

Proposed Content for Legislation Addressing HJ 21 - Rep. B. Bennett

Operators of commercial web sites or online services that collect personal information on Montana consumers through a web site must conspicuously post a privacy policy on the site and comply with its policy. (CA)

In their privacy policy, an organization must inform individuals about:

- The types of personal data collected (PS)
- The purposes for which it collects and uses personal information about a person (PS)
- The identity of third parties to which it discloses personal information, and the purposes for which it does so. (PS)
- How to contact the organization with any inquiries or complaints, including any enforcement agencies that would address complaints [Attorney General] (PS)
- What rights an individual has to access their personal information (PS)
- The choices and means the organization offers individuals for limiting the use and disclosure of their personal data. (PS)

Nature of the notice:

- This notice must be provided in clear and conspicuous language when individuals are first asked to provide personal information to the organization or as soon thereafter as is practicable, but in any event before the organization uses such information for a purpose other than that for which it was originally collected or processed by the transferring organization or discloses it for the first time to a third party. (PS)

Enforcement:

- An operator is in violation for failure to post a policy within 30 days of being notified of noncompliance, or if the operator either knowingly and willfully or negligently and materially fails to comply with the provisions of its policy. (CA)
- The Office of the Attorney General is authorized to enforce the requirements of this legislation.