

PRESERVATION OF PERSONAL PRIVACY
Act 378 of 1988

AN ACT to preserve personal privacy with respect to the purchase, rental, or borrowing of certain materials; and to provide penalties and remedies for violation of this act.

History: 1988, Act 378, Eff. Mar. 30, 1989.

Popular name: Video Rental Privacy Act

The People of the State of Michigan enact:

445.1711 Definitions.

Sec. 1. As used in this act:

(a) "Customer" means a person who purchases, rents, or borrows a book or other written material, or a sound recording, or a video recording.

(b) "Employee" means a person who works for an employer in exchange for wages or other remuneration.

(c) "Employer" means a person who has 1 or more employees.

History: 1988, Act 378, Eff. Mar. 30, 1989.

Popular name: Video Rental Privacy Act

445.1712 Record or information concerning purchase, lease, rental, or borrowing of books or other written materials, sound recordings, or video recordings; disclosure prohibited.

Sec. 2. Except as provided in section 3 or as otherwise provided by law, a person, or an employee or agent of the person, engaged in the business of selling at retail, renting, or lending books or other written materials, sound recordings, or video recordings shall not disclose to any person, other than the customer, a record or information concerning the purchase, lease, rental, or borrowing of those materials by a customer that indicates the identity of the customer.

History: 1988, Act 378, Eff. Mar. 30, 1989.

Popular name: Video Rental Privacy Act

445.1713 Exceptions.

Sec. 3. A record or information described in section 2 may be disclosed only in 1 or more of the following circumstances:

(a) With the written permission of the customer.

(b) Pursuant to a court order.

(c) To the extent reasonably necessary to collect payment for the materials or the rental of the materials, if the customer has received written notice that the payment is due and has failed to pay or arrange for payment within a reasonable time after notice.

(d) If the disclosure is for the exclusive purpose of marketing goods and services directly to the consumer. The person disclosing the information shall inform the customer by written notice that the customer may remove his or her name at any time by written notice to the person disclosing the information.

(e) Pursuant to a search warrant issued by a state or federal court or grand jury subpoena.

History: 1988, Act 378, Eff. Mar. 30, 1989.

Popular name: Video Rental Privacy Act

445.1714 Violation as misdemeanor.

Sec. 4. A person who violates this act is guilty of a misdemeanor.

History: 1988, Act 378, Eff. Mar. 30, 1989.

Popular name: Video Rental Privacy Act

445.1715 Civil action for damages.

Sec. 5. Regardless of any criminal prosecution for a violation of this act, a person who violates this act shall be liable in a civil action for damages to the customer identified in a record or other information that is disclosed in violation of this act. The customer may bring a civil action against the person and may recover both of the following:

(a) Actual damages, including damages for emotional distress, or \$5,000.00, whichever is greater.

(b) Costs and reasonable attorney fees.

History: Add. 1989, Act 206, Imd. Eff. Nov. 7, 1989.