

HOUSE BILL No. 5964

June 23, 1998, Introduced by Reps. Bogardus, Brater, Hale, Kilpatrick, Anthony, Wojno, Agee, Schermesser, Parks, Varga, LaForge, Profit, Frank, Brewer, Mans, Ciaramitaro, Schauer, Gire and Thomas and referred to the Committee on Advanced Technology and Computer Development.

A bill to regulate internet service providers and certain internet users; to provide certain rights of privacy associated with the use of the internet; and to provide remedies and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "internet privacy act".

3 Sec. 2. As used in this act:

4 (a) "Internet" means a worldwide interconnection of individ-
5 ual computers and computer networks and the facilities and equip-
6 ment used to access those interconnected computers and computer
7 networks.

8 (b) "Internet service provider" means a person who is in the
9 business of providing customers with access to the internet.

1 (c) "Person" means an individual, partnership, corporation,
2 association, governmental entity, or other legal entity.

3 (d) "Personal nonpublic information" means personal informa-
4 tion about an individual including, but not limited to, an
5 individual's social security number, home address, business
6 address, electronic mail address, telephone number, or medical
7 information, that the individual has not authorized in writing to
8 be disclosed.

9 Sec. 3. An internet service provider shall not keep records
10 in any form or format of customers' browsing patterns or sell or
11 distribute that information unless the internet service provider
12 notifies the customer in advance of its intention to do so. This
13 notification shall allow a person to respond to the internet
14 service provider that the person does not want the internet serv-
15 ice provider to keep records of the person's browsing patterns.
16 If a person notifies an internet service provider that the person
17 does not want the internet service provider to keep records of
18 the person's browsing patterns, the internet service provider
19 shall not keep such records.

20 Sec. 4. An internet service provider shall not divulge a
21 person's electronic mail messages without the person's written
22 authorization to do so.

23 Sec. 5. A person who violates this act, other than section
24 6, is guilty of a misdemeanor punishable by imprisonment for not
25 more than 90 days or a fine of not more than \$100.00, or both.

1 Sec. 6. A person who does either of the following is guilty
2 of a felony punishable by imprisonment for not more than 2 years
3 or a fine of not more than \$5,000.00, or both:

4 (a) Places personal nonpublic information regarding an indi-
5 vidual on the internet with the intent to cause an individual
6 physical or financial harm.

7 (b) Distributes or uses personal nonpublic information
8 regarding an individual obtained from the internet with the
9 intent to cause an individual physical or financial harm.

10 Sec. 7. A person who suffers injuries as a result of a vio-
11 lation of this act may file a civil action against a person who
12 violates this act to recover damages for their injuries.