



General Assembly

Amendment

January Session, 2023

LCO No. 7779



Offered by:

SEN. MARONEY, 14 th Dist.	SEN. KUSHNER, 24 th Dist.
SEN. WINFIELD, 10 th Dist.	SEN. GASTON, 23 rd Dist.
REP. D'AGOSTINO, 91 st Dist.	SEN. MCCRORY, 2 nd Dist.
SEN. LOONEY, 11 th Dist.	SEN. RAHMAN, 4 th Dist.
SEN. DUFF, 25 th Dist.	SEN. LESSER, 9 th Dist.
SEN. HWANG, 28 th Dist.	SEN. LOPES, 6 th Dist.
SEN. KISSEL, 7 th Dist.	SEN. SLAP, 5 th Dist.
SEN. CICARELLA, 34 th Dist.	SEN. MAHER, 26 th Dist.
SEN. COHEN, 12 th Dist.	REP. MCCARTHY VAHEY, 133 rd Dist.
SEN. NEEDLEMAN, 33 rd Dist.	REP. KEITT, 134 th Dist.
SEN. OSTEN, 19 th Dist.	REP. CARPINO, 32 nd Dist.
SEN. CABRERA, 17 th Dist.	SEN. ANWAR, 3 rd Dist.
SEN. HOCHADEL, 13 th Dist.	SEN. MOORE, 22 nd Dist.
SEN. MARX, 20 th Dist.	

To: Subst. Senate Bill No. 3

File No. 604

Cal. No. 347

"AN ACT CONCERNING ONLINE PRIVACY, DATA AND SAFETY PROTECTIONS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 42-515 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2023*):

5 As used in this section and sections 42-516 to 42-525, inclusive, as
6 amended by this act, and section 2 of this act, unless the context

7 otherwise requires:

8 (1) "Abortion" means terminating a pregnancy for any purpose other
9 than producing a live birth.

10 [(1)] (2) "Affiliate" means a legal entity that shares common branding
11 with another legal entity or controls, is controlled by or is under
12 common control with another legal entity. For the purposes of this
13 subdivision, "control" [or] and "controlled" [means] mean (A)
14 ownership of, or the power to vote, more than fifty per cent of the
15 outstanding shares of any class of voting security of a company, (B)
16 control in any manner over the election of a majority of the directors or
17 of individuals exercising similar functions, or (C) the power to exercise
18 controlling influence over the management of a company.

19 [(2)] (3) "Authenticate" means to use reasonable means to determine
20 that a request to exercise any of the rights afforded under subdivisions
21 (1) to (4), inclusive, of subsection (a) of section 42-518 is being made by,
22 or on behalf of, the consumer who is entitled to exercise such consumer
23 rights with respect to the personal data at issue.

24 [(3)] (4) "Biometric data" means data generated by automatic
25 measurements of an individual's biological characteristics, such as a
26 fingerprint, a voiceprint, eye retinas, irises or other unique biological
27 patterns or characteristics that are used to identify a specific individual.
28 "Biometric data" does not include (A) a digital or physical photograph,
29 (B) an audio or video recording, or (C) any data generated from a digital
30 or physical photograph, or an audio or video recording, unless such
31 data is generated to identify a specific individual.

32 [(4)] (5) "Business associate" has the same meaning as provided in
33 HIPAA.

34 [(5)] (6) "Child" has the same meaning as provided in COPPA.

35 [(6)] (7) "Consent" means a clear affirmative act signifying a
36 consumer's freely given, specific, informed and unambiguous

37 agreement to allow the processing of personal data relating to the
38 consumer. "Consent" may include a written statement, including by
39 electronic means, or any other unambiguous affirmative action.
40 "Consent" does not include (A) acceptance of a general or broad terms
41 of use or similar document that contains descriptions of personal data
42 processing along with other, unrelated information, (B) hovering over,
43 muting, pausing or closing a given piece of content, or (C) agreement
44 obtained through the use of dark patterns.

45 [(7)] (8) "Consumer" means an individual who is a resident of this
46 state. "Consumer" does not include an individual acting in a commercial
47 or employment context or as an employee, owner, director, officer or
48 contractor of a company, partnership, sole proprietorship, nonprofit or
49 government agency whose communications or transactions with the
50 controller occur solely within the context of that individual's role with
51 the company, partnership, sole proprietorship, nonprofit or government
52 agency.

53 (9) "Consumer health data" means any personal data that a controller
54 uses to identify a consumer's physical or mental health condition or
55 diagnosis, and includes, but is not limited to, gender-affirming health
56 data and reproductive or sexual health data.

57 (10) "Consumer health data controller" means any controller that,
58 alone or jointly with others, determines the purpose and means of
59 processing consumer health data.

60 [(8)] (11) "Controller" means [an individual] a person who, [or legal
61 entity that,] alone or jointly with others, determines the purpose and
62 means of processing personal data.

63 [(9)] (12) "COPPA" means the Children's Online Privacy Protection
64 Act of 1998, 15 USC 6501 et seq., and the regulations, rules, guidance
65 and exemptions adopted pursuant to said act, as said act and such
66 regulations, rules, guidance and exemptions may be amended from
67 time to time.

68 [(10)] (13) "Covered entity" has the same meaning as provided in
69 HIPAA.

70 [(11)] (14) "Dark pattern" [(A)] means a user interface designed or
71 manipulated with the substantial effect of subverting or impairing user
72 autonomy, decision-making or choice, and [(B)] includes, but is not
73 limited to, any practice the Federal Trade Commission refers to as a
74 "dark pattern".

75 [(12)] (15) "Decisions that produce legal or similarly significant effects
76 concerning the consumer" means decisions made by the controller that
77 result in the provision or denial by the controller of financial or lending
78 services, housing, insurance, education enrollment or opportunity,
79 criminal justice, employment opportunities, health care services or
80 access to essential goods or services.

81 [(13)] (16) "De-identified data" means data that cannot reasonably be
82 used to infer information about, or otherwise be linked to, an identified
83 or identifiable individual, or a device linked to such individual, if the
84 controller that possesses such data (A) takes reasonable measures to
85 ensure that such data cannot be associated with an individual, (B)
86 publicly commits to process such data only in a de-identified fashion
87 and not attempt to re-identify such data, and (C) contractually obligates
88 any recipients of such data to satisfy the criteria set forth in
89 subparagraphs (A) and (B) of this subdivision.

90 (17) "Gender-affirming health care services" has the same meaning as
91 provided in section 52-571n.

92 (18) "Gender-affirming health data" means any personal data
93 concerning an effort made by a consumer to seek, or a consumer's
94 receipt of, gender-affirming health care services.

95 (19) "Geofence" means any technology that uses global positioning
96 coordinates, cell tower connectivity, cellular data, radio frequency
97 identification, wireless fidelity technology data or any other form of
98 location detection, or any combination of such coordinates, connectivity,

99 data, identification or other form of location detection, to establish a
100 virtual boundary.

101 [(14)] (20) "HIPAA" means the Health Insurance Portability and
102 Accountability Act of 1996, 42 USC 1320d et seq., as amended from time
103 to time.

104 [(15)] (21) "Identified or identifiable individual" means an individual
105 who can be readily identified, directly or indirectly.

106 [(16)] (22) "Institution of higher education" means any individual
107 who, or school, board, association, limited liability company or
108 corporation that, is licensed or accredited to offer one or more programs
109 of higher learning leading to one or more degrees.

110 (23) "Mental health facility" means any health care facility in which at
111 least seventy per cent of the health care services provided in such facility
112 are mental health services.

113 [(17)] (24) "Nonprofit organization" means any organization that is
114 exempt from taxation under Section 501(c)(3), 501(c)(4), 501(c)(6) or
115 501(c)(12) of the Internal Revenue Code of 1986, or any subsequent
116 corresponding internal revenue code of the United States, as amended
117 from time to time.

118 (25) "Person" means an individual, association, company, limited
119 liability company, corporation, partnership, sole proprietorship, trust or
120 other legal entity.

121 [(18)] (26) "Personal data" means any information that is linked or
122 reasonably linkable to an identified or identifiable individual. "Personal
123 data" does not include de-identified data or publicly available
124 information.

125 [(19)] (27) "Precise geolocation data" means information derived from
126 technology, including, but not limited to, global positioning system
127 level latitude and longitude coordinates or other mechanisms, that
128 directly identifies the specific location of an individual with precision

129 and accuracy within a radius of one thousand seven hundred fifty feet.
130 "Precise geolocation data" does not include the content of
131 communications or any data generated by or connected to advanced
132 utility metering infrastructure systems or equipment for use by a utility.

133 [(20)] (28) "Process" [or] and "processing" [means] mean any
134 operation or set of operations performed, whether by manual or
135 automated means, on personal data or on sets of personal data, such as
136 the collection, use, storage, disclosure, analysis, deletion or modification
137 of personal data.

138 [(21)] (29) "Processor" means [an individual] a person who [, or legal
139 entity that,] processes personal data on behalf of a controller.

140 [(22)] (30) "Profiling" means any form of automated processing
141 performed on personal data to evaluate, analyze or predict personal
142 aspects related to an identified or identifiable individual's economic
143 situation, health, personal preferences, interests, reliability, behavior,
144 location or movements.

145 [(23)] (31) "Protected health information" has the same meaning as
146 provided in HIPAA.

147 [(24)] (32) "Pseudonymous data" means personal data that cannot be
148 attributed to a specific individual without the use of additional
149 information, provided such additional information is kept separately
150 and is subject to appropriate technical and organizational measures to
151 ensure that the personal data is not attributed to an identified or
152 identifiable individual.

153 [(25)] (33) "Publicly available information" means information that
154 (A) is lawfully made available through federal, state or municipal
155 government records or widely distributed media, and (B) a controller
156 has a reasonable basis to believe a consumer has lawfully made
157 available to the general public.

158 (34) "Reproductive or sexual health care" means any health care-

159 related services or products rendered or provided concerning a
160 consumer's reproductive system or sexual well-being, including, but not
161 limited to, any such service or product rendered or provided concerning
162 (A) an individual health condition, status, disease, diagnosis, diagnostic
163 test or treatment, (B) a social, psychological, behavioral or medical
164 intervention, (C) a surgery or procedure, including, but not limited to,
165 an abortion, (D) a use or purchase of a medication, including, but not
166 limited to, a medication used or purchased for the purposes of an
167 abortion, (E) a bodily function, vital sign or symptom, (F) a
168 measurement of a bodily function, vital sign or symptom, or (G) an
169 abortion, including, but not limited to, medical or nonmedical services,
170 products, diagnostics, counseling or follow-up services for an abortion.

171 (35) "Reproductive or sexual health data" means any personal data
172 concerning an effort made by a consumer to seek, or a consumer's
173 receipt of, reproductive or sexual health care.

174 (36) "Reproductive or sexual health facility" means any health care
175 facility in which at least seventy per cent of the health care-related
176 services or products rendered or provided in such facility are
177 reproductive or sexual health care.

178 ~~[(26)]~~ (37) "Sale of personal data" means the exchange of personal data
179 for monetary or other valuable consideration by the controller to a third
180 party. "Sale of personal data" does not include (A) the disclosure of
181 personal data to a processor that processes the personal data on behalf
182 of the controller, (B) the disclosure of personal data to a third party for
183 purposes of providing a product or service requested by the consumer,
184 (C) the disclosure or transfer of personal data to an affiliate of the
185 controller, (D) the disclosure of personal data where the consumer
186 directs the controller to disclose the personal data or intentionally uses
187 the controller to interact with a third party, (E) the disclosure of personal
188 data that the consumer (i) intentionally made available to the general
189 public via a channel of mass media, and (ii) did not restrict to a specific
190 audience, or (F) the disclosure or transfer of personal data to a third
191 party as an asset that is part of a merger, acquisition, bankruptcy or

192 other transaction, or a proposed merger, acquisition, bankruptcy or
193 other transaction, in which the third party assumes control of all or part
194 of the controller's assets.

195 [(27)] (38) "Sensitive data" means personal data that includes (A) data
196 revealing racial, national or ethnic origin, religious beliefs, mental or
197 physical health condition or diagnosis, sex life, sexual orientation,
198 gender identity, status as nonbinary or transgender or citizenship or
199 immigration status, (B) consumer health data, (C) the processing of
200 genetic or biometric data for the purpose of uniquely identifying an
201 individual, [(C)] (D) personal data collected from a known child, [or (D)]
202 (E) data concerning an individual's status as a victim of crime, as defined
203 in section 1-1k, or (F) precise geolocation data.

204 [(28)] (39) "Targeted advertising" means displaying advertisements to
205 a consumer where the advertisement is selected based on personal data
206 obtained or inferred from that consumer's activities over time and across
207 nonaffiliated Internet web sites or online applications to predict such
208 consumer's preferences or interests. "Targeted advertising" does not
209 include (A) advertisements based on activities within a controller's own
210 Internet web sites or online applications, (B) advertisements based on
211 the context of a consumer's current search query, visit to an Internet web
212 site or online application, (C) advertisements directed to a consumer in
213 response to the consumer's request for information or feedback, or (D)
214 processing personal data solely to measure or report advertising
215 frequency, performance or reach.

216 [(29)] (40) "Third party" means [an individual or legal entity] a
217 person, such as a public authority, agency or body, other than the
218 consumer, controller or processor or an affiliate of the processor or the
219 controller.

220 [(30)] (41) "Trade secret" has the same meaning as provided in section
221 35-51.

222 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) (1) Except as provided in
223 subsection (b) of this section, subsections (b) and (c) of section 42-517 of

224 the general statutes, as amended by this act, and section 42-524 of the
225 general statutes, as amended by this act, no person shall: (A) Provide
226 any employee or contractor with access to consumer health data unless
227 the employee or contractor is subject to a contractual or statutory duty
228 of confidentiality; (B) provide any processor with access to consumer
229 health data unless such person and processor comply with section 42-
230 521 of the general statutes; (C) use a geofence to establish a virtual
231 boundary that is within one thousand seven hundred fifty feet of any
232 mental health facility or reproductive or sexual health facility for the
233 purpose of identifying, tracking, collecting data from or sending any
234 notification to a consumer regarding the consumer's consumer health
235 data; or (D) sell, or offer to sell, consumer health data without first
236 obtaining the consumer's consent.

237 (2) Notwithstanding section 42-516 of the general statutes, the
238 provisions of subsection (a) of this section, and the provisions of section
239 42-515, as amended by this act, and sections 42-517 to 42-525, inclusive,
240 of the general statutes, as amended by this act, concerning consumer
241 health data and consumer health data controllers, apply to persons that
242 conduct business in this state and persons that produce products or
243 services that are targeted to residents of this state.

244 (b) The provisions of subsection (a) of this section shall not apply to
245 any: (1) Body, authority, board, bureau, commission, district or agency
246 of this state or of any political subdivision of this state; (2) person who
247 has entered into a contract with any body, authority, board, bureau,
248 commission, district or agency described in subdivision (1) of this
249 subsection while such person is processing consumer health data on
250 behalf of such body, authority, board, bureau, commission, district or
251 agency pursuant to such contract; (3) institution of higher education; (4)
252 national securities association that is registered under 15 USC 78o-3 of
253 the Securities Exchange Act of 1934, as amended from time to time; (5)
254 financial institution or data subject to Title V of the Gramm-Leach-Bliley
255 Act, 15 USC 6801 et seq.; (6) covered entity or business associate, as
256 defined in 45 CFR 160.103; (7) tribal nation government organization; or
257 (8) air carrier, as defined in 49 USC 40102, as amended from time to time,

258 and regulated under the Federal Aviation Act of 1958, 49 USC 40101 et
259 seq., and the Airline Deregulation Act of 1978, 49 USC 41713, as said acts
260 may be amended from time to time.

261 Sec. 3. Subsections (a) to (c), inclusive, of section 42-517 of the general
262 statutes are repealed and the following is substituted in lieu thereof
263 (*Effective July 1, 2023*):

264 (a) The provisions of sections 42-515 to 42-525, inclusive, as amended
265 by this act, do not apply to any: (1) Body, authority, board, bureau,
266 commission, district or agency of this state or of any political
267 subdivision of this state; (2) person who has entered into a contract with
268 any body, authority, board, bureau, commission, district or agency
269 described in subdivision (1) of this subsection while such person is
270 processing consumer health data on behalf of such body, authority,
271 board, bureau, commission, district or agency pursuant to such contract;
272 (3) nonprofit organization; [(3)] (4) institution of higher education; [(4)]
273 (5) national securities association that is registered under 15 USC 78o-3
274 of the Securities Exchange Act of 1934, as amended from time to time;
275 [(5)] (6) financial institution or data subject to Title V of the Gramm-
276 Leach-Bliley Act, 15 USC 6801 et seq.; [or (6)] (7) covered entity or
277 business associate, as defined in 45 CFR 160.103; (8) tribal nation
278 government organization; or (9) air carrier, as defined in 49 USC 40102,
279 as amended from time to time, and regulated under the Federal
280 Aviation Act of 1958, 49 USC 40101 et seq., and the Airline Deregulation
281 Act of 1978, 49 USC 41713, as said acts may be amended from time to
282 time.

283 (b) The following information and data is exempt from the provisions
284 of sections 42-515 to 42-525, inclusive, as amended by this act, and
285 section 2 of this act: (1) Protected health information under HIPAA; (2)
286 patient-identifying information for purposes of 42 USC 290dd-2; (3)
287 identifiable private information for purposes of the federal policy for the
288 protection of human subjects under 45 CFR 46; (4) identifiable private
289 information that is otherwise information collected as part of human
290 subjects research pursuant to the good clinical practice guidelines issued

291 by the International Council for Harmonization of Technical
292 Requirements for Pharmaceuticals for Human Use; (5) the protection of
293 human subjects under 21 CFR Parts 6, 50 and 56, or personal data used
294 or shared in research, as defined in 45 CFR 164.501, that is conducted in
295 accordance with the standards set forth in this subdivision and
296 subdivisions (3) and (4) of this subsection, or other research conducted
297 in accordance with applicable law; (6) information and documents
298 created for purposes of the Health Care Quality Improvement Act of
299 1986, 42 USC 11101 et seq.; (7) patient safety work product for purposes
300 of section 19a-127o and the Patient Safety and Quality Improvement
301 Act, 42 USC 299b-21 et seq., as amended from time to time; (8)
302 information derived from any of the health [care related] care-related
303 information listed in this subsection that is de-identified in accordance
304 with the requirements for de-identification pursuant to HIPAA; (9)
305 information originating from and intermingled to be indistinguishable
306 with, or information treated in the same manner as, information exempt
307 under this subsection that is maintained by a covered entity or business
308 associate, program or qualified service organization, as specified in 42
309 USC 290dd-2, as amended from time to time; (10) information used for
310 public health activities and purposes as authorized by HIPAA,
311 community health activities and population health activities; (11) the
312 collection, maintenance, disclosure, sale, communication or use of any
313 personal information bearing on a consumer's credit worthiness, credit
314 standing, credit capacity, character, general reputation, personal
315 characteristics or mode of living by a consumer reporting agency,
316 furnisher or user that provides information for use in a consumer report,
317 and by a user of a consumer report, but only to the extent that such
318 activity is regulated by and authorized under the Fair Credit Reporting
319 Act, 15 USC 1681 et seq., as amended from time to time; (12) personal
320 data collected, processed, sold or disclosed in compliance with the
321 Driver's Privacy Protection Act of 1994, 18 USC 2721 et seq., as amended
322 from time to time; (13) personal data regulated by the Family
323 Educational Rights and Privacy Act, 20 USC 1232g et seq., as amended
324 from time to time; (14) personal data collected, processed, sold or
325 disclosed in compliance with the Farm Credit Act, 12 USC 2001 et seq.,

326 as amended from time to time; (15) data processed or maintained (A) in
327 the course of an individual applying to, employed by or acting as an
328 agent or independent contractor of a controller, processor, consumer
329 health data controller or third party, to the extent that the data is
330 collected and used within the context of that role, (B) as the emergency
331 contact information of an individual under sections 42-515 to 42-525,
332 inclusive, as amended by this act, and section 2 of this act used for
333 emergency contact purposes, or (C) that is necessary to retain to
334 administer benefits for another individual relating to the individual
335 who is the subject of the information under subdivision (1) of this
336 subsection and used for the purposes of administering such benefits;
337 and (16) personal data collected, processed, sold or disclosed in relation
338 to price, route or service, as such terms are used in the [Airline
339 Deregulation Act] Federal Aviation Act of 1958, 49 USC 40101 et seq.,
340 [as amended from time to time, by an air carrier subject to said act, to
341 the extent sections 42-515 to 42-525, inclusive, are preempted by] and
342 the Airline Deregulation Act of 1978, 49 USC 41713, as said acts may be
343 amended from time to time.

344 (c) Controllers, [and] processors and consumer health data
345 controllers that comply with the verifiable parental consent
346 requirements of COPPA shall be deemed compliant with any obligation
347 to obtain parental consent pursuant to sections 42-515 to 42-525,
348 inclusive, as amended by this act, and section 2 of this act.

349 Sec. 4. Subsection (a) of section 42-520 of the general statutes is
350 repealed and the following is substituted in lieu thereof (*Effective July 1,*
351 *2023*):

352 (a) A controller shall: (1) Limit the collection of personal data to what
353 is adequate, relevant and reasonably necessary in relation to the
354 purposes for which such data is processed, as disclosed to the consumer;
355 (2) except as otherwise provided in sections 42-515 to 42-525, inclusive,
356 as amended by this act, not process personal data for purposes that are
357 neither reasonably necessary to, nor compatible with, the disclosed
358 purposes for which such personal data is processed, as disclosed to the

359 consumer, unless the controller obtains the consumer's consent; (3)
360 establish, implement and maintain reasonable administrative, technical
361 and physical data security practices to protect the confidentiality,
362 integrity and accessibility of personal data appropriate to the volume
363 and nature of the personal data at issue; (4) not process sensitive data
364 concerning a consumer without obtaining the consumer's consent, or, in
365 the case of the processing of sensitive data concerning a known child,
366 without processing such data in accordance with COPPA; (5) not
367 process personal data in violation of the laws of this state and federal
368 laws that prohibit unlawful discrimination against consumers; (6)
369 provide an effective mechanism for a consumer to revoke the
370 consumer's consent under this section that is at least as easy as the
371 mechanism by which the consumer provided the consumer's consent
372 and, upon revocation of such consent, cease to process the data as soon
373 as practicable, but not later than fifteen days after the receipt of such
374 request; and (7) not process the personal data of a consumer for
375 purposes of targeted advertising, or sell the consumer's personal data
376 without the consumer's consent, under circumstances where a controller
377 has actual knowledge, [and] or wilfully disregards, that the consumer is
378 at least thirteen years of age but younger than sixteen years of age. A
379 controller shall not discriminate against a consumer for exercising any
380 of the consumer rights contained in sections 42-515 to 42-525, inclusive,
381 as amended by this act, including denying goods or services, charging
382 different prices or rates for goods or services or providing a different
383 level of quality of goods or services to the consumer.

384 Sec. 5. Section 42-524 of the general statutes is repealed and the
385 following is substituted in lieu thereof (*Effective July 1, 2023*):

386 (a) Nothing in sections 42-515 to 42-525, inclusive, as amended by this
387 act, or section 2 of this act shall be construed to restrict a controller's, [or]
388 processor's or consumer health data controller's ability to: (1) Comply
389 with federal, state or municipal ordinances or regulations; (2) comply
390 with a civil, criminal or regulatory inquiry, investigation, subpoena or
391 summons by federal, state, municipal or other governmental
392 authorities; (3) cooperate with law enforcement agencies concerning

393 conduct or activity that the controller, [or] processor or consumer health
394 data controller reasonably and in good faith believes may violate
395 federal, state or municipal ordinances or regulations; (4) investigate,
396 establish, exercise, prepare for or defend legal claims; (5) provide a
397 product or service specifically requested by a consumer; (6) perform
398 under a contract to which a consumer is a party, including fulfilling the
399 terms of a written warranty; (7) take steps at the request of a consumer
400 prior to entering into a contract; (8) take immediate steps to protect an
401 interest that is essential for the life or physical safety of the consumer or
402 another individual, and where the processing cannot be manifestly
403 based on another legal basis; (9) prevent, detect, protect against or
404 respond to security incidents, identity theft, fraud, harassment,
405 malicious or deceptive activities or any illegal activity, preserve the
406 integrity or security of systems or investigate, report or prosecute those
407 responsible for any such action; (10) engage in public or peer-reviewed
408 scientific or statistical research in the public interest that adheres to all
409 other applicable ethics and privacy laws and is approved, monitored
410 and governed by an institutional review board that determines, or
411 similar independent oversight entities that determine, (A) whether the
412 deletion of the information is likely to provide substantial benefits that
413 do not exclusively accrue to the controller or consumer health data
414 controller, (B) the expected benefits of the research outweigh the privacy
415 risks, and (C) whether the controller or consumer health data controller
416 has implemented reasonable safeguards to mitigate privacy risks
417 associated with research, including any risks associated with re-
418 identification; (11) assist another controller, processor, consumer health
419 data controller or third party with any of the obligations under sections
420 42-515 to 42-525, inclusive, as amended by this act, or section 2 of this
421 act; or (12) process personal data for reasons of public interest in the area
422 of public health, community health or population health, but solely to
423 the extent that such processing is (A) subject to suitable and specific
424 measures to safeguard the rights of the consumer whose personal data
425 is being processed, and (B) under the responsibility of a professional
426 subject to confidentiality obligations under federal, state or local law.

427 (b) The obligations imposed on controllers, [or] processors or
428 consumer health data controllers under sections 42-515 to 42-525,
429 inclusive, as amended by this act, and section 2 of this act shall not
430 restrict a controller's, [or] processor's or consumer health data
431 controller's ability to collect, use or retain data for internal use to: (1)
432 Conduct internal research to develop, improve or repair products,
433 services or technology; (2) effectuate a product recall; (3) identify and
434 repair technical errors that impair existing or intended functionality; or
435 (4) perform internal operations that are reasonably aligned with the
436 expectations of the consumer or reasonably anticipated based on the
437 consumer's existing relationship with the controller or consumer health
438 data controller, or are otherwise compatible with processing data in
439 furtherance of the provision of a product or service specifically
440 requested by a consumer or the performance of a contract to which the
441 consumer is a party.

442 (c) The obligations imposed on controllers, [or] processors or
443 consumer health data controllers under sections 42-515 to 42-525,
444 inclusive, as amended by this act, and section 2 of this act shall not apply
445 where compliance by the controller, [or] processor or consumer health
446 data controller with said sections would violate an evidentiary privilege
447 under the laws of this state. Nothing in sections 42-515 to 42-525,
448 inclusive, as amended by this act, or section 2 of this act shall be
449 construed to prevent a controller, [or] processor or consumer health data
450 controller from providing personal data concerning a consumer to a
451 person covered by an evidentiary privilege under the laws of the state
452 as part of a privileged communication.

453 (d) A controller, [or] processor or consumer health data controller
454 that discloses personal data to a processor or third-party controller in
455 accordance with sections 42-515 to 42-525, inclusive, as amended by this
456 act, and section 2 of this act shall not be deemed to have violated said
457 sections if the processor or third-party controller that receives and
458 processes such personal data violates said sections, provided, at the time
459 the disclosing controller, [or] processor or consumer health data
460 controller disclosed such personal data, the disclosing controller, [or]

461 processor or consumer health data controller did not have actual
462 knowledge that the receiving processor or third-party controller would
463 violate said sections. A third-party controller or processor receiving
464 personal data from a controller, [or] processor or consumer health data
465 controller in compliance with sections 42-515 to 42-525, inclusive, as
466 amended by this act, and section 2 of this act is likewise not in violation
467 of said sections for the transgressions of the controller, [or] processor or
468 consumer health data controller from which such third-party controller
469 or processor receives such personal data.

470 (e) Nothing in sections 42-515 to 42-525, inclusive, as amended by this
471 act, or section 2 of this act shall be construed to: (1) Impose any
472 obligation on a controller, [or] processor or consumer health data
473 controller that adversely affects the rights or freedoms of any person,
474 including, but not limited to, the rights of any person (A) to freedom of
475 speech or freedom of the press guaranteed in the First Amendment to
476 the United States Constitution, or (B) under section 52-146t; or (2) apply
477 to any person's processing of personal data in the course of such
478 person's purely personal or household activities.

479 (f) Personal data processed by a controller or consumer health data
480 controller pursuant to this section may be processed to the extent that
481 such processing is: (1) Reasonably necessary and proportionate to the
482 purposes listed in this section; and (2) adequate, relevant and limited to
483 what is necessary in relation to the specific purposes listed in this
484 section. Personal data collected, used or retained pursuant to subsection
485 (b) of this section shall, where applicable, take into account the nature
486 and purpose or purposes of such collection, use or retention. Such data
487 shall be subject to reasonable administrative, technical and physical
488 measures to protect the confidentiality, integrity and accessibility of the
489 personal data and to reduce reasonably foreseeable risks of harm to
490 consumers relating to such collection, use or retention of personal data.

491 (g) If a controller or consumer health data controller processes
492 personal data pursuant to an exemption in this section, the controller or
493 consumer health data controller bears the burden of demonstrating that

494 such processing qualifies for the exemption and complies with the
495 requirements in subsection (f) of this section.

496 (h) Processing personal data for the purposes expressly identified in
497 this section shall not solely make a legal entity a controller or consumer
498 health data controller with respect to such processing.

499 Sec. 6. Section 42-525 of the general statutes is repealed and the
500 following is substituted in lieu thereof (*Effective July 1, 2023*):

501 (a) The Attorney General shall have exclusive authority to enforce
502 violations of sections 42-515 to 42-524, inclusive, as amended by this act,
503 and section 2 of this act.

504 (b) During the period beginning on July 1, 2023, and ending on
505 December 31, 2024, the Attorney General shall, prior to initiating any
506 action for a violation of any provision of sections 42-515 to 42-524,
507 inclusive, as amended by this act, and section 2 of this act, issue a notice
508 of violation to the controller or consumer health data controller if the
509 Attorney General determines that a cure is possible. If the controller or
510 consumer health data controller fails to cure such violation within sixty
511 days of receipt of the notice of violation, the Attorney General may bring
512 an action pursuant to this section. Not later than February 1, 2024, the
513 Attorney General shall submit a report, in accordance with section 11-
514 4a, to the joint standing committee of the General Assembly having
515 cognizance of matters relating to general law disclosing: (1) The number
516 of notices of violation the Attorney General has issued; (2) the nature of
517 each violation; (3) the number of violations that were cured during the
518 sixty-day cure period; and (4) any other matter the Attorney General
519 deems relevant for the purposes of such report.

520 (c) Beginning on January 1, 2025, the Attorney General may, in
521 determining whether to grant a controller, [or] processor or consumer
522 health data controller the opportunity to cure an alleged violation
523 described in subsection (b) of this section, consider: (1) The number of
524 violations; (2) the size and complexity of the controller, [or] processor or
525 consumer health data controller; (3) the nature and extent of the

526 controller's, [or] processor's or consumer health data controller's
527 processing activities; (4) the substantial likelihood of injury to the public;
528 (5) the safety of persons or property; [and] (6) whether such alleged
529 violation was likely caused by human or technical error; and (7) the
530 sensitivity of the data.

531 (d) Nothing in sections 42-515 to 42-524, inclusive, as amended by this
532 act, or section 2 of this act shall be construed as providing the basis for,
533 or be subject to, a private right of action for violations of said sections or
534 any other law.

535 (e) A violation of the requirements of sections 42-515 to 42-524,
536 inclusive, as amended by this act, or section 2 of this act shall constitute
537 an unfair trade practice for purposes of section 42-110b and shall be
538 enforced solely by the Attorney General, provided the provisions of
539 section 42-110g shall not apply to such violation.

540 Sec. 7. (NEW) (*Effective July 1, 2024*) (a) For the purposes of this
541 section:

542 (1) "Authenticate" means to use reasonable means and make a
543 commercially reasonable effort to determine whether a request to
544 exercise any right afforded under subsection (b) of this section has been
545 submitted by, or on behalf of, the minor who is entitled to exercise such
546 right;

547 (2) "Consumer" has the same meaning as provided in section 42-515
548 of the general statutes, as amended by this act;

549 (3) "Minor" means any consumer who is younger than eighteen years
550 of age;

551 (4) "Personal data" has the same meaning as provided in section 42-
552 515 of the general statutes, as amended by this act;

553 (5) "Social media platform" (A) means a public or semi-public
554 Internet-based service or application that (i) is used by a consumer in
555 this state, (ii) is primarily intended to connect and allow users to socially

556 interact within such service or application, and (iii) enables a user to (I)
557 construct a public or semi-public profile for the purposes of signing into
558 and using such service or application, (II) populate a public list of other
559 users with whom the user shares a social connection within such service
560 or application, and (III) create or post content that is viewable by other
561 users, including, but not limited to, on message boards, in chat rooms,
562 or through a landing page or main feed that presents the user with
563 content generated by other users, and (B) does not include a public or
564 semi-public Internet-based service or application that (i) exclusively
565 provides electronic mail or direct messaging services, or (ii) primarily
566 consists of news, sports, entertainment, interactive video games,
567 electronic commerce or content that is preselected by the provider or for
568 which any chat, comments or interactive functionality is incidental to,
569 directly related to, or dependent on the provision of such content; and

570 (6) "Unpublish" means to remove a social media platform account
571 from public visibility.

572 (b) (1) Not later than fifteen business days after a social media
573 platform receives a request from a minor or, if the minor is younger than
574 sixteen years of age, from such minor's parent or legal guardian to
575 unpublish such minor's social media platform account, the social media
576 platform shall unpublish such minor's social media platform account.

577 (2) Not later than forty-five business days after a social media
578 platform receives a request from a minor or, if the minor is younger than
579 sixteen years of age, from such minor's parent or legal guardian to delete
580 such minor's social media platform account, the social media platform
581 shall delete such minor's social media platform account and cease
582 processing such minor's personal data except where the preservation of
583 such minor's social media platform account or personal data is
584 otherwise permitted or required by applicable law, including, but not
585 limited to, sections 42-515 to 42-525, inclusive, of the general statutes, as
586 amended by this act. A social media platform may extend such forty-
587 five business day period by an additional forty-five business days if
588 such extension is reasonably necessary considering the complexity and

589 number of the consumer's requests, provided the social media platform
590 informs the minor or, if the minor is younger than sixteen years of age,
591 such minor's parent or legal guardian within the initial forty-five
592 business day response period of such extension and the reason for such
593 extension.

594 (3) A social media platform shall establish, and shall describe in a
595 privacy notice, one or more secure and reliable means for submitting a
596 request pursuant to this subsection. A social media platform that
597 provides a mechanism for a minor or, if the minor is younger than
598 sixteen years of age, the minor's parent or legal guardian to initiate a
599 process to delete or unpublish such minor's social media platform
600 account shall be deemed to be in compliance with the provisions of this
601 subsection.

602 (c) If a social media platform is unable to authenticate a request
603 submitted under subsection (b) of this section, the social media platform
604 shall (1) not be required to comply with such request, and (2) provide a
605 notice to the consumer who submitted such request disclosing that such
606 social media platform (A) is unable to authenticate such request, and (B)
607 will not be able to authenticate such request until such consumer
608 provides the additional information that is reasonably necessary to
609 authenticate such request.

610 (d) Any violation of the provisions of this section shall constitute an
611 unfair trade practice under subsection (a) of section 42-110b of the
612 general statutes and shall be enforced solely by the Attorney General.
613 Nothing in this section shall be construed to create a private right of
614 action or to provide grounds for an action under section 42-110g of the
615 general statutes.

616 Sec. 8. (NEW) (*Effective October 1, 2024*) For the purposes of this
617 section and sections 9 to 13, inclusive, of this act:

618 (1) "Adult" means any individual who is at least eighteen years of age;

619 (2) "Consent" has the same meaning as provided in section 42-515 of

620 the general statutes, as amended by this act;

621 (3) "Consumer" has the same meaning as provided in section 42-515
622 of the general statutes, as amended by this act;

623 (4) "Controller" has the same meaning as provided in section 42-515
624 of the general statutes, as amended by this act;

625 (5) "Heightened risk of harm to minors" means processing minors'
626 personal data in a manner that presents any reasonably foreseeable risk
627 of (A) any unfair or deceptive treatment of, or any unlawful disparate
628 impact on, minors, (B) any financial, physical or reputational injury to
629 minors, or (C) any physical or other intrusion upon the solitude or
630 seclusion, or the private affairs or concerns, of minors if such intrusion
631 would be offensive to a reasonable person;

632 (6) "HIPAA" has the same meaning as provided in section 42-515 of
633 the general statutes, as amended by this act;

634 (7) "Minor" means any consumer who is younger than eighteen years
635 of age;

636 (8) "Online service, product or feature" means any service, product or
637 feature that is provided online. "Online service, product or feature" does
638 not include any (A) telecommunications service, as defined in 47 USC
639 153, as amended from time to time, (B) broadband Internet access
640 service, as defined in 47 CFR 54.400, as amended from time to time, or
641 (C) delivery or use of a physical product;

642 (9) "Person" has the same meaning as provided in section 42-515 of
643 the general statutes, as amended by this act;

644 (10) "Personal data" has the same meaning as provided in section 42-
645 515 of the general statutes, as amended by this act;

646 (11) "Precise geolocation data" has the same meaning as provided in
647 section 42-515 of the general statutes, as amended by this act;

648 (12) "Process" and "processing" have the same meaning as provided
649 in section 42-515 of the general statutes, as amended by this act;

650 (13) "Processor" has the same meaning as provided in section 42-515
651 of the general statutes, as amended by this act;

652 (14) "Profiling" has the same meaning as provided in section 42-515
653 of the general statutes, as amended by this act;

654 (15) "Protected health information" has the same meaning as
655 provided in section 42-515 of the general statutes, as amended by this
656 act;

657 (16) "Sale of personal data" has the same meaning as provided in
658 section 42-515 of the general statutes, as amended by this act;

659 (17) "Targeted advertising" has the same meaning as provided in
660 section 42-515 of the general statutes, as amended by this act; and

661 (18) "Third party" has the same meaning as provided in section 42-
662 515 of the general statutes, as amended by this act.

663 Sec. 9. (NEW) (*Effective October 1, 2024*) (a) Each controller that offers
664 any online service, product or feature to consumers whom such
665 controller has actual knowledge, or wilfully disregards, are minors shall
666 use reasonable care to avoid any heightened risk of harm to minors
667 caused by such online service, product or feature. In any enforcement
668 action brought by the Attorney General pursuant to section 13 of this
669 act, there shall be a rebuttable presumption that a controller used
670 reasonable care as required under this subsection if the controller
671 complied with the provisions of section 10 of this act concerning data
672 protection assessments.

673 (b) (1) Subject to the consent requirement established in subdivision
674 (3) of this subsection, no controller that offers any online service,
675 product or feature to consumers whom such controller has actual
676 knowledge, or wilfully disregards, are minors shall: (A) Process any
677 minor's personal data (i) for the purposes of (I) targeted advertising, (II)

678 any sale of personal data, or (III) profiling in furtherance of any fully
679 automated decision made by such controller that produces any legal or
680 similarly significant effect concerning the provision or denial by such
681 controller of any financial or lending services, housing, insurance,
682 education enrollment or opportunity, criminal justice, employment
683 opportunity, health care services or access to essential goods or services,
684 (ii) unless such processing is reasonably necessary to provide such
685 online service, product or feature, (iii) for any processing purpose (I)
686 other than the processing purpose that the controller disclosed at the
687 time such controller collected such personal data, or (II) that is
688 reasonably necessary for, and compatible with, the processing purpose
689 described in subparagraph (A)(iii)(I) of this subdivision, or (iv) for
690 longer than is reasonably necessary to provide such online service,
691 product or feature; or (B) use any system design feature to significantly
692 increase, sustain or extend any minor's use of such online service,
693 product or feature.

694 (2) Subject to the consent requirement established in subdivision (3)
695 of this subsection, no controller that offers an online service, product or
696 feature to consumers whom such controller has actual knowledge, or
697 wilfully disregards, are minors shall collect a minor's precise
698 geolocation data unless: (A) Such precise geolocation data is reasonably
699 necessary for the controller to provide such online service, product or
700 feature and, if such data is necessary to provide such online service,
701 product or feature, such controller may only collect such data for the
702 time necessary to provide such online service, product or feature; and
703 (B) the controller provides to the minor a signal indicating that such
704 controller is collecting such precise geolocation data, which signal shall
705 be available to such minor for the entire duration of such collection.

706 (3) No controller shall engage in the activities described in
707 subdivisions (1) and (2) of this subsection unless the controller obtains
708 the minor's consent or, if the minor is younger than thirteen years of age,
709 the consent of such minor's parent or legal guardian. A controller that
710 complies with the verifiable parental consent requirements established
711 in the Children's Online Privacy Protection Act of 1998, 15 USC 6501 et

712 seq., and the regulations, rules, guidance and exemptions adopted
713 pursuant to said act, as said act and such regulations, rules, guidance
714 and exemptions may be amended from time to time, shall be deemed to
715 have satisfied any requirement to obtain parental consent under this
716 subdivision.

717 (c) No controller that offers any online service, product or feature to
718 consumers whom such controller has actual knowledge, or wilfully
719 disregards, are minors shall: (1) Provide any consent mechanism that is
720 designed to substantially subvert or impair, or is manipulated with the
721 effect of substantially subverting or impairing, user autonomy, decision-
722 making or choice; or (2) offer any direct messaging apparatus for use by
723 minors without providing readily accessible and easy-to-use safeguards
724 to limit the ability of adults to send unsolicited communications to
725 minors with whom they are not connected.

726 Sec. 10. (NEW) (*Effective October 1, 2024*) (a) Each controller that, on
727 or after October 1, 2024, offers any online service, product or feature to
728 consumers whom such controller has actual knowledge, or wilfully
729 disregards, are minors shall conduct a data protection assessment for
730 such online service, product or feature: (1) In a manner that is consistent
731 with the requirements established in section 42-522 of the general
732 statutes; and (2) that addresses (A) the purpose of such online service,
733 product or feature, (B) the categories of minors' personal data that such
734 online service, product or feature processes, (C) the purposes for which
735 such controller processes minors' personal data with respect to such
736 online service, product or feature, and (D) any heightened risk of harm
737 to minors that is a reasonably foreseeable result of offering such online
738 service, product or feature to minors.

739 (b) Each controller that conducts a data protection assessment
740 pursuant to subsection (a) of this section shall: (1) Review such data
741 protection assessment as necessary to account for any material change
742 to the processing operations of the online service, product or feature that
743 is the subject of such data protection assessment; and (2) maintain
744 documentation concerning such data protection assessment for the

745 longer of (A) the three-year period beginning on the date on which such
746 processing operations cease, or (B) as long as such controller offers such
747 online service, product or feature.

748 (c) A single data protection assessment may address a comparable set
749 of processing operations that include similar activities.

750 (d) If a controller conducts a data protection assessment for the
751 purpose of complying with another applicable law or regulation, the
752 data protection assessment shall be deemed to satisfy the requirements
753 established in this section if such data protection assessment is
754 reasonably similar in scope and effect to the data protection assessment
755 that would otherwise be conducted pursuant to this section.

756 (e) If any controller conducts a data protection assessment pursuant
757 to subsection (a) of this section and determines that the online service,
758 product or feature that is the subject of such assessment poses a
759 heightened risk of harm to minors, such controller shall establish and
760 implement a plan to mitigate or eliminate such risk.

761 (f) Data protection assessments shall be confidential and shall be
762 exempt from disclosure under the Freedom of Information Act, as
763 defined in section 1-200 of the general statutes. To the extent any
764 information contained in a data protection assessment disclosed to the
765 Attorney General includes information subject to the attorney-client
766 privilege or work product protection, such disclosure shall not
767 constitute a waiver of such privilege or protection.

768 Sec. 11. (NEW) (*Effective October 1, 2024*) (a) A processor shall adhere
769 to the instructions of a controller, and shall: (1) Assist the controller in
770 meeting the controller's obligations under sections 8 to 13, inclusive, of
771 this act taking into account (A) the nature of the processing, (B) the
772 information available to the processor by appropriate technical and
773 organizational measures, and (C) whether such assistance is reasonably
774 practicable and necessary to assist the controller in meeting such
775 obligations; and (2) provide any information that is necessary to enable
776 the controller to conduct and document data protection assessments.

777 (b) A contract between a controller and a processor shall satisfy the
778 requirements established in subsection (b) of section 42-521 of the
779 general statutes.

780 (c) Nothing in this section shall be construed to relieve a controller or
781 processor from the liabilities imposed on the controller or processor by
782 virtue of such controller's or processor's role in the processing
783 relationship, as described in sections 8 to 13, inclusive, of this act.

784 (d) Determining whether a person is acting as a controller or
785 processor with respect to a specific processing of data is a fact-based
786 determination that depends upon the context in which personal data is
787 to be processed. A person who is not limited in such person's processing
788 of personal data pursuant to a controller's instructions, or who fails to
789 adhere to such instructions, is a controller and not a processor with
790 respect to a specific processing of data. A processor that continues to
791 adhere to a controller's instructions with respect to a specific processing
792 of personal data remains a processor. If a processor begins, alone or
793 jointly with others, determining the purposes and means of the
794 processing of personal data, the processor is a controller with respect to
795 such processing and may be subject to an enforcement action under
796 section 13 of this act.

797 Sec. 12. (NEW) (*Effective October 1, 2024*) (a) The provisions of sections
798 8 to 11, inclusive, and section 13 of this act shall not apply to any: (1)
799 Body, authority, board, bureau, commission, district or agency of this
800 state or of any political subdivision of this state; (2) organization that is
801 exempt from taxation under Section 501(c)(3), 501(c)(4), 501(c)(6) or
802 501(c)(12) of the Internal Revenue Code of 1986, or any subsequent
803 corresponding internal revenue code of the United States, as amended
804 from time to time; (3) individual who, or school, board, association,
805 limited liability company or corporation that, is licensed or accredited
806 to offer one or more programs of higher learning leading to one or more
807 degrees; (4) national securities association that is registered under 15
808 USC 78o-3, as amended from time to time; (5) financial institution or
809 data that is subject to Title V of the Gramm-Leach-Bliley Act, 15 USC

810 6801 et seq., as amended from time to time; (6) covered entity or business
811 associate, as defined in 45 CFR 160.103, as amended from time to time;
812 (7) tribal nation government organization; or (8) air carrier, as defined
813 in 49 USC 40102, as amended from time to time, and regulated under
814 the Federal Aviation Act of 1958, 49 USC 40101 et seq., and the Airline
815 Deregulation Act of 1978, 49 USC 41713, as said acts may be amended
816 from time to time.

817 (b) The following information and data is exempt from the provisions
818 of sections 8 to 11, inclusive, and section 13 of this act: (1) Protected
819 health information; (2) patient-identifying information for the purposes
820 of 42 USC 290dd-2, as amended from time to time; (3) identifiable
821 private information for the purposes of the federal policy for the
822 protection of human subjects under 45 CFR 46, as amended from time
823 to time; (4) identifiable private information that is otherwise information
824 collected as part of human subjects research pursuant to the good
825 clinical practice guidelines issued by the International Council for
826 Harmonisation of Technical Requirements for Pharmaceuticals for
827 Human Use, as amended from time to time; (5) the protection of human
828 subjects under 21 CFR Parts 6, 50 and 56, as amended from time to time,
829 or personal data used or shared in research, as defined in 45 CFR
830 164.501, as amended from time to time, that is conducted in accordance
831 with the standards set forth in this subdivision and subdivisions (3) and
832 (4) of this subsection, or other research conducted in accordance with
833 applicable law; (6) information and documents created for the purposes
834 of the Health Care Quality Improvement Act of 1986, 42 USC 11101 et
835 seq., as amended from time to time; (7) patient safety work products for
836 the purposes of section 19a-127o of the general statutes and the Patient
837 Safety and Quality Improvement Act, 42 USC 299b-21 et seq., as
838 amended from time to time; (8) information derived from any of the
839 health care-related information listed in this subsection that is de-
840 identified in accordance with the requirements for de-identification
841 under HIPAA; (9) information originating from and intermingled so as
842 to be indistinguishable from, or information treated in the same manner
843 as, information that is exempt under this subsection and maintained by

844 a covered entity or business associate, program or qualified service
845 organization, as specified in 42 USC 290dd-2, as amended from time to
846 time; (10) information used for public health activities and purposes as
847 authorized by HIPAA, community health activities and population
848 health activities; (11) the collection, maintenance, disclosure, sale,
849 communication or use of any personal information bearing on a
850 consumer's credit worthiness, credit standing, credit capacity, character,
851 general reputation, personal characteristics or mode of living by a
852 consumer reporting agency, furnisher or user that provides information
853 for use in a consumer report, and by a user of a consumer report, but
854 only to the extent that such activity is regulated by and authorized
855 under the Fair Credit Reporting Act, 15 USC 1681 et seq., as amended
856 from time to time; (12) personal data collected, processed, sold or
857 disclosed in compliance with the Driver's Privacy Protection Act of 1994,
858 18 USC 2721 et seq., as amended from time to time; (13) personal data
859 regulated by the Family Educational Rights and Privacy Act, 20 USC
860 1232g et seq., as amended from time to time; (14) personal data collected,
861 processed, sold or disclosed in compliance with the Farm Credit Act, 12
862 USC 2001 et seq., as amended from time to time; (15) data processed or
863 maintained (A) in the course of an individual applying to, employed by
864 or acting as an agent or independent contractor of a controller, processor
865 or third party, to the extent that the data is collected and used within the
866 context of that role, (B) as the emergency contact information of an
867 individual under sections 8 to 11, inclusive, and section 13 of this act
868 used for emergency contact purposes, or (C) that is necessary to retain
869 to administer benefits for another individual relating to the individual
870 who is the subject of the information under subdivision (1) of this
871 subsection and used for the purposes of administering such benefits;
872 and (16) personal data collected, processed, sold or disclosed in relation
873 to price, route or service, as such terms are used in the Federal Aviation
874 Act of 1958, 49 USC 40101 et seq., and the Airline Deregulation Act of
875 1978, 49 USC 41713, as said acts may be amended from time to time.

876 (c) No provision of this section or sections 8 to 11, inclusive, or section
877 13 of this act shall be construed to restrict a controller's or processor's

878 ability to: (1) Comply with federal, state or municipal ordinances or
879 regulations; (2) comply with a civil, criminal or regulatory inquiry,
880 investigation, subpoena or summons by federal, state, municipal or
881 other governmental authorities; (3) cooperate with law enforcement
882 agencies concerning conduct or activity that the controller or processor
883 reasonably and in good faith believes may violate federal, state or
884 municipal ordinances or regulations; (4) investigate, establish, exercise,
885 prepare for or defend legal claims; (5) take immediate steps to protect
886 an interest that is essential for the life or physical safety of the minor or
887 another individual, and where the processing cannot be manifestly
888 based on another legal basis; (6) prevent, detect, protect against or
889 respond to security incidents, identity theft, fraud, harassment,
890 malicious or deceptive activities or any illegal activity, preserve the
891 integrity or security of systems or investigate, report or prosecute those
892 responsible for any such action; (7) engage in public or peer-reviewed
893 scientific or statistical research in the public interest that adheres to all
894 other applicable ethics and privacy laws and is approved, monitored
895 and governed by an institutional review board that determines, or
896 similar independent oversight entities that determine, (A) whether the
897 deletion of the information is likely to provide substantial benefits that
898 do not exclusively accrue to the controller or processor, (B) the expected
899 benefits of the research outweigh the privacy risks, and (C) whether the
900 controller or processor has implemented reasonable safeguards to
901 mitigate privacy risks associated with research, including, but not
902 limited to, any risks associated with re-identification; (8) assist another
903 controller, processor or third party with any obligation under sections 8
904 to 11, inclusive, or section 13 of this act; or (9) process personal data for
905 reasons of public interest in the area of public health, community health
906 or population health, but solely to the extent that such processing is (A)
907 subject to suitable and specific measures to safeguard the rights of the
908 minor whose personal data is being processed, and (B) under the
909 responsibility of a professional subject to confidentiality obligations
910 under federal, state or local law.

911 (d) No obligation imposed on a controller or processor under any

912 provision of sections 8 to 11, inclusive, or section 13 of this act shall be
913 construed to restrict a controller's or processor's ability to collect, use or
914 retain data for internal use to: (1) Conduct internal research to develop,
915 improve or repair products, services or technology; (2) effectuate a
916 product recall; (3) identify and repair technical errors that impair
917 existing or intended functionality; or (4) perform internal operations
918 that are (A) reasonably aligned with the expectations of a minor or
919 reasonably anticipated based on the minor's existing relationship with
920 the controller or processor, or (B) otherwise compatible with processing
921 data in furtherance of the provision of a product or service specifically
922 requested by a minor.

923 (e) No controller or processor shall be required to comply with any
924 provision of sections 8 to 11, inclusive, or section 13 of this act if
925 compliance with such provision would violate an evidentiary privilege
926 under the laws of this state, and no such provision shall be construed to
927 prevent a controller or processor from providing, as part of a privileged
928 communication, any personal data concerning a minor to any other
929 person who is covered by such evidentiary privilege.

930 (f) No provision of sections 8 to 11, inclusive, or section 13 of this act
931 shall be construed to: (1) Impose any obligation on a controller that
932 adversely affects the rights or freedoms of any person, including, but
933 not limited to, the rights of any person (A) to freedom of speech or
934 freedom of the press guaranteed in the First Amendment to the United
935 States Constitution, or (B) under section 52-146t of the general statutes;
936 or (2) apply to any individual's processing of personal data in the course
937 of such individual's purely personal or household activities.

938 (g) (1) Any personal data processed by a controller pursuant to this
939 section may be processed to the extent that such processing is: (A)
940 Reasonably necessary and proportionate to the purposes listed in this
941 section; and (B) adequate, relevant and limited to what is necessary in
942 relation to the specific purposes listed in this section.

943 (2) Any controller that collects, uses or retains data pursuant to

944 subsection (d) of this section shall, where applicable, take into account
945 the nature and purpose or purposes of such collection, use or retention.
946 Such data shall be subject to reasonable administrative, technical and
947 physical measures to protect the confidentiality, integrity and
948 accessibility of the personal data and to reduce reasonably foreseeable
949 risks of harm to minors concerning such collection, use or retention of
950 personal data.

951 (h) If any controller or processor processes personal data pursuant to
952 an exemption established in subsections (a) to (g), inclusive, of this
953 section, such controller or processor bears the burden of demonstrating
954 that such processing qualifies for such exemption and complies with the
955 requirements established in subsection (g) of this section.

956 Sec. 13. (NEW) (*Effective October 1, 2024*) (a) Any violation of the
957 provisions of sections 8 to 12, inclusive, of this act shall constitute an
958 unfair trade practice under subsection (a) of section 42-110b of the
959 general statutes and shall be enforced solely by the Attorney General.
960 Nothing in this section or sections 8 to 12, inclusive, of this act shall be
961 construed to create a private right of action or to provide grounds for an
962 action under section 42-110g of the general statutes.

963 (b) (1) During the period beginning October 1, 2024, and ending
964 December 31, 2025, if the Attorney General, in the Attorney General's
965 discretion, determines that a controller or processor has violated any
966 provision of sections 8 to 12, inclusive, of this act but may cure such
967 alleged violation, the Attorney General shall provide written notice to
968 such controller or processor, in a form and manner prescribed by the
969 Attorney General and before the Attorney General commences any
970 action to enforce such provision, disclosing such alleged violation and
971 such provision.

972 (2) (A) Not later than thirty days after a controller or processor
973 receives a notice under subdivision (1) of this subsection, the controller
974 or processor may send a notice to the Attorney General, in a form and
975 manner prescribed by the Attorney General, disclosing that such

976 controller or processor has: (i) Determined that such controller or
977 processor did not commit the alleged violation of sections 8 to 12,
978 inclusive, of this act; or (ii) cured such violation and taken measures that
979 are sufficient to prevent further such violations.

980 (B) If the Attorney General receives a notice described in
981 subparagraph (A) of this subdivision and determines, in the Attorney
982 General's discretion, that the controller or processor that sent such
983 notice did not commit the alleged violation or has cured such violation
984 and taken the measures described in subparagraph (A)(ii) of this
985 subdivision, such controller or processor shall not be liable for any civil
986 penalty under subsection (a) of this section.

987 (C) Not later than February 1, 2026, the Attorney General shall submit
988 a report, in accordance with section 11-4a of the general statutes, to the
989 joint standing committee of the General Assembly having cognizance of
990 matters relating to general law. Such report shall disclose: (i) The
991 number of notices the Attorney General has issued pursuant to
992 subdivision (1) of this subsection; (ii) the number of violations that were
993 cured pursuant to subparagraphs (A) and (B) of this subdivision; and
994 (iii) any other matter the Attorney General deems relevant for the
995 purposes of such report.

996 (c) Beginning on January 1, 2026, the Attorney General may, in the
997 Attorney General's discretion, provide to a controller or processor an
998 opportunity to cure any alleged violation of the provisions of sections 8
999 to 12, inclusive, of this act in the manner described in subdivisions (1)
1000 and (2) of subsection (b) of this section. In determining whether to grant
1001 the controller or processor an opportunity to cure such alleged violation,
1002 the Attorney General may consider: (1) The number of such violations
1003 that such controller or processor is alleged to have committed; (2) the
1004 size and complexity of such controller or processor; (3) the nature and
1005 extent of such controller's or processor's processing activities; (4)
1006 whether there exists a substantial likelihood that such alleged violation
1007 has caused or will cause public injury; (5) the safety of persons or
1008 property; (6) whether such alleged violation was likely caused by a

1009 human or technical error; and (7) the sensitivity of the data.

1010 Sec. 14. Section 21a-435 of the general statutes is repealed and the
1011 following is substituted in lieu thereof (*Effective January 1, 2024*):

1012 As used in this section, and] sections 21a-436 to 21a-439, inclusive, as
1013 amended by this act, and section 15 of this act:

1014 (1) "Connecticut user" means a user who provides a Connecticut
1015 home address or zip code when registering with an online dating
1016 operator or a user who is known or determined by an online dating
1017 operator or its online dating platform to be in Connecticut at the time of
1018 registration;

1019 (2) "Criminal background screening" means a name search for an
1020 individual's history of criminal convictions that is conducted by
1021 searching an (A) available and regularly updated government public
1022 record database that in the aggregate provides national coverage for
1023 searching an individual's history of criminal convictions; or (B) a
1024 regularly updated database maintained by a private vendor that
1025 provides national coverage for searching an individual's history of
1026 criminal convictions and sexual offender registries;

1027 (3) "Criminal conviction" means a conviction for a crime in this state,
1028 another state, or under federal law;

1029 (4) "Online dating" means the act of using a digital service to initiate
1030 relationships with other individuals for the purpose of romance, sex or
1031 marriage;

1032 (5) "Online dating operator" means a person who operates a software
1033 application designed to facilitate online dating;

1034 (6) "Online dating platform" means a digital service designed to allow
1035 users to interact through the Internet to participate in online dating; and

1036 (7) "User" means an individual who uses the online dating services of
1037 an online dating operator.

1038 Sec. 15. (NEW) (*Effective January 1, 2024*) (a) Each online dating
1039 operator that offers services to Connecticut users shall maintain an
1040 online safety center, which shall be reasonably designed to provide
1041 Connecticut users with resources concerning safe dating. Each online
1042 safety center maintained pursuant to this subsection shall provide: (1)
1043 An explanation of the online dating operator's reporting mechanism for
1044 harmful or unwanted behavior; (2) safety advice for use when
1045 communicating online and meeting in person; (3) a link to an Internet
1046 web site or a telephone number where a Connecticut user may access
1047 resources concerning domestic violence and sexual harassment; and (4)
1048 educational information concerning romance scams.

1049 (b) Each online dating operator that offers services to Connecticut
1050 users shall adopt a policy for the online dating platform's handling of
1051 harassment reports by or between users.

1052 Sec. 16. Section 21a-439 of the general statutes is repealed and the
1053 following is substituted in lieu thereof (*Effective January 1, 2024*):

1054 (a) The Department of Consumer Protection may issue fines of not
1055 more than twenty-five thousand dollars per violation, accept an offer in
1056 compromise, or take other actions permitted by the general statutes or
1057 the regulations of Connecticut state agencies if an online dating operator
1058 fails to comply with the provisions of sections 21a-435 to 21a-438,
1059 inclusive, as amended by this act, and section 15 of this act.

1060 (b) The Commissioner of Consumer Protection, or the commissioner's
1061 designee, may conduct investigations and hold hearings on any matter
1062 under the provisions of this section, [and] sections 21a-435 to 21a-438,
1063 inclusive, as amended by this act, and section 15 of this act. The
1064 commissioner, or the commissioner's designee, may issue subpoenas,
1065 administer oaths, compel testimony and order the production of books,
1066 records and documents. If any person refuses to appear, to testify or to
1067 produce any book, record or document when so ordered, upon
1068 application of the commissioner or the commissioner's designee, a judge
1069 of the Superior Court may make such order as may be appropriate to

1070 aid in the enforcement of this section.

1071 (c) The Attorney General, at the request of the commissioner or the
1072 commissioner's designee, may apply in the name of the state to the
1073 Superior Court for an order temporarily or permanently restraining and
1074 enjoining any person from violating any provision of this section, [and]
1075 sections 21a-435 to 21a-438, inclusive, as amended by this act, and
1076 section 15 of this act.

1077 Sec. 17. Section 29-7b of the general statutes is repealed and the
1078 following is substituted in lieu thereof (*Effective July 1, 2023*):

1079 (a) There shall be within the Department of Emergency Services and
1080 Public Protection a Division of Scientific Services. The Commissioner of
1081 Emergency Services and Public Protection shall serve as administrative
1082 head of such division, and may delegate jurisdiction over the affairs of
1083 such division to a deputy commissioner.

1084 (b) The Division of Scientific Services shall provide technical
1085 assistance to law enforcement agencies in the various areas of scientific
1086 investigation. The division shall maintain facilities and services for the
1087 examination and analysis of evidentiary materials in areas including,
1088 but not limited to, chemistry, arson, firearms, questioned documents,
1089 microscopy, serology, toxicology, trace evidence, latent fingerprints,
1090 impressions and other similar technology. The facilities, services and
1091 personnel of the division shall be available, without charge, to the Office
1092 of the Chief Medical Examiner and all duly constituted prosecuting,
1093 police and investigating agencies of the state.

1094 (c) The Division of Scientific Services: (1) May investigate any
1095 physical evidence or evidentiary material related to a crime upon the
1096 request of any federal, state or local agency, (2) may conduct or assist in
1097 the scientific field investigation at the scene of a crime and provide other
1098 technical assistance and training in the various fields of scientific
1099 criminal investigation upon request, (3) shall assure the safe custody of
1100 evidence during examination, (4) shall forward a written report of the
1101 results of an examination of evidence to the agency submitting such

1102 evidence, (5) shall render expert court testimony when requested, and
 1103 (6) shall conduct ongoing research in the areas of the forensic sciences.
 1104 The Commissioner of Emergency Services and Public Protection or a
 1105 director designated by the commissioner shall be in charge of the
 1106 Division of Scientific Services operations and shall establish and
 1107 maintain a system of case priorities and a procedure for submission of
 1108 evidence and evidentiary security. The director of the Division of
 1109 Scientific Services shall be in the unclassified service and shall serve at
 1110 the pleasure of the commissioner.

1111 (d) In accordance with the provisions of sections 4-38d, 4-38e and 4-
 1112 39, all powers and duties of the Department of Public Health under the
 1113 provisions of sections 14-227a, 14-227c, 15-140u and 21a-283 shall be
 1114 transferred to the Division of Scientific Services within the Department
 1115 of Emergency Services and Public Protection.

1116 (e) There is established within the Division of Scientific Services the
 1117 Connecticut Internet Crimes Against Children Task Force, which shall
 1118 consist of affiliate law enforcement agencies in the state. The task force
 1119 shall use state and federal moneys appropriated to it in a manner that is
 1120 consistent with the duties prescribed in 34 USC 21114."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	42-515
Sec. 2	July 1, 2023	New section
Sec. 3	July 1, 2023	42-517(a) to (c)
Sec. 4	July 1, 2023	42-520(a)
Sec. 5	July 1, 2023	42-524
Sec. 6	July 1, 2023	42-525
Sec. 7	July 1, 2024	New section
Sec. 8	October 1, 2024	New section
Sec. 9	October 1, 2024	New section
Sec. 10	October 1, 2024	New section
Sec. 11	October 1, 2024	New section
Sec. 12	October 1, 2024	New section
Sec. 13	October 1, 2024	New section

Sec. 14	<i>January 1, 2024</i>	21a-435
Sec. 15	<i>January 1, 2024</i>	New section
Sec. 16	<i>January 1, 2024</i>	21a-439
Sec. 17	<i>July 1, 2023</i>	29-7b