

HOUSE JOINT RESOLUTION NO. 21

INTRODUCED BY B. BENNETT, D. ZOLNIKOV, N. SCHWADERER, A. OLSEN, D. LAMM

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF OPPORTUNITIES TO EXPAND OWNERSHIP OF PERSONAL INFORMATION; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 65TH LEGISLATURE.

WHEREAS, we live in an increasingly digitized age, which allows for personal information to be collected frequently by governmental and corporate entities and then shared, distributed, and sold; and

WHEREAS, collecting and sharing such information increases the potential for such data to be used in a manner not approved of by the owner of that information; and

WHEREAS, there are both benefits and strong privacy concerns that come with this heightened level of data collection, necessitating action to ensure that individuals are able to exert more control over their personal information; and

WHEREAS, there is currently no definitive statute that provides a comprehensive definition of personal information in the technology age; and

WHEREAS, there is confusion as to who owns which pieces of collected personal information and the level of control they may exert over that information; and

WHEREAS, finding measures to conceptualize and legislate property rights regarding personal information will allow individuals to better control the collection, dissemination, and use of that information; and

WHEREAS, property rights are commonly conceptualized as a bundle of rights including the right to use a good, the right to earn income from a good, the right to transfer a good to others, and the right to enforcement of property rights.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to study opportunities to expand ownership of personal information.

BE IT FURTHER RESOLVED, that the study:



1 (1) explore opportunities to provide greater power and control to people regarding information collected
2 about them;

3 (2) clarify the level of ownership that individuals have concerning the collection, dissemination, and use
4 of personal data and the methods by which individuals may exercise and enforce their rights regarding use of that
5 information;

6 (3) find methods for consumers to exclude their personal information property from use without severely
7 inhibiting private sector and government functions; and

8 (4) address, at a minimum, the following types of personal information:

9 (a) medical records, including records of health conditions, symptoms, treatment, diagnoses, laboratory
10 test information and results, and any information derived from this information;

11 (b) prescription information, including drug names, dosage, frequency, amounts, dates and times of
12 pickup, and any information derived from this information;

13 (c) shopping and purchase records, including descriptions of items purchased, the location of purchases,
14 the dates and times of purchases, the price and amounts of purchases, any product return dates, times, locations,
15 and other derived information, and ammunition purchase records, including caliber, brand, price, and amount;

16 (d) the individual's location, obtained using a handheld communications device carried by the individual,
17 a GPS tracking device, a radio tracking device, a radio frequency identification tag, an automated license plate
18 reader, or facial recognition software;

19 (e) social security number, driver's license number, state identification card number, or tribal identification
20 card number;

21 (f) web search terms, browser history, and information derived from this information; and

22 (g) passwords for personal e-mail, internet, and application accounts not including cryptographic hashes
23 of passwords, such as those commonly used for login authentication.

24 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
25 requirements, be concluded prior to September 15, 2016.

26 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
27 comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

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