

HOUSE BILL No. 4115

February 2, 1999, Introduced by Reps. Schermesser, DeHart, O'Neil, Minore and Mans and referred to the Committee on Family and Civil Law.

A bill to regulate the disclosure of certain personal information about an individual under certain circumstances; and to provide for a civil remedy.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Confidential information" means an individual's name,
3 address, social security number, telephone number, account number
4 at a financial institution, credit record, or investment record.
- 5 (b) "Person" means an individual, partnership, corporation,
6 association, governmental entity, or other legal entity.
- 7 (c) "Transaction in this state" means an agreement executed
8 in this state for either of the following:
- 9 (i) The sale of a good or service.
- 10 (ii) The providing of credit to an individual.

1 Sec. 3. (1) Except as provided in subsection (2), a person
2 shall not do either of the following:

3 (a) Sell, exchange, transfer, or trade confidential informa-
4 tion about an individual that was procured by or disclosed to the
5 person during the negotiation or execution of a transaction in
6 this state.

7 (b) Refuse to enter into a transaction in this state with an
8 individual unless the individual consents to the person's sale,
9 exchange, transfer, or trade of confidential information about
10 that individual.

11 (2) A person may sell, exchange, transfer, or trade confi-
12 dential information about an individual that was procured by or
13 disclosed to the person during the negotiation or execution of a
14 transaction in this state only if either of the following condi-
15 tions is met:

16 (a) The sale, exchange, transfer, or trade of the confiden-
17 tial information is expressly authorized by federal law.

18 (b) The person obtains the individual's written consent in
19 substantially the following form in 12-point or larger print:

20 "CONSENT TO DISCLOSURE OF CONFIDENTIAL INFORMATION
21 BY SIGNING THIS CONSENT FORM, I GIVE UP MY RIGHT UNDER MICHIGAN
22 LAW TO PROHIBIT _____ FROM SELLING, EXCHANGING,
23 TRANSFERRING, OR TRADING MY NAME, ADDRESS, SOCIAL SECURITY
24 NUMBER, TELEPHONE NUMBER, ACCOUNT NUMBER AT A FINANCIAL
25 INSTITUTION, CREDIT RECORD, OR INVESTMENT RECORD. I UNDERSTAND
26 THAT MICHIGAN LAW PROHIBITS _____ FROM REFUSING TO
27 PROVIDE A GOOD OR SERVICE OR TO EXTEND CREDIT TO ME SOLELY

1 BECAUSE I FAIL TO CONSENT TO THE WAIVER OF MY RIGHT TO KEEP
2 CONFIDENTIAL INFORMATION DESCRIBED IN THIS CONSENT FORM.

3

4

SIGNATURE".

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Sec. 5. A person who sells, exchanges, transfers, or trades
6 confidential information about an individual in violation of this
7 act is liable to the individual for civil damages of \$5,000.00
8 for each violation.