

HOUSE BILL NO. HB0052

Personal data protection.

Sponsored by: Representative(s) Petersen, Edwards, McOmie
and Ross and Senator(s) Hanes and Hines

A BILL

for

1 AN ACT relating to the protection of personal data;
2 prohibiting the use of names and the purchase of lists of
3 names derived from public records for commercial purposes
4 without consent; providing exceptions and penalties;
5 requiring disclosure of intent to commercially use a
6 consumer's information under the Wyoming Consumer
7 Protection Act; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 16-4-206 and 16-4-207 are created to
12 read:

13

14 **16-4-206. Prohibition on distribution or sale of**
15 **mailing lists; exceptions; penalty.**

16

1 (a) Except as provided in subsection (b) of this
2 section, no custodian or official custodian shall
3 distribute for commercial purposes or sell for use as a
4 list any public record without first securing the
5 permission of all persons whose names appear on the list.

6

7 (b) Subsection (a) of this section does not apply to
8 the following:

9

10 (i) Requests by any law enforcement agency;

11

12 (ii) Lists developed by the secretary of state;

13

14 (iii) Lists of names, addresses and other
15 information pertaining to electors or candidates when used
16 solely for political campaign or election purposes;

17

18 (iv) Lists provided solely for prelicensing or
19 continuing educational courses required for professions;
20 and

21

22 (v) Lists of current or retired employees used
23 by the state of Wyoming.

24

1 (c) Any person violating the provisions of subsection
2 (a) of this section is guilty of a misdemeanor punishable
3 by a fine of not more than seven hundred fifty dollars
4 (\$750.00), imprisonment for not more than six (6) months,
5 or both.

6

7 **16-4-207. Unlawful use of names derived from public**
8 **records; exceptions; penalties.**

9

10 (a) No person shall sell, give or receive any list of
11 names and addresses contained in or derived from public
12 records for the purpose of selling or offering for sale any
13 property or service to anyone on the list.

14

15 (b) Notwithstanding subsection (a) of this section:

16

17 (i) Lists of names and addresses of persons
18 licensed, registered or issued certificates or permits to
19 practice a profession or vocation may be sold or given to,
20 or received by an organization of persons who practice that
21 profession or vocation for membership, informational or
22 other purposes related to the practice of the profession or
23 vocation;

24

1 (ii) Lists of names and addresses of persons
2 applying for examination for licenses, registrations,
3 certificates or permits to practice a profession or
4 vocation may be sold or given to, and received by
5 organizations providing professional or vocational
6 educational materials or courses for the sole purpose of
7 providing information relating to the availability of those
8 materials or courses;

9
10 (iii) Lists of names and addresses of persons
11 who have given their permission to a custodian or official
12 custodian as required by W.S. 16-4-206 may be received,
13 used, resold or otherwise transferred to another person.

14
15 (c) Any person violating the provisions of subsection
16 (a) of this section is guilty of a misdemeanor punishable
17 by a fine of not more than seven hundred fifty dollars
18 (\$750.00), imprisonment for not more than six (6) months,
19 or both.

20
21 **Section 2.** W.S. 16-4-201(a)(viii) and 40-12-105(a) by
22 creating a new paragraph (xvi) are amended to read:

23
24 **16-4-201. Definitions.**

1

2 (a) As used in this act:

3

4 (viii) "This act" means W.S. 16-4-201 through
5 ~~16-4-205~~ 16-4-207.

6

7 **40-12-105. Unlawful practices.**

8

9 (a) A person engages in a deceptive trade practice
10 unlawful under this act when, in the course of his business
11 and in connection with a consumer transaction, he
12 knowingly:

13

14 (xvi) Fails to disclose at the beginning of the
15 transaction, in a clear and conspicuous manner, that he
16 intends to sell, rent or exchange the consumer's name,
17 address or other personal information. No person who has
18 failed to disclose this intent shall sell, rent or exchange
19 information protected by this paragraph without that
20 consumer's written approval.

21

22 **Section 3.** This act is effective July 1, 2003.

23

24

(END)