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## INTERNET PRIVACY ACT

### House Bill 5964

**Sponsor: Rep. Rose Bogardus**

**Committee: Advanced Technology and  
Computer Development**

**Complete to 9-21-98**

### **A SUMMARY OF HOUSE BILL 5964 AS INTRODUCED 6-23-98**

The bill would create the Internet Privacy Act to regulate Internet service providers and others, provide certain rights of privacy in regards to personal information, and to provide for penalties and remedies for violations. "Internet service provider" would be a person who was in the business of providing customers with access to the Internet. The "Internet" would be defined as a worldwide interconnection of individual computers and computer networks and the facilities and equipment used to access them. "Person" would include an individual, corporation, association, governmental entity, or any other legal entity.

Under the bill, an Internet service provider would be prohibited from keeping records in any form or format of customers' browsing patterns or selling or distributing such information unless the service provider notified a customer in advance of its intention to do so. The notification would have to allow a person to respond that he or she did not want the service provider to keep records of his or her browsing patterns. An Internet service provider could not keep records of browsing patterns for any customers who indicated that they did not want records kept. An Internet service provider would also be prohibited from divulging a person's electronic mail messages without the person's written authorization to do so. A violation would result in a misdemeanor punishable by up to 90 days imprisonment or up to a \$100 fine, or both.

A person would also be prohibited from placing personal nonpublic information regarding an individual on the Internet with the intent to cause the individual physical or financial harm or distributing or using personal nonpublic information obtained on the Internet with the intent to cause an individual physical or financial harm. A person who violated this provision would be guilty of a felony punishable by up to two years imprisonment or up to a \$5,000 fine, or both. Anyone suffering injuries as a result of a violation could file a civil suit to recover damages. "Personal nonpublic information" would mean personal information that the individual had not given written authorization to disclose and would include a Social Security number, home address, business address, electronic mail address, telephone number, or medical information.

Analyst: S. Stutzky

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.