



General Assembly

January Session, 2001

Raised Bill No. 6619

LCO No. 3185

Referred to Committee on General Law

Introduced by:

(GL)

AN ACT CONCERNING CONSUMER FINANCIAL INFORMATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 42-371 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) As used in this section:

4 (1) "Retailer" means any person who sells goods used primarily for
5 personal, family or household purposes to a person who is not in the
6 business of reselling such goods;

7 [(2) "Discount card or device" means any card or device issued by a
8 retailer to a consumer, that the consumer may use to obtain a discount
9 when making purchases from the retailer, including, but not limited
10 to, a scanner card;]

11 [(3)] (2) "Consumer" means an individual who is an actual or
12 prospective purchaser of goods used primarily for personal, family or
13 household purposes; and

14 [(4)] (3) "Consumer information" means information that identifies a

15 consumer and that is obtained by a retailer, [from the consumer's use
16 of a discount card or device issued by the retailer in the course of the
17 retailer's business.]

18 (b) No retailer [who issues, or has issued, a discount card or device
19 in this state to a consumer] may sell, lease or relinquish to, or
20 exchange for value with, any other person, firm or corporation any
21 consumer information, unless (1) the retailer provides reasonable prior
22 written notice to the consumer, (2) the retailer provides the consumer
23 with the option [, at the time the consumer applies for the discount
24 card or device or at the time the consumer receives an unsolicited
25 discount card or device,] of preventing the retailer from selling, leasing
26 or relinquishing such information, and (3) the consumer does not
27 exercise such option to prevent the retailer from selling, leasing or
28 [relinquishing] exchanging for value such information.

29 (c) Such notice shall (1) state that information identifying the
30 consumer may be sold, leased or relinquished to other persons, firms
31 or corporations, (2) describe the purposes for which such information
32 would be used, and (3) include a form the consumer may use to
33 prevent the retailer from selling, leasing or relinquishing such
34 information.

35 (d) Nothing in this section shall be construed to supersede the
36 federal Fair Credit Reporting Act (15 USC 1681 et seq.).

37 [(e) The provisions of this section do not apply to the sale, lease or
38 relinquishing of consumer information by a retailer to another person,
39 firm or corporation that directly or through one or more
40 intermediaries, controls, or is controlled by, or is under common
41 control with, such retailer.

42 (f) Notwithstanding the provisions of subsection (b) of this section, a
43 retailer may relinquish consumer information to (1) a credit rating
44 agency, as defined in section 36a-695, or a consumer reporting agency,
45 as defined in 15 USC 1681 et seq., provided such information may be

46 relinquished only if the discount card or device also functions as a
47 credit card, as defined in section 53a-128a, (2) a person, firm or
48 corporation performing or providing services used for the delivery of
49 such retailer's promotional offers, or (3) a person, firm or corporation
50 performing or providing services used for the delivery of such
51 retailer's billing statements.]

52 [(g)] (e) Any violation of any provision of this section shall be
53 deemed an unfair or deceptive trade practice under subsection (a) of
54 section 42-110b.

Statement of Purpose:

To broaden consumer privacy protections against retailers exchanging consumer information.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]