT TO THIS SECTION GIVES THE THIRD  
38 PARTY USE OF THE INFORMATION ONLY IN ACCORDANCE WITH TERMS OF AN AGREEMENT AS  
39 DETERMINED BY THE INDIVIDUAL AND THE THIRD PARTY. AN INDIVIDUAL'S  
40 INTERACTIONS WITH A THIRD PARTY DO NOT EXTINGUISH THE INDIVIDUAL'S RIGHT TO  
41 CONTROL THE USE OF THE INDIVIDUAL'S PRIVATE DIGITAL INFORMATION. A THIRD  
42 PARTY MAY NOT COERCE AN INDIVIDUAL TO RELINQUISH OWNERSHIP OF THE  
43 INDIVIDUAL'S PRIVATE DIGITAL INFORMATION OR TO RELINQUISH CONTROL OF THE USE  
44 OF THE INFORMATION.

45 H. A THIRD PARTY MAY NOT HAVE ACCESS TO AN INDIVIDUAL'S PRIVATE  
46 DIGITAL INFORMATION WITHOUT A SUBPOENA OR WITHOUT CONSENT PURSUANT TO THIS  
47 SECTION.