

# OFFICE OF FISCAL ANALYSIS

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sSB-3

AN ACT CONCERNING ONLINE PRIVACY, DATA AND SAFETY PROTECTIONS.

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## ***OFA Fiscal Note***

### ***State Impact:***

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Attorney General	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

***Municipal Impact:*** None

### ***Explanation***

The bill may result in a revenue gain to the Office of the Attorney General (OAG) beginning in FY 24, as any violations of Sections 1, 2, and 4 - 6 are considered violations of the Connecticut Unfair Trade Practices Act (CUTPA), and enforced solely by OAG.

Any revenue gain would depend on the number and type of violations enforced by OAG. CUTPA allows OAG to seek various forms of relief to address violations, including penalties of up to \$5,000 per willful violation. The agency could seek these penalties through an enforcement action, or if a company cooperates, through a settlement resolving the state's claims. For FY 20 - FY 22, annual revenue collected from CUTPA ranged from a low of \$1,639,854 to \$4,523,004.

**Sections 1 - 2** prohibit anyone from selling consumer health data without obtaining the consumer's written consent. These sections also create a ban on anyone using a geofence to identify, track, collect data

from or send notifications to a consumer entering a health care facility.<sup>1</sup>

**Sections 3 – 8** establish a framework and set requirements regarding how those who offer online services and products manage, process, and obtain consent to use the personal data of minors.

**Section 8** specifically allows the OAG, from July 1, 2025, to December 31, 2027, before initiating any enforcement action, to issue a written notice of violation to give the party an opportunity to cure the violation.

**Section 12** creates the Connecticut Internet Crimes Against Children Task Force. Any costs to the state in FY 24 and FY 25 would depend on the level of any state and federal appropriations.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number and extent of any violations enforced by OAG.

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<sup>1</sup>A “geofence” is any technology that uses global positioning coordinates, cell tower connectivity, cellular data, radio frequency identification, wireless fidelity technology data, or any other form of location detection.