

**2SSB 5062** - H AMD TO CRJ COMM AMD (H-1373.1/21) **706**

By Representative Walsh

1 On page 16, line 20 of the striking amendment, after "(2)" insert  
2 "At the time of a consumer's initial interaction with a controller's  
3 website or online application, the controller may opt to provide a  
4 pop-up privacy notification that alerts the consumer of this act,  
5 provides details on how the consumer may access the full text of this  
6 act and any related regulations, and directs the consumer to the  
7 privacy notice required in subsection (1) of this section.

8 (3)"

9

10 Renumber the remaining subsections consecutively and correct any  
11 internal references accordingly.

12

13 On page 23, after line 7 of the striking amendment, insert the  
14 following:

15 "(3) Where a controller opts to provide a pop-up notification  
16 pursuant to section 107(2) of this act, an action under subsection (2)  
17 of this section may be brought only if the controller recklessly  
18 violates a consumer's data rights or willfully processes personal data  
19 of the consumer beyond the purposes specified in the privacy policy."

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21 On page 23, line 12 of the striking amendment, after "(2)" insert  
22 "Where a controller opts to provide a pop-up notification pursuant to  
23 section 107(2) of this act, an action under subsection (1) of this  
24 section may be brought only if the controller recklessly violates  
25 consumer data rights or willfully processes personal data of consumers  
26 beyond the purposes specified in the privacy policy.

27 (3)"

1       Renumber the remaining subsections consecutively and correct any  
2 internal references accordingly.

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EFFECT: Gives a controller the option to provide a consumer a specified pop-up notification at the time of the consumer's initial interaction with the controller's website or online application. Provides that where a controller chooses to provide the specified pop-up notification, a private civil action against the controller or an enforcement action by the Attorney General may be brought only if the controller recklessly violates consumer data rights or willfully processes personal data of consumers beyond the purposes specified in the privacy policy.

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