

By: Representative Johnson (87th)

To: Technology; Judiciary A

HOUSE BILL NO. 1253

1 AN ACT TO CREATE THE MISSISSIPPI CONSUMER PRIVACY ACT; TO  
2 AUTHORIZE A CONSUMER TO REQUEST THAT A BUSINESS DISCLOSE THE  
3 CATEGORIES AND SPECIFIC PIECES OF PERSONAL INFORMATION THAT IT  
4 COLLECTS ABOUT THE CONSUMER, THE CATEGORIES OF SOURCES FROM WHICH  
5 THAT INFORMATION IS COLLECTED, THE BUSINESS PURPOSES FOR  
6 COLLECTING OR SELLING THE INFORMATION, AND THE CATEGORIES OF THIRD  
7 PARTIES WITH WHICH THE INFORMATION IS SHARED; TO REQUIRE A  
8 BUSINESS TO MAKE DISCLOSURES ABOUT THE CONSUMER'S INFORMATION AND  
9 THE PURPOSES FOR WHICH IT IS USED; TO AUTHORIZE A CONSUMER TO  
10 REQUEST THAT A BUSINESS DELETE HIS OR HER PERSONAL INFORMATION; TO  
11 REQUIRE THE BUSINESS TO DELETE THE CONSUMER'S INFORMATION UPON  
12 RECEIPT OF A VERIFIED REQUEST; TO AUTHORIZE A CONSUMER TO REQUEST  
13 THAT A BUSINESS THAT SELLS THE CONSUMER'S PERSONAL INFORMATION, OR  
14 DISCLOSES IT FOR A BUSINESS PURPOSE, DISCLOSE THE CATEGORIES OF  
15 INFORMATION THAT IT COLLECTS AND CATEGORIES OF INFORMATION AND THE  
16 IDENTITY OF THIRD PARTIES TO WHICH THE INFORMATION WAS SOLD OR  
17 DISCLOSED; TO REQUIRE A BUSINESS TO PROVIDE A CONSUMER'S  
18 INFORMATION IN RESPONSE TO A VERIFIABLE CONSUMER REQUEST; TO  
19 AUTHORIZE A CONSUMER TO OPT OUT OF THE SALE OF PERSONAL  
20 INFORMATION BY A BUSINESS; TO PROHIBIT THE BUSINESS FROM  
21 DISCRIMINATING AGAINST THE CONSUMER FOR OPTING OUT OF THE SALE OF  
22 HIS OR HER PERSONAL INFORMATION; TO AUTHORIZE BUSINESSES TO OFFER  
23 FINANCIAL INCENTIVES FOR COLLECTION OF PERSONAL INFORMATION; TO  
24 PROHIBIT A BUSINESS FROM SELLING THE PERSONAL INFORMATION OF A  
25 CONSUMER UNDER 16 YEARS OF AGE, UNLESS AFFIRMATIVELY AUTHORIZED;  
26 TO PROVIDE REQUIREMENTS FOR RECEIVING, PROCESSING, AND SATISFYING  
27 CONSUMER REQUESTS; TO PROVIDE CERTAIN DEFINITIONS REGARDING  
28 CONSUMER INFORMATION AND PRIVACY; TO AUTHORIZE THE ATTORNEY  
29 GENERAL TO ENFORCE THIS ACT; TO PROVIDE A PRIVATE RIGHT OF ACTION  
30 IN CONNECTION WITH CERTAIN UNAUTHORIZED ACCESS AND EXFILTRATION,  
31 THEFT, OR DISCLOSURE OF A CONSUMER'S NONENCRYPTED OR NONREDACTED  
32 PERSONAL INFORMATION; TO PROVIDE A METHOD FOR THE DISTRIBUTION OF  
33 PROCEEDS FROM CAUSES OF ACTION BY THE ATTORNEY GENERAL; TO CREATE  
34 THE CONSUMER PRIVACY FUND, WITH THE MONEIES IN THE FUND, UPON



35 APPROPRIATION BY THE LEGISLATURE, TO BE APPLIED TO SUPPORT THE  
36 PURPOSES OF THIS ACT AND ITS ENFORCEMENT; TO PROVIDE FOR THE  
37 DEPOSIT OF PENALTY MONEY INTO THE FUND; TO REQUIRE THE ATTORNEY  
38 GENERAL TO SOLICIT PUBLIC PARTICIPATION FOR THE PURPOSE OF  
39 ADOPTING CERTAIN REGULATIONS; TO AUTHORIZE A BUSINESS, SERVICE  
40 PROVIDER, OR THIRD PARTY TO SEEK THE ATTORNEY GENERAL'S OPINION ON  
41 HOW TO COMPLY WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED  
42 PURPOSES.

43 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

44 **SECTION 1.** This measure shall be known and may be cited as  
45 "The Mississippi Consumer Privacy Act of 2019."

46 **SECTION 2.** (1) The Legislature finds and declares that:

47 (a) As the role of technology and data in the every  
48 daily lives of consumers increases, there is an increase in the  
49 amount of personal information shared by consumers with  
50 businesses. Mississippi law has not kept pace with these  
51 developments and the personal privacy implications surrounding the  
52 collection, use, and protection of personal information;

53 (b) Many businesses collect personal information from  
54 Mississippi consumers. They may know where a consumer lives and  
55 how many children a consumer has, how fast a consumer drives, a  
56 consumer's personality, sleep habits, biometric and health  
57 information, financial information, precise geolocation  
58 information and social networks, to name a few categories;

59 (c) The unauthorized disclosure of personal information  
60 and the loss of privacy can have devastating effects for  
61 individuals, ranging from financial fraud, identity theft and  
62 unnecessary costs to personal time and finances, to destruction of



63 property, harassment, reputational damage, emotional stress and  
64 even potential physical harm;

65 (d) In March 2018, it came to light that tens of  
66 millions of people had their personal data misused by a data  
67 mining firm called Cambridge Analytica. A series of congressional  
68 hearings highlighted that our personal information may be  
69 vulnerable to misuse when shared on the Internet. As a result,  
70 our desire for privacy controls and transparency in data practices  
71 is heightened; and

72 (e) People desire privacy and more control over their  
73 information. Mississippi consumers should be able to exercise  
74 control over their personal information, and they want to be  
75 certain that there are safeguards against misuse of their personal  
76 information. It is possible for businesses both to respect  
77 consumers' privacy and provide a high level transparency to their  
78 business practices.

79 (2) Therefore, it is the intent of the Legislature to  
80 further Mississippians' right to privacy by giving consumers an  
81 effective way to control their personal information, by ensuring  
82 the following rights:

83 (a) The right of Mississippians to know what personal  
84 information is being collected about them;

85 (b) The right of Mississippians to know whether their  
86 personal information is sold or disclosed and to whom;



87 (c) The right of Mississippians to say no to the sale  
88 of personal information;

89 (d) The right of Mississippians to access their  
90 personal information; and

91 (e) The right of Mississippi to equal service and  
92 price, even if they exercise their privacy rights.

93 **SECTION 3.** (1) A consumer shall have the right to request  
94 that a business that collects a consumer's personal information  
95 disclose to that consumer the categories and specific pieces of  
96 personal information the business has collected.

97 (2) A business that collects a consumer's personal  
98 information shall, at or before the point of collection, inform  
99 consumers as to the categories of personal information to be  
100 collected and the purposes for which the categories of personal  
101 information shall be used. A business shall not collect  
102 additional categories of personal information or use personal  
103 information collected for additional purposes without providing  
104 the consumer with notice consistent with this section.

105 (3) A business shall provide the information specified in  
106 subsection (1) of this section to a consumer only upon receipt of  
107 a verifiable consumer request.

108 (4) A business that receives a verifiable consumer request  
109 from a consumer to access personal information shall promptly take  
110 steps to disclose and deliver, free of charge to the consumer, the  
111 personal information required by this section. The information



112 may be delivered by mail or electronically, and if provided  
113 electronically, the information shall be in a portable and, to the  
114 extent technically feasible, in a readily usable format that  
115 allows the consumer to transmit this information to another entity  
116 without hindrance. A business may provide personal information to  
117 a consumer at any time, but shall not be required to provide  
118 personal information to a consumer more than twice in a 12-month  
119 period.

120 (5) This section shall not require a business to retain any  
121 personal information collected for a single, one-time transaction,  
122 if such information is not sold or retained by the business, or to  
123 reidentify or otherwise link information that is not maintained in  
124 a manner that would be considered personal information.

125 **SECTION 4.** (1) A consumer shall have the right to request  
126 that a business delete any personal information about the consumer  
127 which the business has collected from the consumer.

128 (2) A business that collects personal information about  
129 consumers shall disclose, pursuant to Section 9(1)(e)(i) of this  
130 act, the consumer's rights to request the deletion of the  
131 consumer's personal information.

132 (3) A business that receives a verifiable request from a  
133 consumer to delete the consumer's personal information pursuant to  
134 subsection (1) of this section shall delete the consumer's  
135 personal information from its records and direct any service



136 providers to delete the consumer's personal information from their  
137 records.

138 (4) A business or a service provider shall not be required  
139 to comply with a consumer's request to delete the consumer's  
140 personal information if it is necessary for the business or  
141 service provider to maintain the consumer's personal information  
142 in order to:

143 (a) Complete the transaction for which the personal  
144 information was collected, provide a good or service requested by  
145 the consumer, or reasonably anticipated within the context of a  
146 business's ongoing business relationship with the consumer or  
147 otherwise perform a contract between the business and the  
148 consumer;

149 (b) Detect security incidents, protect against  
150 malicious, deceptive, fraudulent or illegal activity; or prosecute  
151 those responsible for that activity;

152 (c) Debug to identify and repair errors that impair  
153 existing intended functionality;

154 (d) Exercise free speech, ensure the right of another  
155 consumer to exercise his or her right of free speech or exercise  
156 another right provided for by law;

157 (e) Engage in public or peer-reviewed scientific,  
158 historical, or statistical research in the public interest that  
159 adheres to all other applicable ethics and privacy laws, when the  
160 business's deletion of the information is likely to render



161 impossible or seriously impair the achievement of such research,  
162 if the consumer has provided informed consent;

163 (f) To enable solely internal uses that are reasonably  
164 aligned with the expectations of the consumer based on the  
165 consumer's relationship with the business;

166 (g) Comply with a legal obligation; or

167 (h) Otherwise use the consumer's personal information,  
168 internally, in a lawful manner that is compatible with the context  
169 in which the consumer provided the information.

170 **SECTION 5.** (1) A consumer shall have the right to request  
171 that a business that collects personal information about the  
172 consumer disclose to the consumer the following:

173 (a) The categories of personal information it has  
174 collected about that consumer;

175 (b) The categories of sources from which the personal  
176 information is collected;

177 (c) The business or commercial purpose for collecting  
178 or selling personal information;

179 (d) The categories of third parties with whom the  
180 business shares personal information; and

181 (e) The specific pieces of personal information it has  
182 collected about that consumer.

183 (2) A business that collects personal information about a  
184 consumer shall disclose to the consumer, pursuant to Section  
185 9(1)(c) of this act, the information specified in subsection (1)



186 of this section upon receipt of a verifiable request from the  
187 consumer.

188 (3) A business that collects personal information about  
189 consumers shall disclose, pursuant to Section 9(1)(e)(ii) of this  
190 act:

191 (a) The categories of personal information it has  
192 collected about that consumer;

193 (b) The categories of sources from which the personal  
194 information is collected;

195 (c) The business or commercial purpose for collecting  
196 or selling personal information;

197 (d) The categories of third parties with whom the  
198 business shares personal information; and

199 (e) The specific pieces of personal information the  
200 business has collected about that consumer.

201 (4) This section does not require a business to do the  
202 following:

203 (a) Retain any personal information about a consumer  
204 collected for a single one-time transaction if, in the ordinary  
205 course of business, that information about the consumer is not  
206 retained; or

207 (b) Reidentify or otherwise link any data that, in the  
208 ordinary course of business, is not maintained in a manner that  
209 would be considered personal information.





210           **SECTION 6.** (1) A consumer shall have the right to request  
211 that a business that sells the consumer's personal information, or  
212 that discloses it for a business purpose, disclose to that  
213 consumer:

214                   (a) The categories of personal information that the  
215 business collected about the consumer;

216                   (b) The categories of personal information that the  
217 business sold about the consumer and the categories of third  
218 parties to whom the personal information was sold, by category or  
219 categories of personal information for each third party to whom  
220 the personal information was sold; and

221                   (c) The categories of personal information that the  
222 business disclosed about the consumer for a business purpose.

223           (2) A business that sells personal information about a  
224 consumer, or that discloses a consumer's personal information for  
225 a business purpose, shall disclose, pursuant to Section 9(1)(d) of  
226 this act, the information specified in subsection (1) of this  
227 section to the consumer upon receipt of a verifiable request from  
228 the consumer.

229           (3) A business that sells consumers' personal information,  
230 or that discloses consumers' personal information for a business  
231 purpose, shall disclose, pursuant to Section 9(1)(e)(iii) of this  
232 act:



233 (a) The category or categories of consumers' personal  
234 information it has sold, or if the business has not sold  
235 consumers' personal information, it shall disclose that fact; and

236 (b) The category or categories of consumers' personal  
237 information it has disclosed for a business purpose, or if the  
238 business has not disclosed the consumers' personal information for  
239 a business purpose, it shall disclose that fact.

240 (4) A third party shall not sell personal information about  
241 a consumer that has been sold to the third party by a business  
242 unless the consumer has received explicit notice and is provided  
243 an opportunity to exercise the right to opt out pursuant to  
244 Section 7 of this act.

245 **SECTION 7.** (1) A consumer shall have the right, at any  
246 time, to direct a business that sells personal information about  
247 the consumer to third parties not to sell the consumer's personal  
248 information. This right may be referred to as the right to opt  
249 out.

250 (2) A business that sells consumers' personal information to  
251 third parties shall provide notice to consumers, pursuant to  
252 Section 10(1) of this act, that this information may be sold and  
253 that consumers have the right to opt out of the sale of their  
254 personal information.

255 (3) A business that has received direction from a consumer  
256 not to sell the consumer's personal information or, in the case of  
257 a minor consumer's personal information has not received consent



258 to sell the minor consumer's personal information shall be  
259 prohibited, pursuant to Section 10(1)(d) of this act, from selling  
260 the consumer's personal information after its receipt of the  
261 consumer's direction, unless the consumer subsequently provides  
262 express authorization for the sale of the consumer's personal  
263 information.

264 (4) Notwithstanding subsection (1) of this section, a  
265 business shall not sell the personal information of consumers if  
266 the business has actual knowledge that the consumer is less than  
267 sixteen (16) years of age, unless the consumer, in the case of  
268 consumers between thirteen (13) and sixteen (16) years of age, or  
269 the consumer's parent or guardian, in the case of consumers who  
270 are less than thirteen (13) years of age, has affirmatively  
271 authorized the sale of the consumer's personal information. A  
272 business that willfully disregards the consumer's age shall be  
273 deemed to have had actual knowledge of the consumer's age. This  
274 right may be referred to as the "right to opt in."

275 **SECTION 8.** (1) (a) A business shall not discriminate  
276 against a consumer because the consumer exercised any of the  
277 consumer's rights under this act, including, but not limited to,  
278 by:

279 (i) Denying goods or services to the consumer;  
280 (ii) Charging different prices or rates for goods  
281 or services, including through the use of discounts or other  
282 benefits or imposing penalties;



283 (iii) Providing a different level or quality of  
284 goods or services to the consumer, if the consumer exercises the  
285 consumer's rights under this act; or

286 (iv) Suggesting that the consumer will receive a  
287 different price or rate for goods or services or a different level  
288 or quality of goods or services.

289 (b) Nothing in this subsection prohibits a business  
290 from charging a consumer a different price or rate, or from  
291 providing a different level or quality of goods or services to the  
292 consumer, if that difference is reasonably related to the value  
293 provided to the consumer by the consumer's data.

294 (2) (a) A business may offer financial incentives,  
295 including payments to consumers as compensation, for the  
296 collection of personal information, the sale of personal  
297 information, or the deletion of personal information. A business  
298 may also offer a different price, rate, level, or quality of goods  
299 or services to the consumer if that price or difference is  
300 directly related to the value provided to the consumer by the  
301 consumer's data.

302 (b) A business that offers any financial incentives  
303 pursuant to subsection (1) of this section, shall notify consumers  
304 of the financial incentives pursuant to Section 10 of this act.

305 (c) A business may enter a consumer into a financial  
306 incentive program only if the consumer gives the business prior  
307 opt-in consent pursuant to Section 10 of this act which clearly



308 describes the material terms of the financial incentive program,  
309 and which may be revoked by the consumer at any time.

310 (d) A business shall not use financial incentive  
311 practices that are unjust, unreasonable, coercive, or usurious in  
312 nature.

313 **SECTION 9.** (1) In order to comply with Sections 3, 4, 5, 6,  
314 and 8 of this act, in a form that is reasonably accessible to  
315 consumers, a business shall:

316 (a) Make available to consumers two or more designated  
317 methods for submitting requests for information required to be  
318 disclosed pursuant to Sections 5 and 6 of this act, including, at  
319 a minimum, a toll-free telephone number, and if the business  
320 maintains an Internet website, a website address;

321 (b) Disclose and deliver the required information to a  
322 consumer free of charge within forty-five (45) days of receiving a  
323 verifiable request from the consumer. The business shall promptly  
324 take steps to determine whether the request is a verifiable  
325 request, but this shall not extend the business's duty to disclose  
326 and deliver the information within forty-five (45) days of receipt  
327 of the consumer's request. The time period to provide the  
328 required information may be extended once by an additional  
329 forty-five (45) days when reasonably necessary, provided the  
330 consumer is provided notice of the extension within the first  
331 45-day period. The disclosure shall cover the 12-month period  
332 preceding the business's receipt of the verifiable request and



333 shall be made in writing and delivered through the consumer's  
334 account with the business, if the consumer maintains an account  
335 with the business, or by mail or electronically at the consumer's  
336 option if the consumer does not maintain an account with the  
337 business, in a readily usable format that allows the consumer to  
338 transmit this information from one entity to another entity  
339 without hindrance. The business shall not require the consumer to  
340 create an account with the business in order to make a verifiable  
341 request;

342 (c) For purposes of Section 5(2) of this act:

343 (i) To identify the consumer, associate the  
344 information provided by the consumer in the verifiable request to  
345 any personal information previously collected by the business  
346 about the consumer; and

347 (ii) Identify by category or categories the  
348 personal information collected about the consumer in the preceding  
349 twelve (12) months by reference to the enumerated category or  
350 categories in subsection (3) of this section that most closely  
351 describes the personal information collected;

352 (d) For purposes of Section 6(2) of this act:

353 (i) Identify the consumer and associate the  
354 information provided by the consumer in the verifiable request to  
355 any personal information previously collected by the business  
356 about the consumer;



357                   (ii) Identify by category or categories the  
358 personal information of the consumer that the business sold in the  
359 preceding twelve (12) months by reference to the enumerated  
360 category in subsection (3) of this section that most closely  
361 describes the personal information, and provide the categories of  
362 third parties to whom the consumer's personal information was sold  
363 in the preceding twelve (12) months by reference to the enumerated  
364 category or categories in subsection (3) of this section that most  
365 closely describes the personal information sold. The business  
366 shall disclose the information in a list that is separate from a  
367 list generated for the purposes of subparagraph (iii) of this  
368 paragraph (d); and

369                   (iii) Identify by category or categories the  
370 personal information of the consumer that the business disclosed  
371 for a business purpose in the preceding twelve (12) months by  
372 reference to the enumerated category or categories in subsection  
373 (3) of this section that most closely describes the personal  
374 information, and provide the categories of third parties to whom  
375 the consumer's personal information was disclosed for a business  
376 purpose in the preceding twelve (12) months by reference to the  
377 enumerated category or categories in subsection (3) of this  
378 section that most closely describes the personal information  
379 disclosed. The business shall disclose the information in a list  
380 that is separate from a list generated for the purposes of  
381 subparagraph (ii) of this paragraph (d);



382 (e) Disclose the following information in its online  
383 privacy policy or policies if the business has an online privacy  
384 policy or policies and in any Mississippi-specific description of  
385 consumers' privacy rights, or if the business does not maintain  
386 those policies, on its Internet Website, and update that  
387 information at least once every twelve (12) months:

388 (i) A description of a consumer's rights pursuant  
389 to Sections 5, 6 and 8 of this act and one or more designated  
390 methods for submitting requests;

391 (ii) For purposes of Section 5(3) of this act, a  
392 list of the categories of personal information it has collected  
393 about consumers in the preceding twelve (12) months by reference  
394 to the enumerated category or categories in subsection (3) of this  
395 section that most closely describe the personal information  
396 collected; and

397 (iii) For purposes of Section 6(3)(a) and (b) of  
398 this act, two (2) separate lists:

399 1. A list of the categories of personal  
400 information it has sold about consumers in the preceding twelve  
401 (12) months by reference to the enumerated category or categories  
402 in subsection (3) of this section that most closely describe the  
403 personal information sold, or if the business has not sold  
404 consumers' personal information in the preceding twelve (12)  
405 months, the business shall disclose that fact; and





406                   2. A list of the categories of personal  
407 information it has disclosed about consumers for a business  
408 purpose in the preceding twelve (12) months by reference to the  
409 enumerated category in subsection (3) of this section that most  
410 closely describe the personal information disclosed, or if the  
411 business has not disclosed consumers' personal information for a  
412 business purpose in the preceding twelve (12) months, the business  
413 shall disclose that fact;

414                   (f) Ensure that all individuals responsible for  
415 handling consumer inquiries about the business's privacy practices  
416 or the business's compliance with this act are informed of all  
417 requirements in Sections 5, 6 and 8 of this act, and this section,  
418 and how to direct consumers to exercise their rights under those  
419 sections;

420                   (g) Use any personal information collected from the  
421 consumer in connection with the business's verification of the  
422 consumer's request solely for the purposes of verification;

423                   (2) A business is not obligated to provide the information  
424 required by Sections 5 and 6 of this act to the same consumer more  
425 than twice in a 12-month period; and

426                   (3) The categories of personal information required to be  
427 disclosed pursuant to Sections 5 and 6 of this act shall follow  
428 the definition of personal information in Section 11 of this act.



429           **SECTION 10.** (1) A business that is required to comply with  
430 Section 7 of this act shall, in a form that is reasonably  
431 accessible to consumers:

432                   (a) Provide a clear and conspicuous link on the  
433 business' Internet homepage, titled "Do Not Sell My Personal  
434 Information," to an Internet web page that enables a consumer, or  
435 a person authorized by the consumer, to opt out of the sale of the  
436 consumer's personal information. A business shall not require a  
437 consumer to create an account in order to direct the business not  
438 to sell the consumer's personal information;

439                   (b) Include a description of a consumer's rights  
440 pursuant to Section 7 of this act, along with a separate link to  
441 the "Do Not Sell My Personal Information" Internet web page in:

442                           (i) Its online privacy policy or policies if the  
443 business has an online privacy policy or policies; and

444                           (ii) Any Mississippi-specific description of  
445 consumers' privacy rights.

446                   (c) Ensure that all individuals responsible for  
447 handling consumer inquiries about the business's privacy practices  
448 or the business's compliance with this act are informed of all  
449 requirements in Section 7 of this act and this section and how to  
450 direct consumers to exercise their rights under those sections;

451                   (d) For consumers who exercise their right to opt out  
452 of the sale of their personal information, refrain from selling  
453 personal information collected by the business about the consumer;



454 (e) For a consumer who has opted out of the sale of the  
455 consumer's personal information, respect the consumer's decision  
456 to opt out for at least twelve (12) months before requesting that  
457 the consumer authorize the sale of the consumer's personal  
458 information; and

459 (f) Use any personal information collected from the  
460 consumer in connection with the submission of the consumer's  
461 opt-out request solely for the purposes of complying with the  
462 opt-out request.

463 (2) Nothing in this act shall be construed to require a  
464 business to comply with the act by including the required links  
465 and text on the homepage that the business makes available to the  
466 public generally, if the business maintains a separate and  
467 additional homepage that is dedicated to Mississippi consumers and  
468 that includes the required links and text, and the business takes  
469 reasonable steps to ensure that Mississippi consumers are directed  
470 to the homepage for Mississippi consumers and not the homepage  
471 made available to the public generally.

472 (3) A consumer may authorize another person solely to opt  
473 out of the sale of the consumer's personal information on the  
474 consumer's behalf, and a business shall comply with an opt out  
475 request received from a person authorized by the consumer to act  
476 on the consumer's behalf, pursuant to regulations adopted by the  
477 Attorney General.

478 **SECTION 11.** (1) For purposes of this act:



479 (a) "Aggregate consumer information" means information  
480 that relates to a group or category of consumers, from which  
481 individual consumer identities have been removed, that is not  
482 linked or reasonably linkable to any consumer or household,  
483 including via a device. "Aggregate consumer information" does not  
484 mean one or more individual consumer records that have been  
485 de-identified.

486 (b) "Biometric information" means an individual's  
487 physiological, biological or behavioral characteristics, including  
488 an individual's deoxyribonucleic acid (DNA), that can be used,  
489 singly or in combination with each other or with other identifying  
490 data, to establish individual identity. Biometric information  
491 includes, but is not limited to, imagery of the iris, retina,  
492 fingerprint, face, hand, palm, vein patterns, and voice  
493 recordings, from which an identifier template, such as a  
494 faceprint, a minutiae template, or a voiceprint, can be extracted,  
495 and keystroke patterns or rhythms, gait patterns or rhythms, and  
496 sleep, health, or exercise data that contain identifying  
497 information.

498 (c) "Business" means:

499 (i) A sole proprietorship, partnership, limited  
500 liability company, corporation, association, or other legal entity  
501 that is organized or operated for the profit or financial benefit  
502 of its shareholders or other owners, that collects consumers'  
503 personal information, or on the behalf of which such information



504 is collected and that alone, or jointly with others, determines  
505 the purposes and means of the processing of consumers' personal  
506 information, that does business in the State of Mississippi, and  
507 that satisfies one or more of the following thresholds:

508                   1. Has annual gross revenues in excess of  
509 Twenty-five Million Dollars (\$25,000,000.00);

510                   2. Alone or in combination, annually buys,  
511 receives for the business' commercial purposes, sells, or shares  
512 for commercial purposes, alone or in combination, the personal  
513 information of fifty thousand (50,000) or more consumers,  
514 households, or devices; or

515                   3. Derives fifty percent (50%) or more of its  
516 annual revenues from selling consumers' personal information; and

517                   (ii) Any entity that controls or is controlled by  
518 a business, as defined in subparagraph (i) of this paragraph (c),  
519 and that shares common branding with the business. "Control" or  
520 "controlled" means ownership of, or the power to vote, more than  
521 fifty percent (50%) of the outstanding shares of any class of  
522 voting security of a business; control in any manner over the  
523 election of a majority of the directors, or of individuals  
524 exercising similar functions; or the power to exercise a  
525 controlling influence over the management of a company. "Common  
526 branding" means a shared name, servicemark, or trademark;

527                   (d) "Business purpose" means the use of personal  
528 information for the business' or a service provider's operational



529 purposes, or other notified purposes, provided that the use of  
530 personal information shall be reasonably necessary and  
531 proportionate to achieve the operational purpose for which the  
532 personal information was collected or processed or for another  
533 operational purpose that is compatible with the context in which  
534 the personal information was collected. Business purposes are:

535 (i) Auditing related to a current interaction with  
536 the consumer and concurrent transactions, including, but not  
537 limited to, counting ad impressions to unique visitors, verifying  
538 positioning and quality of ad impressions, and auditing compliance  
539 with this specification and other standards;

540 (ii) Detecting security incidents, protecting  
541 against malicious, deceptive, fraudulent, or illegal activity and  
542 prosecuting those responsible for that activity;

543 (iii) Debugging to identify and repair errors that  
544 impair existing intended functionality;

545 (iv) Short-term, transient use, provided the  
546 personal information that is not disclosed to another third party  
547 and is not used to build a profile about a consumer or otherwise  
548 alter an individual consumer's experience outside the current  
549 interaction, including, but not limited to, the contextual  
550 customization of ads shown as part of the same interaction;

551 (v) Performing services on behalf of the business  
552 or service provider, including maintaining or servicing accounts,  
553 providing customer service, processing or fulfilling orders and



554 transactions, verifying customer information, processing payments,  
555 providing financing, providing advertising or marketing services,  
556 providing analytic services, or providing similar services on  
557 behalf of the business or service provider;

558 (vi) Undertaking internal research for  
559 technological development and demonstration; and

560 (vii) Undertaking activities to verify or maintain  
561 the quality or safety of a service or device that is owned,  
562 manufactured, manufactured for, or controlled by the business, and  
563 to improve, upgrade, enhance the service or device that is owned,  
564 manufactured, manufactured for, or controlled by the business.

565 (e) "Collects," "collected," or "collection" means  
566 buying, renting, gathering, obtaining, receiving, or accessing any  
567 personal information pertaining to a consumer by any means. This  
568 includes receiving information from the consumer, either actively  
569 or passively, or by observing the consumer's behavior.

570 (f) "Commercial purposes" means to advance a person's  
571 commercial or economic interests, such as by inducing another  
572 person to buy, rent, lease, join, subscribe to, provide, or  
573 exchange products, goods, property, information, or services, or  
574 enabling or effecting, directly or indirectly, a commercial  
575 transaction. "Commercial purposes" do not include for the purpose  
576 of engaging in speech that state or federal courts have recognized  
577 as noncommercial speech, including political speech and  
578 journalism.



579 (g) "Consumer" means a natural person who is a  
580 Mississippi resident.

581 (h) "De-identified" means information that cannot  
582 reasonably identify, relate to, describe, be capable of being  
583 associated with, or be linked, directly or indirectly, to a  
584 particular consumer, provided that a business that uses  
585 de-identified information:

586 (i) Has implemented technical safeguards that  
587 prohibit reidentification of the consumer to whom the information  
588 may pertain;

589 (ii) Has implemented business processes that  
590 specifically prohibit reidentification of the information;

591 (iii) Has implemented business processes to  
592 prevent inadvertent release of de-identified information.

593 (iv) Makes no attempt to reidentify the  
594 information.

595 (i) "Designated methods for submitting requests" means  
596 a mailing address, email address, Internet web page, Internet web  
597 portal, toll-free telephone number, or other applicable contact  
598 information, whereby consumers may submit a request or direction  
599 under this act.

600 (j) "Device" means any physical object that is capable  
601 of connecting to the Internet, directly or indirectly, or to  
602 another device.





603           (k) "Health insurance information" means a consumer's  
604 insurance policy number or subscriber identification number, any  
605 unique identifier used by a health insurer to identify the  
606 consumer, or any information in the consumer's application and  
607 claims history, including any appeals records, if the information  
608 is linked or reasonably linkable to a consumer or household,  
609 including via a device, by a business or service provider.

610           (l) "Homepage" means the introductory page of an  
611 Internet website and any Internet web page where personal  
612 information is collected. In the case of an online service, such  
613 as a mobile application, homepage means the application's platform  
614 page or download page, a link within the application, such as from  
615 the application configuration, "About," "Information," or settings  
616 page, and any other location that allows consumers to review the  
617 notice required by Section 12(1) of this act, including, but not  
618 limited to, before downloading the application.

619           (m) "Infer" or "inference" means the derivation of  
620 information, data, assumptions, or conclusions from facts,  
621 evidence or another source of information or data.

622           (n) "Person" means an individual, proprietorship, firm,  
623 partnership, joint venture, syndicate, business trust, company,  
624 corporation, limited liability company, association, committee,  
625 and any other organization or group of persons acting in concert.

626           (o) "Personal information" means information that  
627 identifies, relates to, describes, is capable of being associated



628 with, or could reasonably be linked, directly or indirectly, with  
629 a particular consumer or household. Personal information  
630 includes, but is not limited to, the following:

631 (i) Identifiers such as a real name, alias, postal  
632 address, unique personal identifier, online identifier Internet  
633 Protocol address, email address, account name, social security  
634 number, driver's license number, passport number or other similar  
635 identifiers;

636 (ii) Characteristics of protected classifications  
637 under Mississippi or federal law;

638 (iii) Commercial information, including records of  
639 personal property, products or services purchased, obtained, or  
640 considered, or other purchasing or consuming histories or  
641 tendencies;

642 (iv) Biometric information;

643 (v) Internet or other electronic network activity  
644 information, including, but not limited to, browsing history,  
645 search history and information regarding a consumer's interaction  
646 with an Internet website, application, or advertisement;

647 (vi) Geolocation data;

648 (vii) Audio, electronic, visual, thermal,  
649 olfactory or similar information;

650 (viii) Professional or employment-related  
651 information; and



652 (iv) Education information, defined as information  
653 that is not publicly available personally identifiable information  
654 as defined in the Family Educational Rights and Privacy Act (20  
655 USC section 1232g, 34 C.F.R. Part 99); and

656 (x) Inferences drawn from any of the information  
657 identified in this subdivision to create a profile about a  
658 consumer reflecting the consumer's preferences, characteristics,  
659 psychological trends, preferences, predispositions, behavior,  
660 attitudes, intelligence, abilities and aptitudes.

661 "Personal information" does not include publicly available  
662 information. For these purposes, "publicly available" means  
663 information that is lawfully made available from federal, state or  
664 local government records, if any conditions associated with such  
665 information. "Publicly available" does not mean biometric  
666 information collected by a business about a consumer without the  
667 consumer's knowledge. Information is not "publicly available" if  
668 that data is used for a purpose that is not compatible with the  
669 purpose for which the data is maintained and made available in the  
670 government records or for which it is publicly maintained.

671 "Publicly available" does not include consumer information that is  
672 de-identified or aggregate consumer information.

673 (p) "Probabilistic identifier" means the identification  
674 of a consumer or a device to a degree of certainty of more  
675 probable than not based on any categories of personal information



676 included in, or similar to, the categories enumerated in the  
677 definition of personal information.

678 (q) "Processing" means any operation or set of  
679 operations that are performed on personal data or on sets of  
680 personal data, whether or not by automated means.

681 (r) "Pseudonymize" or "Pseudonymization" means the  
682 processing of personal information in a manner that renders the  
683 personal information no longer attributable to a specific consumer  
684 without the use of additional information, provided that the  
685 additional information is kept separately and is subject to  
686 technical and organizational measures to ensure that the personal  
687 information is not attributed to an identified or identifiable  
688 consumer.

689 (s) "Research" means scientific, systematic study and  
690 observation, including basic research or applied research that is  
691 in the public interest and that adheres to all other applicable  
692 ethics and privacy laws or studies conducted in the public  
693 interest in the area of public health. Research with personal  
694 information that may have been collected from a consumer in the  
695 course of the consumer's interactions with a business' service or  
696 device for other purposes shall be:

697 (i) Compatible with the business purpose for which  
698 the personal information was collected;

699 (ii) Subsequently pseudonymized and de-identified,  
700 or de-identified and in the aggregate, such that the information



701 cannot reasonably identify, relate to, describe, be capable of  
702 being associated with, or be linked, directly or indirectly, to a  
703 particular consumer;

704 (iii) Made subject to technical safeguards that  
705 prohibit reidentification of the consumer to whom the information  
706 may pertain;

707 (iv) Subject to business processes that  
708 specifically prohibit reidentification of the information;

709 (v) Made subject to business processes to prevent  
710 inadvertent release of de-identified information;

711 (vi) Protected from any reidentification attempts;

712 (vii) Used solely for research purposes that are  
713 compatible with the context in which the personal information was  
714 collected;

715 (viii) Not be used for any commercial purpose; and

716 (ix) Subjected by the business conducting the  
717 research to additional security controls limit access to the  
718 research data to only those individuals in a business as are  
719 necessary to carry out the research purpose.

720 (t) (i) "Sell," "selling," "sale," or "sold," means  
721 selling, renting, releasing, disclosing, disseminating, making  
722 available, transferring, or otherwise communicating orally, in  
723 writing, or by electronic or other means, a consumer's personal  
724 information by the business to another business or a third party  
725 for monetary or other valuable consideration.



726 (ii) For purposes of this act, a business does not  
727 sell personal information when:

728 1. A consumer uses or directs the business to  
729 intentionally disclose personal information or uses the business  
730 to intentionally interact with a third party, provided the third  
731 party does not also sell the personal information, unless that  
732 disclosure would be consistent with the provisions of this title.  
733 An intentional interaction occurs when the consumer intends to  
734 interact with the third party, via one or more deliberate  
735 interactions. Hovering over, muting, pausing, or closing a given  
736 piece of content does not constitute a consumer's intent to  
737 interact with a third party;

738 2. The business uses or shares an identifier  
739 for a consumer who has opted out of the sale of the consumer's  
740 personal information for the purposes of alerting third parties  
741 that the consumer has opted out of the sale of the consumer's  
742 personal information;

743 3. The business uses or shares with a service  
744 provider personal information of a consumer that is necessary to  
745 perform a business purpose if both of the following conditions are  
746 met: services that the service provider performs on the business'  
747 behalf, provided that the service provider also does not sell the  
748 personal information;



749                   4. The business has provided notice that  
750 information being used or shared in its terms and conditions  
751 consistent with Section 10 of this act;

752                   5. The service provider does not further  
753 collect, sell or use the personal information of the consumer  
754 except as necessary to perform the business purpose; or

755                   6. The business transfers to a third party  
756 the personal information of a consumer as an asset that is part of  
757 a merger, acquisition, bankruptcy or other transaction in which  
758 the third party assumes control of all or part of the business  
759 provided that information is used or shared consistently with  
760 Sections 5 and 6 of this act. If a third party materially alters  
761 how it uses or shares the personal information of a consumer in a  
762 manner that is materially inconsistent with the promises made at  
763 the time of collection, it shall provide prior notice of the new  
764 or changed practice to the consumer. The notice shall be  
765 sufficiently prominent and robust to ensure that existing  
766 consumers can easily exercise their choices consistently with  
767 Section 7 of this act. This subparagraph does not authorize a  
768 business to make material, retroactive privacy policy changes or  
769 make other changes in their privacy policy in a manner that would  
770 violate the Mississippi Consumer Protection Act.

771                   (u) "Service" or "services" means work, labor and  
772 services, including services furnished in connection with the sale  
773 or repair of goods.



774 (v) "Service provider" means a sole proprietorship,  
775 partnership, limited liability company, corporation, association  
776 or other legal entity that is organized or operated for the profit  
777 or financial benefit of its shareholders or other owners, that  
778 processes information on behalf of a business and to which the  
779 business discloses a consumer's personal information for a  
780 business purpose pursuant to a written contract, provided that the  
781 contract prohibits the entity receiving the information from  
782 retaining, using or disclosing the personal information for any  
783 purpose other than for the specific purpose of performing the  
784 services specified in the contract for the business, or as  
785 otherwise permitted by this title, including retaining, using or  
786 disclosing the personal information for a commercial purpose other  
787 than providing the services specified in the contract with the  
788 business.

789 (w) "Third party" means a person who is not any of the  
790 following:

791 (i) The business that collects personal  
792 information from consumers under this title;

793 (ii) A person to whom the business discloses a  
794 consumer's personal information for a business purpose pursuant to  
795 a written contract, provided that the contract:

796 1. Prohibits the person receiving the  
797 personal information from:

798 a. Selling the personal information;





799                   b. Retaining, using or disclosing the  
800 personal information for any purpose other than for the specific  
801 purpose of performing the services specified in the contract,  
802 including retaining, using or disclosing the personal information  
803 for a commercial purpose other than providing the services  
804 specified in the contract; or

805                   c. Retaining, using or disclosing the  
806 information outside of the direct business relationship between  
807 the person and the business.

808                   2. Includes a certification made by the  
809 person receiving the personal information that the person  
810 understands the restrictions in subparagraph (ii)1 of this  
811 paragraph (w) and will comply with them.

812           A person covered by subparagraph (ii) of this paragraph (w)  
813 that violates any of the restrictions set forth in this title  
814 shall be liable for the violations. A business that discloses  
815 personal information to a person covered by subparagraph (ii) of  
816 this paragraph (w) in compliance with paragraph (ii) shall not be  
817 liable under this act if the person receiving the personal  
818 information uses it in violation of the restrictions set forth in  
819 this act, provided that, at the time of disclosing the personal  
820 information, the business does not have actual knowledge, or  
821 reason to believe, that the person intends to commit such a  
822 violation.



823           (x) "Unique identifier" or "unique personal identifier"  
824 means a persistent identifier that can be used to recognize a  
825 consumer, a family or a device that is linked to a consumer or  
826 family, over time and across different services, including, but  
827 not limited to, a device identifier; an Internet Protocol address;  
828 cookies, beacons, pixel tags, mobile ad identifiers or similar  
829 technology; customer number, unique pseudonym or user alias;  
830 telephone numbers, or other forms of persistent or probabilistic  
831 identifiers that can be used to identify a particular consumer or  
832 device. For purposes of this subdivision, "family" means a  
833 custodial parent or guardian and any minor children over which the  
834 parent or guardian has custody.

835           (y) "Verifiable consumer request" means a request that  
836 is made by a consumer, by a consumer on behalf of the consumer's  
837 minor child or by a natural person or a person registered with the  
838 Secretary of State, authorized by the consumer to act on the  
839 consumer's behalf, and that the business can reasonably verify,  
840 pursuant to regulations adopted by the Attorney General pursuant  
841 to Section 18 of this act to be the consumer about whom the  
842 business has collected personal information. A business is not  
843 obligated to provide information to the consumer pursuant to  
844 Sections 5 and 6 of this act if the business cannot verify,  
845 pursuant this subsection and regulations adopted by the Attorney  
846 General pursuant to Section 18 of this act, that the consumer  
847 making the request is the consumer about whom the business has



848 collected information or is a person authorized by the consumer to  
849 act on such consumer's behalf.

850 **SECTION 12.** (1) The obligations imposed on businesses by  
851 this act shall not restrict a business's ability to:

852 (a) Comply with federal, state, or local laws;

853 (b) Comply with a civil, criminal, or regulatory  
854 inquiry, investigation, subpoena, or summons by federal, state or  
855 local authorities;

856 (c) Cooperate with law enforcement agencies concerning  
857 conduct or activity that the business, service provider or third  
858 party reasonably and in good faith believes may violate federal,  
859 state or local law;

860 (d) Exercise or defend legal claims;

861 (e) Collect, use, retain, sell or disclose consumer  
862 information that is de-identified or in the aggregate consumer  
863 information; or

864 (f) Collect or sell a consumer's personal information  
865 if every aspect of that commercial conduct takes place wholly  
866 outside of Mississippi. For purposes of this act, commercial  
867 conduct takes place wholly outside of Mississippi if the business  
868 collected that information while the consumer was outside of  
869 Mississippi, no part of the sale of the consumer's personal  
870 information occurred in Mississippi, and no personal information  
871 collected while the consumer was in Mississippi is sold. This  
872 paragraph shall not permit a business from storing, including on a



873 device, personal information about a consumer when the consumer is  
874 in Mississippi and then collecting that personal information when  
875 the consumer and stored personal information is outside of  
876 Mississippi.

877 (2) The obligations imposed on businesses by Sections 5  
878 through 10 of this act, shall not apply where compliance by the  
879 business with the act would violate an evidentiary privilege under  
880 Mississippi law and shall not prevent a business from providing  
881 the personal information of a consumer to a person covered by an  
882 evidentiary privilege under Mississippi law as part of a  
883 privileged communication.

884 (3) This act shall not apply to protected or health  
885 information that is collected by a covered entity governed by the  
886 privacy, security and breach notification rules issued by the  
887 federal Department of Health and Human Services, Parts 160 and 164  
888 of Title 45 of the Code of Federal Regulations, established  
889 pursuant to the Health Insurance Portability and Availability Act  
890 of 1996.

891 (4) This act shall not apply to the sale of personal  
892 information to or from a consumer reporting agency if that  
893 information is to be reported in, or used to generate, a consumer  
894 report as defined by subdivision (d) of Section 1681a of Title 15  
895 of the United States Code, and use of that information is limited  
896 by the federal Fair Credit Reporting Act (15 USC Sec. 1681 et  
897 seq.).



898 (5) This act shall not apply to personal information  
899 collected, processed, sold or disclosed pursuant to the federal  
900 Gramm-Leach-Bliley Act (Public Law 106-102), and implementing  
901 regulations, if it is in conflict with that law.

902 (6) This act shall not apply to personal information  
903 collected, processed, sold or disclosed pursuant to the Driver's  
904 Privacy Protection Act of 1994 (18 USC Sec. 2721 et seq.), if it  
905 is in conflict with that act.

906 (7) Notwithstanding a business' obligations to respond to  
907 and honor consumer rights requests pursuant to this act:

908 (a) A time period for a business to respond to any  
909 verified consumer request may be extended by up to ninety (90)  
910 additional days where necessary, taking into account the  
911 complexity and number of the requests. The business shall inform  
912 the consumer of any such extension within forty-five (45) days of  
913 receipt of the request, together with the reasons for the delay;

914 (b) If the business does not take action on the request  
915 of the consumer, the business shall inform the consumer, without  
916 delay and at the latest within the time period permitted of  
917 response by this section, of the reasons for not taking action and  
918 any rights the consumer may have to appeal the decision to the  
919 business; or

920 (c) If requests from a consumer are manifestly  
921 unfounded or excessive, in particular because of their repetitive  
922 character, a business may either charge a reasonable fee, taking



923 into account the administrative costs of providing the information  
924 or communication or taking the action requested, or refuse to act  
925 on the request and notify the consumer of the reason for refusing  
926 the request. The business shall bear the burden of demonstrating  
927 that any verified consumer request is manifestly unfounded or  
928 excessive.

929 (8) A business that discloses personal information to a  
930 service provider shall not be liable under this act if the service  
931 provider receiving the personal information uses it in violation  
932 of the restrictions set forth in the act, provided that, at the  
933 time of disclosing the personal information, the business does not  
934 have actual knowledge, or reason to believe, that the service  
935 provider intends to commit such a violation. A service provider  
936 shall likewise not be liable under this act for the obligations of  
937 a business for which it provides services as set forth in this  
938 act.

939 (9) This act shall not be construed to require a business to  
940 reidentify or otherwise link information that is not maintained in  
941 a manner that would be considered personal information.

942 (10) The rights afforded to consumers and the obligations  
943 imposed on the business in this act shall not adversely affect the  
944 rights and freedoms of other consumers.

945 **SECTION 13.** (1) Any consumer whose nonencrypted or  
946 nonredacted personal information is subject to an unauthorized  
947 access and exfiltration, theft or disclosure as a result of the



948 business' violation of the duty to implement and maintain  
949 reasonable security procedures and practices appropriate to the  
950 nature of the information to protect the personal information may  
951 institute a civil action for any of the following:

952 (a) To recover damages in an amount not less than One  
953 Hundred Dollars (\$100.00) and not greater than Seven Hundred Fifty  
954 Dollars (\$750.00) per consumer per incident or actual damages,  
955 whichever is greater;

956 (b) Injunctive or declaratory relief; or

957 (c) Any other relief the court deems proper.

958 (2) In assessing the amount of statutory damages, the court  
959 shall consider any one or more of the relevant circumstances  
960 presented by any of the parties to the case, including, but not  
961 limited to, the nature and seriousness of the misconduct, the  
962 number of violations, the persistence of the misconduct, the  
963 length of time over which the misconduct occurred, the willfulness  
964 of the defendant's misconduct and the defendant's assets,  
965 liabilities and net worth.

966 (3) Actions pursuant to this section may be brought by a  
967 consumer if all of the following requirements are met:

968 (a) Prior to initiating any action against a business  
969 for statutory damages on an individual or class-wide basis, a  
970 consumer shall provide a business thirty (30) days' written notice  
971 identifying the specific provisions of this act the consumer  
972 alleges have been or are being violated. In the event a cure is



973 possible, if within the thirty (30) days the business actually  
974 cures the noticed violation and provides the consumer an express  
975 written statement that the violations have been cured and that no  
976 further violations shall occur, no action for individual statutory  
977 damages or class-wide statutory damages may be initiated against  
978 the business. No notice shall be required prior to an individual  
979 consumer initiating an action solely for actual pecuniary damages  
980 suffered as a result of the alleged violations of this act. If a  
981 business continues to violate this act in breach of the express  
982 written statement provided to the consumer under this section, the  
983 consumer may initiate an action against the business to enforce  
984 the written statement and may pursue statutory damages for each  
985 breach of the express written statement, as well as any other  
986 violation of this act that postdates the written statement;

987 (b) A consumer bringing an action as provided in  
988 subsection (1) of this section shall notify the Attorney General  
989 within thirty (30) days that the action has been filed; and

990 (c) The Attorney General, upon receiving such notice  
991 shall, within thirty (30) days, do one of the following:

992 (i) Notify the consumer bringing the action of the  
993 Attorney General's intent to prosecute an action against the  
994 violation. If the Attorney General does not prosecute within six  
995 (6) months, the consumer may proceed with the action;

996 (ii) Refrain from acting within the thirty (30)  
997 days, allowing the consumer bringing the action to proceed; or





998 (iii) Notify the consumer bringing the action that  
999 the consumer shall not proceed with the action.

1000 (3) Nothing in this act shall be interpreted to serve as the  
1001 basis for a private right of action under any other law. This  
1002 shall not be construed to relieve any party from any duties or  
1003 obligations imposed under other law or the United States or  
1004 Mississippi Constitution.

1005 **SECTION 14.** (1) Any business or third party may seek the  
1006 opinion of the Attorney General for guidance on how to comply with  
1007 the provisions of this act.

1008 (2) A business shall be in violation of this act if it fails  
1009 to cure any alleged violation within thirty (30) days after being  
1010 notified of alleged noncompliance. Any business, service provider  
1011 or other person that violates this act shall be liable for a civil  
1012 penalty in a civil action brought in the name of the people of the  
1013 State of Mississippi by the Attorney General. The civil penalties  
1014 provided for in this section shall be exclusively assessed and  
1015 recovered in a civil action brought in the name of the people of  
1016 the State of Mississippi by the Attorney General.

1017 (3) Any person, business or service provider that  
1018 intentionally violates this act may be liable for a civil penalty  
1019 of up to Seven Thousand Five Hundred Dollars (\$7,500.00) for each  
1020 violation.

1021 **SECTION 15.** (1) A special fund to be known as the 'Consumer  
1022 Privacy Fund" is created within in the State Treasury, and is



1023 available upon appropriation by the Legislature to offset any  
1024 costs incurred by the state courts in connection with actions  
1025 brought to enforce this act and any costs incurred by the Attorney  
1026 General in carrying out the Attorney General's duties under this  
1027 act.

1028 (2) Funds transferred to the Consumer Privacy Fund shall be  
1029 used exclusively to offset any costs incurred by the state courts  
1030 and the Attorney General in connection with this act. These funds  
1031 shall not be subject to appropriation or transfer by the  
1032 Legislature for any other purpose, unless it is determined that  
1033 the funds are in excess of the funding needed to fully offset the  
1034 costs incurred by the state courts and the Attorney General in  
1035 connection with this act, in which case the Legislature may  
1036 appropriate excess funds for other purposes.

1037 **SECTION 16.** This act is intended to further the  
1038 constitutional right of privacy and to supplement existing laws  
1039 relating to consumers' personal information. The provisions of  
1040 this act are not limited to information collected electronically  
1041 or over the Internet, but apply to the collection and sale of all  
1042 personal information collected by a business from consumers.  
1043 Wherever possible, law relating to consumers' personal information  
1044 should be construed to harmonize with the provisions of this act,  
1045 but in the event of a conflict between other laws and the  
1046 provisions of this act, the provisions of the law that afford the



1047 greatest protection for the right of privacy for consumers shall  
1048 control.

1049 **SECTION 17.** This act is a matter of statewide concern and  
1050 supersedes and preempts all rules, regulations, codes, ordinances  
1051 and other laws adopted by a city, county, city and county,  
1052 municipality or local agency regarding the collection and sale of  
1053 consumers' personal information by a business.

1054 **SECTION 18.** The Attorney General may adopt such regulations  
1055 as necessary to further the purposes of this act.

1056 **SECTION 19.** If a series of steps or transactions were  
1057 component parts of a single transaction intended from the  
1058 beginning to be taken with the intention of avoiding the reach of  
1059 this act, including the disclosure of information by a business to  
1060 a third party in order to avoid the definition of sell, a court  
1061 shall disregard the intermediate steps or transactions for  
1062 purposes of effectuating the purposes of this act.

1063 **SECTION 20.** Any provision of a contract or agreement of any  
1064 kind that purports to waive or limit in any way a consumer's  
1065 rights under this act, including, but not limited to, any right to  
1066 a remedy or means of enforcement, shall be deemed contrary to  
1067 public policy and shall be void and unenforceable. This section  
1068 shall not prevent a consumer from declining to request information  
1069 from a business, declining to opt out of a business' sale of the  
1070 consumer's personal information, or authorizing a business to sell  
1071 the consumer's personal information after previously opting out.



1072           **SECTION 21.** This act shall take effect and be in force from  
1073 and after July 1, 2019.

