SB21-190
SENATE FLOOR AMENDMENT
Second Reading   BY SENATOR Fenberg

1   Amend the Rodriguez floor amendment, (SB190_L.012), page 14, line
2   34, after the period add "IF A CONTROLLER ENABLES A CONSUMER TO
3   CREATE, MAINTAIN, AND ACCESS A BONA FIDE LOYALTY, REWARDS,
4   PREMIUM FEATURES, DISCOUNT, CLUB CARD, OR SIMILAR PROGRAM IN
5   CONNECTION WITH THE CONTROLLER'S BUSINESS, THE CONSUMER HAS THE
6   RIGHT TO ACCESS THE CONSUMER'S PROGRAM ACCOUNT WHENEVER IT IS
7   AVAILABLE AND AS OFTEN AS THE CONSUMER DESIRES TO REVIEW ANY
8   PERSONAL DATA STORED IN THE ACCOUNT ON THE CONTROLLER'S
9   COMPUTER, COMPUTER NETWORK, COMPUTER SYSTEM, OR WEBSITE.".

10   Page 15, line 2, after "TO" insert "ACCESS, COPY, OR".

11   Page 15, lines 3 and 4, strike "A CONSUMER MAY EXERCISE THIS RIGHT NO
12   MORE THAN TWO TIMES PER CALENDAR YEAR.".

13   Page 15, before line 8 insert:

14   "(f) (I) A CONTROLLER SHALL ALLOW, AND NOT UNDULY RESTRICT,
15   A CONSUMER'S ABILITY TO AUTHORIZE A THIRD-PARTY AGENT OR
16   REPRESENTATIVE TO ACCESS, CORRECT, OR PROCESS THE CONSUMER'S
17   PERSONAL DATA ON THE CONSUMER'S BEHALF, INCLUDING BY PROVIDING
18   ONLINE ACCESS TO ANY ACCOUNTS MAINTAINED BY OR APPLICABLE TO
19   THE CONSUMER.
20   (II) A CONTROLLER, IN ITS PRIVACY POLICY, SHALL PROVIDE A
21   MECHANISM TO ALLOW A CONSUMER TO EASILY AND CONVENIENTLY
22   AUTHORIZE AN AGENT TO PROCESS THE CONSUMER'S PERSONAL DATA.
23   (III) IF A CONTROLLER INCURS A COST IN ORDER TO AUTHORIZE A
24   THIRD-PARTY AGENT OR REPRESENTATIVE PURSUANT TO THIS SUBSECTION
25   (1)(f), AT THE CONSUMER'S REQUEST THE CONTROLLER SHALL BEAR THE
26   COST.
27   (IV) FOR PURPOSES OF THIS SUBSECTION (1)(f), A PARENT OR
28   GUARDIAN OF A CHILD, WITHOUT AUTHORIZATION FROM THE CHILD, MAY
29   ACT ON BEHALF OF THE CHILD WITH RESPECT TO PERSONAL DATA OF THE
30   CHILD HELD BY A CONTROLLER, INCLUDING BY REQUESTING
31   CONFIRMATION OF, ACCESS TO, OR CORRECTION OF THE PERSONAL DATA.
32   (V) AN AUTHORIZED THIRD-PARTY AGENT OR REPRESENTATIVE
33   MAY ACCESS, CORRECT, OR PROCESS ONLY THE PERSONAL DATA OF THE
34   CONSUMER WHO PROVIDED AUTHORIZATION AND ONLY THAT PERSONAL
35   DATA THAT THE CONSUMER COULD ACCESS.".

36   Page 17, after line 9 insert:

1   "(IV) HOW A CONSUMER CAN ACCESS, CORRECT, OR DELETE THE
2   PERSONAL DATA OF THE CONSUMER THAT THE CONTROLLER RETAINS ON
3   ITS COMPUTER, COMPUTER NETWORK, COMPUTER SYSTEM, OR WEBSITE,
4   INCLUDING BY PROVIDING AT LEAST TWO MEANS TO SUBMIT ACCESS,
5   CORRECTION, OR DELETION REQUESTS TO THE CONTROLLER;
6   (V) HOW A CONSUMER CAN AUTHORIZE A THIRD-PARTY AGENT OR
7   REPRESENTATIVE TO ACCESS, CORRECT, OR PROCESS THE PERSONAL DATA
8   OF THE CONSUMER THAT THE CONTROLLER RETAINS ON ITS COMPUTER,
9   COMPUTER NETWORK, COMPUTER SYSTEM, OR WEBSITE ON BEHALF OF THE
10 CONSUMER;".

11 Renumber succeeding subparagraphs accordingly.

12 Page 23, after line 5 insert:

13   "**SECTION 7.** In Colorado Revised Statutes, 18-5.5-102, **add** (5)
14 as follows:
15   **18-5.5-102. Cybercrime.** (5) NOTWITHSTANDING ANY OTHER
16 PROVISION OF THIS SECTION, AN INDIVIDUAL MAY AUTHORIZE AN AGENT
17 TO ACCESS AND PROCESS, ON THAT INDIVIDUAL'S BEHALF, THAT
18 INDIVIDUAL'S PERSONAL DATA, AS DEFINED IN SECTION 6-1-1303 (16), OR
19 OTHER INFORMATION HELD BY A CONTROLLER ON ITS COMPUTER,
20 COMPUTER NETWORK, OR COMPUTER SYSTEM AND THAT IS OTHERWISE
21 ACCESSIBLE TO THE INDIVIDUAL. AN AUTHORIZED REPRESENTATIVE
22 REMAINS LIABLE FOR ANY UNAUTHORIZED ACTIVITY ON A SYSTEM UNDER
23 APPLICABLE UNFAIR COMPETITION LAWS, THE FEDERAL "COMPUTER
24 FRAUD AND ABUSE ACT", 18 U.S.C. SEC. 1030, AS AMENDED, AND OTHER
25 PROVISIONS OF THIS SECTION.".

26 Renumber succeeding section accordingly.

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