

any of the contents of a person's data storage devices.

Subd. 6. Telecommunications service. "Telecommunications service" means offering on a common carrier basis of telecommunications facilities. Does not include services offered by an ISP.

2 **Disclosure of personal information prohibited.** Prohibits an ISP from disclosing personally identifiable information except as allowed under the bill.

3 **Disclosure of personal information required.** Provides for when an ISP must disclose personally identifiable information about a consumer:

to a grand jury;

pursuant to a law enforcement investigation to a law enforcement officer;

pursuant to a court order in a civil proceeding on a showing of compelling need that cannot be accommodated by other means;

to a court in an action brought to collect charges owed to the ISP; or

to the consumer upon written request.

4 **Disclosure of personal information; authorization.** Permits disclosure upon:

authorization of the consumer; and

to a person in the ordinary course of business of an ISP.

A request for authorization may be obtained in writing or electronically. It must disclose the types of persons who will get the information and the anticipated use and must notify the consumer that failure to object to disclosure amounts to authorization of disclosure. The authorization may be obtained in a manner designed to comply with this section. Authorization obtained consistent with industry guidelines is acceptable.

5 **Secured account.** Requires an ISP to provide a consumer with a secured account. The ISP must maintain the security of the personally identifiable information regarding the account. States that the ISP is not liable for specified acts that would constitute computer theft and hacking crimes if the ISP does not participate in, authorize, or approve the acts.

6 **Exclusion from evidence.** Prohibits the use of personally identifiable information as evidence unless it was obtained as provided by this bill.

7 **Enforcement; civil liability.** Provides that a consumer who prevails in an action alleging a violation of this bill is entitled to \$500 or actual damage, whichever is greater, and reasonable attorney fees, costs and disbursements.

8 **Other law.** This bill is in addition to protection provided by other laws.

9 **Application.** Provides that article 1 applies to ISPs when serving consumers in this state.

Article 2

Commercial Electronic Mail Solicitation

Article 2 provides protections and imposes requirements on persons sending commercial e-mail messages to consumers. It requires letting people direct that they not be sent such messages.

1 **False or misleading commercial electronic mail messages.**

Subd. 1. Definitions. "Commercial e-mail" is defined as a message from facilities in this state to a resident of this state to promote goods or services for sale or lease. Defines other terms used in the article.

Subd. 2. False or misleading messages prohibited. Prohibits a person from initiating an e-mail message that uses another party's domain name without permission, that misrepresents the originator of the message, or that contains false or misleading information in the subject line.

Subd. 3. Subject disclosure. Requires the subject line of a commercial e-mail to contain the letters "ADV" as the first characters and, if it is an adult-specific message, must contain the letters "ADV-ADULT. This does not apply if the recipient requested the document or had a prior business or personal relationship with the sender.

Subd. 4. Toll-free number. Requires the initiator of a commercial e-mail to have a toll-free telephone number or return e-mail address that may be contacted to notify the sender not to transmit any more unsolicited e-mail documents. A commercial e-mail must notify the recipient of such a toll-free number or return e-mail address.

Subd. 5. Blocking receipt or transmission. Permits an interactive computer service to block commercial e-mails that it reasonably believes are being sent or will be sent in violation of this section. The blocking service is not liable for good faith blocking actions.

Subd. 6. Damages. Provides for minimum damages of \$500 per consumer and \$1,000 for an interactive computer service (or actual damages, if greater) injured by a violation of this section. Makes this remedy in addition to those provided in current consumer protection laws.