

8-2-2013

# Personally Identifying Information. Confidentiality. Initiative Constitutional Amendment.

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## Recommended Citation

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Steve Peace  
Michael Thorsnes  
3499 Heatherwood Dr.  
El Cajon, CA 92109

**RECEIVED**

**AUG 02 2013**

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

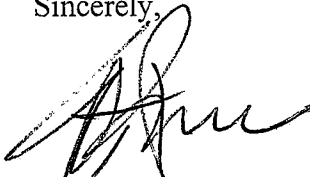
Initiative Coordinator  
Office of the Attorney General  
1300 I Street, 17th Floor  
Sacramento, CA 95814

RE: Ballot Initiative Request – California Personal Privacy Initiative

To Whom It May Concern:

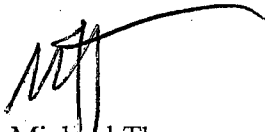
Please see the attached recommended Title and Summary. Also, please replace the original initiative language submitted on July 17, 2013 with the enclosed amended language.

Sincerely,



Steve Peace

Dated this 2nd day of August, 2013



Michael Thorsnes

Dated this 2nd day of August, 2013

**Title**

Personal Privacy Protection Act

**Summary**

Amends the California Constitution by defining the right of privacy to include the protection of "personally identifying information", including health and financial information. Establishes new standards for the collection of personally identifying information by government and commercial entities, including: (1) the presumption that personally identifying information is confidential and (2) the presumption that the unauthorized disclosure of personally identifying information harms the consumer. This Act does not prohibit any particular information collection practice, and allows the sharing of information to meet a compelling public interest such as public safety or protected noncommercial free speech where there is no reasonable alternative.

**Initiative Language****Section 1. Title**

This measure shall be known and may be cited as the "Personal Privacy Protection Act".

**Section 2. Findings and Declarations**

The California Constitution establishes the fundamental right of every person to pursue and obtain privacy.

A natural person's right to control and protect his or her personally identifying information and to be able to enforce that right when harmed is fundamental to his or her ability to pursue and obtain privacy.

**Section 3. Article [XXXVI] is added to the California Constitution, to read:****ARTICLE [XXXVI] RIGHT TO PRIVACY IN PERSONALLY IDENTIFYING INFORMATION**

SECTION 1. Whenever a natural person supplies personally identifying information to a legal person that is engaged in collecting such information for a commercial or governmental purpose, the personally identifying information shall be presumed to be confidential and the legal person collecting such information shall use all reasonably available means to protect it from unauthorized disclosure.

SEC. 2. Harm to a natural person shall be presumed whenever his or her confidential personally identifying information has been disclosed without his or her authorization.

SEC. 3. Confidential personally identifying information may be disclosed without authorization if there is a countervailing compelling interest to do so (such as public safety or protected non-commercial free speech) and there is no reasonable alternative for accomplishing such compelling interest.

SEC. 4. For the purposes of this article:

(a) "legal person" means any natural person or association, organization or other entity, including, but not limited to, any partnership, corporation, limited liability company, governmental body or subdivision thereof or other agency or body.

(b) "personally identifying information" means any information which can be used to distinguish or trace a natural person's identity, including but not limited to financial and/or health information, which is linked or linkable to a specific natural person, provided that "personally identifying information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

#### **Section 4. Interpretation**

This Act shall be broadly construed in order to achieve the purposes stated above.

#### **Section 5. Severability**

If any provision of this Act is found to be invalid or unconstitutional, the remaining provisions shall not be affected. The voters declare that this Act, and every portion thereof, would have been passed irrespective of the fact a part may be found to be invalid. If any provision of this Act is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Act that can be given effect without the invalid application.

#### **Section 6. Effective Date**

The Act shall become effective January 1, 2016.