

1 HB513
2 158250-1
3 By Representatives Williams (J), Bridges, McCutcheon,
4 Holmes (M), Gaston, Butler, Roberts, Farley, Tuggle, Hill,
5 Greer, Weaver, Sessions, Ison, Wilcox, Buttram, Nordgren,
6 Collins, Williams (D), Laird, Baughn, Fincher, Chesteen, Lee,
7 Brown, Moore (B), Polizos, Jones, Merrill, Baker, Drake,
8 Faust, Hammon, Wallace and Standridge
9 RFD: Commerce and Small Business
10 First Read: 20-FEB-14

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8 SYNOPSIS: Existing federal law requires an operator of
9 an Internet website or online service directed to a
10 child, or an operator of an Internet website or
11 online service that has actual knowledge that it is
12 collecting personal information from a child, to
13 provide notice of what information is being
14 collected and how that information is being used,
15 and to give the parent of the child the opportunity
16 to refuse to permit the operator's further
17 collection of information from the child.

18 Existing law does not require an operator to
19 provide a procedure for a minor to remove
20 information posted to a website directed to a child
21 or when the operator has actual knowledge that a
22 child is a registered user of the website.

23 This bill would require an operator to
24 permit a minor user who is a registered user to
25 remove, or to request and obtain removal of,
26 content or information posted under certain
27 circumstances.

1 This bill would require the operator to
2 provide notice to a registered minor user that the
3 minor may remove certain posted content or
4 information under certain circumstances.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT

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10 Relating to minors; to provide for the protection of
11 privacy of a minor for content or information posted on a
12 website, online service, online application, or mobile
13 application directed to minors to be removed under certain
14 circumstances.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. For purposes of this act, the following
17 terms shall have the following meanings:

18 (1) CHILD or MINOR. A natural person under 19 years
19 of age who resides in the state.

20 (2) INTERNET WEBSITE, ONLINE SERVICE, ONLINE
21 APPLICATION, or MOBILE APPLICATION DIRECTED TO MINORS.
22 Internet website, online service, online application, or
23 mobile application, or a portion thereof, that is created for
24 the purpose of reaching an audience that is predominately
25 compromised of minors, and is not intended for a more general
26 audience compromised of adults; provided, however, that an
27 Internet website, online service, online application, or

1 mobile application, or a portion thereof, shall not be deemed
2 to be directed to minors solely because it refers or links to
3 an Internet website, online service, online application, or
4 mobile application directed to minors by using information
5 location tools, including a directory, index, reference,
6 pointer, or hypertext link.

7 (3) OPERATOR. Any person or entity that owns an
8 Internet website, online service, online application, or
9 mobile application. It does not include any third party that
10 operates, hosts, or manages, but does not own, an Internet
11 website, online service, online application, or mobile
12 application on the owner's behalf or processes information on
13 the owner's behalf.

14 (4) POSTED. Content or information that can be
15 accessed by a user in addition to the minor who posted the
16 content or information, whether the user is a registered user
17 or not of the Internet website, online service, online
18 application, or mobile application where the content or
19 information is posted.

20 Section 2. (a) An operator of an Internet website,
21 online service, online application, or mobile application
22 directed to minors or an operator of an Internet website,
23 online service, online application, or mobile application that
24 has actual knowledge that a minor is using its Internet
25 website, online service, online application, or mobile
26 application shall do all of the following:

1 (1) Permit a minor who is a registered user of the
2 operator's Internet website, online service, online
3 application, or mobile application to remove or, if the
4 operator prefers, to request and obtain removal of content or
5 information posted on the operator's Internet website, online
6 service, online application, or mobile application by the
7 user.

8 (2) Provide notice to a minor who is a registered
9 user of the operator's Internet website, online service,
10 online application, or mobile application that the minor may
11 remove or, if the operator prefers, request and obtain removal
12 of content or information posted on the operator's Internet
13 website, online service, online application, or mobile
14 application by the registered user.

15 (3) Provide clear instructions to a minor who is a
16 registered user of the operator's Internet website, online
17 service, online application, or mobile application on how the
18 user may remove or, if the operator prefers, request and
19 obtain the removal of content or information posted on the
20 operator's Internet website, online service, online
21 application, or mobile application.

22 (4) Provide notice to a minor who is a registered
23 user of the operator's Internet website, online service,
24 online application, or mobile application that the removal
25 described under subdivision (1) does not ensure complete or
26 comprehensive removal of the content or information posted on

1 the operator's Internet website, online service, online
2 application, or mobile application by the registered user.

3 (b) An operator or a third party is not required to
4 erase or otherwise eliminate, or to enable erasure or
5 elimination of, content or information in any of the following
6 circumstances:

7 (1) Any provision of federal or state law requires
8 the operator or third party to maintain the content or
9 information.

10 (2) The content or information was stored on or
11 posted to the operator's Internet website, online service,
12 online application, or mobile application by a third party,
13 other than the minor, who is a registered user, including any
14 content or information posted by the registered user that was
15 stored, republished, or reposted by the third party.

16 (3) The operator anonymizes the content or
17 information posted by the minor who is a registered user, so
18 that the minor cannot be individually identified.

19 (4) The minor does not follow the instructions
20 provided to the minor pursuant to subdivision (3) of
21 subsection (a) on how the registered user may request and
22 obtain the removal of content or information posted on the
23 operator's Internet website, online service, online
24 application, or mobile application by the registered user.

25 (5) The minor has received compensation or other
26 consideration for providing the content.

1 (c) This section shall not be construed to limit the
2 authority of a law enforcement agency to obtain any content or
3 information from an operator as authorized by law or pursuant
4 to an order of a court of competent jurisdiction.

5 (d) An operator shall be deemed compliant with this
6 section if:

7 (1) It renders the content or information posted by
8 the minor user no longer visible to other users of the service
9 and the public even if the content or information remains on
10 the operator's servers in some form.

11 (2) Despite making the original posting by the minor
12 user invisible, it remains visible because a third party has
13 copied the posting or reposted the content or information
14 posted by the minor.

15 (e) This section shall not be construed to require
16 an operator of an Internet website, online service, online
17 application, or mobile application to collect age information
18 about users.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.