2SSB 5062 - S AMD **1516**
    By Senator Kuderer

NOT CONSIDERED 07/19/2022

1   On page 4, line 18, after "through" strike "(4)" and insert "(5)"

2   On page 7, line 24, after "(33)" insert ""Specific transaction
3 requested by the consumer" means the narrowest definition of
4 transaction necessary to accomplish the immediate request of the
5 consumer. For example, a request for one recommendation is not a
6 request for use of the consumer's personal data for any other
7 recommendations or any future updates of the recommendation; or a
8 request to read one article is not a request to be sent any other
9 articles or any other information related to the article.
10   (34)"

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

13   On page 11, line 18, after "such" strike all material through
14 "consumer." on line 21 and insert "consumer that was obtained prior
15 to the effective date of this section or was obtained pursuant to
16 valid consent under this act, provided that a controller and/or
17 processor shall be entitled to use personal data where: (a) Such use
18 is necessary to execute the specific transaction requested by the
19 consumer, (b) the use of personal data is clearly disclosed prior to
20 the consumer entering into the specific transaction, and (c) the
21 personal data is used only for the purpose of executing the specific
22 transaction requested by the consumer and is not retained or
23 otherwise used or disclosed for any other purpose.
24   (6) A consumer has the right to refuse to consent to the
25 processing of personal data gathered after the effective date of this
26 section, provided that a controller and/or processor shall be
27 entitled to use personal data where: (a) Such use is necessary to
28 execute the specific transaction requested by the consumer, (b) the
29 use of personal data is clearly disclosed prior to the consumer
30 entering into the transaction, and (c) the personal data is used only
31 for the purpose of executing the specific transaction requested by

1 the consumer and is not retained or otherwise used or disclosed for
2 any other purpose."

3 On page 12, line 34, after "through" strike "(4)" and insert
4 "(5)"

5 On page 17, line 4, after "(a)" strike all material through
6 "purpose" on line 11 and insert "Such use is necessary to execute the
7 specific transaction requested by the consumer, (b) the use of
8 personal data is clearly disclosed prior to the consumer entering
9 into the transaction, and (c) the personal data is used only for the
10 purpose of executing the specific transaction requested by the
11 consumer and is not retained or otherwise used or disclosed for any
12 other purpose"

13 On page 17, line 13, after "process" strike "sensitive" and
14 insert "personal"

15 On page 17, at the beginning of line 15, strike "sensitive" and
16 insert "personal"

17 On page 20, beginning on line 7, after "(e)" strike all material
18 through "(f)" on line 11

19 Reletter the remaining subsections consecutively and correct any
20 internal references accordingly.

EFFECT: Provides a definition for "specific transaction requested
by the consumer." Revises the right to opt out by providing consumers
with the right to opt out of the processing of their personal data
obtained prior to the effective date of this act. Removes the
specific purposes for which a consumer may opt out. Provides a new
right for a consumer to refuse to consent to the processing of their
personal data gathered after the effective date of this act. Requires
controllers and processors to authenticate requests to opt out.
Revises the loyalty program provisions by specifying a controller may
not sell personal data to a third-party controller as part of such a
program unless the use is necessary to execute a transaction
requested by the consumer, the use is disclosed to the consumer prior
to entering in the transaction, and the personal data is only used
for a specified purpose. Requires controllers to obtain consent to
process personal data rather than sensitive data. Removes the
exemption for providing a product requested by a consumer, perform a

contract to which the consumer is a party, or take steps at the request of the consumer.

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