

HOUSE BILL No. 4198

February 13, 2001, Introduced by Reps. Schermesser, Bovin, O'Neil, Plakas, Wojno, Woodward, Jacobs, Anderson, Dennis, Rich Brown, Hale, Rivet and Gielegem and referred to the Committee on Commerce.

A bill to regulate the disclosure of certain personal information about an individual under certain circumstances; and to provide for a civil remedy.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Confidential information" means an individual's name,
3 address, social security number, telephone number, account number
4 at a financial institution, credit record, or investment record.

5 (b) "Person" means an individual, partnership, corporation,
6 association, governmental entity, or other legal entity.

7 (c) "Transaction in this state" means an agreement executed
8 in this state for either of the following:

9 (i) The sale of a good or service.

10 (ii) The providing of credit to an individual.

1 Sec. 3. (1) Except as provided in subsection (2), a person
2 shall not do either of the following:

3 (a) Sell, exchange, transfer, or trade confidential informa-
4 tion about an individual that was procured by or disclosed to the
5 person during the negotiation or execution of a transaction in
6 this state.

7 (b) Refuse to enter into a transaction in this state with an
8 individual unless the individual consents to the person's sale,
9 exchange, transfer, or trade of confidential information about
10 that individual.

11 (2) A person may sell, exchange, transfer, or trade confi-
12 dential information about an individual that was procured by or
13 disclosed to the person during the negotiation or execution of a
14 transaction in this state only if either of the following condi-
15 tions is met:

16 (a) The sale, exchange, transfer, or trade of the confiden-
17 tial information is expressly authorized by federal law.

18 (b) The person obtains the individual's written consent in
19 substantially the following form in 12-point or larger print:

20 "CONSENT TO DISCLOSURE OF CONFIDENTIAL INFORMATION
21 BY SIGNING THIS CONSENT FORM, I GIVE UP MY RIGHT UNDER MICHIGAN
22 LAW TO PROHIBIT _____ FROM SELLING, EXCHANGING,
23 TRANSFERRING, OR TRADING MY NAME, ADDRESS, SOCIAL SECURITY
24 NUMBER, TELEPHONE NUMBER, ACCOUNT NUMBER AT A FINANCIAL
25 INSTITUTION, CREDIT RECORD, OR INVESTMENT RECORD. I UNDERSTAND
26 THAT MICHIGAN LAW PROHIBITS _____ FROM REFUSING TO
27 PROVIDE A GOOD OR SERVICE OR TO EXTEND CREDIT TO ME SOLELY

1 BECAUSE I FAIL TO CONSENT TO THE WAIVER OF MY RIGHT TO KEEP
2 CONFIDENTIAL INFORMATION DESCRIBED IN THIS CONSENT FORM.

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4

SIGNATURE".

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Sec. 5. A person who sells, exchanges, transfers, or trades

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confidential information about an individual in violation of this

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act is liable to the individual for civil damages of \$5,000.00

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for each violation.