

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 996

Short Title: Personal Information Privacy Study. (Public)

Sponsors: Senators Cowell, Malone; and Atwater.

Referred to: Rules and Operations of the Senate.

March 24, 2005

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO
STUDY ISSUES RELATED TO PRIVACY AND PERSONAL INFORMATION
PROTECTION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Legislative Research Commission shall:

- (1) Undertake a comprehensive study of issues related to the collection, storage, security, integrity, accuracy, retention, transmission, warehousing, mining, sharing, and acceptable use of personal information, including names, addresses, social security numbers, dates of birth, drivers license numbers, motor vehicle registration records, credit card numbers and histories, financial records, health and medical records including genetic records, marriage and divorce records, consumer products purchasing histories, insurance claims, and property records by and between both the public and private sectors.
- (2) Review the statutory protections and safeguards of consumers' privacy, personal information, civil liberties, and constitutional rights. In particular, the Commission shall consider the advisability of enacting legislation that shall establish penalties for violations such as in the case of installing spyware on another person's computer without consent.

SECTION 1.(b) Further, in conducting its study, the Commission shall consider the following issues:

- (1) Terrorism.
- (2) Spyware.
- (3) Biometric technology.
- (4) Video surveillance.
- (5) Subject-based versus pattern-based data mining.
- (6) Noncriminal uses of private and personal information.

- 1 (7) Regulation of data brokers.
2 (8) Private investigator access and use of personal information.
3 (9) Consumers' access to their personal information held by data brokers
4 and the means to correct inaccuracies in their records.
5 (10) Opt-in laws that require a consumer's consent before the consumer's
6 personal information is shared with other companies including
7 affiliates within the same company.
8 (11) Mandatory notification of consumers in cases where their personal
9 information may have been tampered with, stolen, or both.
10 (12) Identification systems being used for purposes other than the purpose
11 that was originally intended.
12 (13) Social security number use limitations.
13 (14) Background check limitations.
14 (15) Government agencies' expansion of the use of personal information
15 beyond the purpose for which it was initially collected.
16 (16) The establishment of a State Chief Privacy Officer.
17 (17) Any other topic the Commission deems pertinent.

18 **SECTION 2.** The Legislative Research Commission shall report the results
19 of this study, including any legislative recommendations, to the 2006 Regular Session of
20 the 2005 General Assembly.

21 **SECTION 3.** This act is effective when it becomes law.