
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Commerce to Original House Bill No. 987
by Representative DeshotelAMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 44:4.1(B)(35) and to"

AMENDMENT NO. 2

On page 1, line 3, change "1396" to "1397"

AMENDMENT NO. 3

On page 1, line 7, after "fine;" insert "to provide for a data assessment; to provide for a public records exception;"

AMENDMENT NO. 4

On page 1, between lines 9 and 10, insert the following:

"Section 1. R.S. 44:4.1(B)(35) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(35) R.S. 51:710.2(B), 705, 706, 936, 1395, 1404, 1926, 1934, 2113, 2182, 2262, 2318, 2389

* * *"

AMENDMENT NO. 5

On page 1, line 10, change "Section 1." to "Section 2."

AMENDMENT NO. 6

On page 1, line 11, change "1396" to "1397"

AMENDMENT NO. 7

On page 2, line 14, delete "biological characteristics" and insert in lieu thereof the following:

"physical, physiological, or biological characteristics that allow or confirm the unique identity of a specific individual"

AMENDMENT NO. 8

On page 2, delete lines 22 and 23 in their entirety

1 AMENDMENT NO. 9

2 On page 2, line 24, change "(iv)" to "(iii)"

3 AMENDMENT NO. 10

4 On page 2, line 25, change "(v)" to "(iv)"

5 AMENDMENT NO. 11

6 On page 3, line 1, change "(9)" to "(9)(a)" and after "means" change "an" to "a clear and"

7 AMENDMENT NO. 12

8 On page 3, line 2, after "voluntary" insert ", specific,"

9 AMENDMENT NO. 13

10 On page 3, between lines 3 and 4, insert the following:

- 11 "(b) "Consent" does not include the following:
12 (i) Acceptance of general or broad terms of use or a similar document that
13 contains descriptions of personal data processing along with other unrelated
14 information.
15 (ii) Hovering over, muting, pausing, or closing a given piece of content."

16 AMENDMENT NO. 14

17 On page 3, line 17, after "for" and before "and" delete "which"

18 AMENDMENT NO. 15

19 On page 3, delete lines 22 and 23 in their entirety and insert in lieu thereof the following:

- 20 "(a) Cannot reasonably be used to infer information about, or otherwise be
21 linked to, an identified individual, device, or household."

22 AMENDMENT NO. 16

23 On page 4, line 2, delete "Items (i) and (ii) of"

24 AMENDMENT NO. 17

25 On page 4, line 3, change "Consumer Protection" to "consumer protection"

26 AMENDMENT NO. 18

27 On page 4, line 5, change "Consumer Protection" to "consumer protection"

28 AMENDMENT NO. 19

29 On page 4, delete lines 18 and 19 in their entirety and insert in lieu thereof the following:

- 30 "(20) "Identified individual" or "identifiable individual" means an individual
31 who can be readily identified, either directly or indirectly, in particular or by
32 reference to an identifier such as a name, an identification number, specific
33 geolocation data, or an online identifier."

1 AMENDMENT NO. 20

2 On page 4, line 27, after "Law" and before "R.S." insert a comma ","

3 AMENDMENT NO. 21

4 On page 5, line 6, after "data" and before "aggregated" change the comma "," to a period "."
5 and delete the remainder of the line

6 AMENDMENT NO. 22

7 On page 5, delete line 7 in its entirety

8 AMENDMENT NO. 23

9 On page 5, delete lines 15 through 21 in their entirety

10 AMENDMENT NO. 24

11 On page 5, line 22, change "(29)" to "(28)"

12 AMENDMENT NO. 25

13 On page 5, line 29, change "(30)" to "(29)"

14 AMENDMENT NO. 26

15 On page 6, line 1, change "(31)(a)" to "(30)(a)"

16 AMENDMENT NO. 27

17 On page 6, line 2, after "monetary" and before "consideration" insert "or other valuable"

18 AMENDMENT NO. 28

19 On page 6, line 25, change "(32)(a)" to "(31)(a)"

20 AMENDMENT NO. 29

21 On page 7, between lines 7 and 8, insert the following:

22 "(iv) Biometric data."

23 AMENDMENT NO. 30

24 On page 7, line 16, change "(33)(a)" to "(32)(a)"

25 AMENDMENT NO. 31

26 On page 7, line 19, change "seven" to "eight"

27 AMENDMENT NO. 32

28 On page 7, line 24, change "(34)(a)" to "(33)(a)"

29 AMENDMENT NO. 33

30 On page 8, line 9, change "(35)" to "(34)"

1 AMENDMENT NO. 34

2 On page 8, line 12, change "(36)" to "(35)"

3 AMENDMENT NO. 35

4 On page 10, line 1, delete "federal"

5 AMENDMENT NO. 36

6 On page 11, line 11, delete "federal"

7 AMENDMENT NO. 37

8 On page 11, line 12, delete "federal"

9 AMENDMENT NO. 38

10 On page 11, line 15, delete "federal"

11 AMENDMENT NO. 39

12 On page 11, line 21, change "emergency-contact" to "emergency contact"

13

14 AMENDMENT NO. 40

15 On page 12, line 4, delete "federal"

16 AMENDMENT NO. 41

17 On page 12, between lines 21 and 22, insert the following:

18 "(4) Correct inaccuracies in the consumer's personal data.

19 (5) Delete the consumer's personal data."

20 AMENDMENT NO. 42

21 On page 12, delete lines 22 and 23 in their entirety

22 AMENDMENT NO. 43

23 On page 12, line 24, change "(5)" to "(6)"

24 AMENDMENT NO. 44

25 On page 12, line 28, after "of" and before "security" insert "a"

26 AMENDMENT NO. 45

27 On page 14, line 20, change "that" to "who"

28 AMENDMENT NO. 46

29 On page 16, at the end of line 8, insert a period "."

30 AMENDMENT NO. 47

31 On page 16, line 23, delete "federal"

1 AMENDMENT NO. 482 On page 17, line 19, delete "or pseudonymous data"3 AMENDMENT NO. 494 On page 17, line 22, delete "or pseudonymous data"5 AMENDMENT NO. 50

6 On page 18, delete lines 12 through 16 in their entirety

7 AMENDMENT NO. 518 On page 18, line 17, change "C." to "B." and delete "pseudonymous data or"9 AMENDMENT NO. 5210 On page 18, line 19, delete "pseudonymous"11 AMENDMENT NO. 5312 On page 18, at the beginning of line 20, delete "data or"13 AMENDMENT NO. 54

14 On page 22, between lines 21 and 22, insert the following:

15 "§1395. Data protection assessments16 A. A controller shall not conduct processing that presents a heightened risk
17 of harm to a consumer without conducting and documenting a data protection
18 assessment of each of its processing activities that involve personal data acquired on
19 or after the effective date of this Chapter that present a heightened risk of harm to a
20 consumer.21 B. For purposes of this Section, "processing that presents a heightened risk
22 of harm to a consumer" includes all of the following:23 (1) Processing personal data for purposes of targeted advertising or for
24 profiling if the profiling presents a reasonably foreseeable risk of any of the
25 following:26 (a) Unfair or deceptive treatment of consumers.27 (b) Unlawful disparate impact on consumers.28 (c) Financial or physical injury to consumers.29 (d) An intrusion, physical or otherwise, upon the solitude or seclusion, or the
30 private affairs or concerns of consumers, if the intrusion would be offensive to a
31 reasonable person.32 (e) Other substantial injury to consumers.33 (2) Selling personal data.34 (3) Processing sensitive data.35 C. Data protection assessments shall identify and weigh the benefits that may
36 flow, directly and indirectly, from the processing to the controller, the consumer,
37 other stakeholders, and the public against the potential risks to the rights of the
38 consumer associated with the processing, as mitigated by safeguards that the
39 controller can employ to reduce the risks. The controller shall factor into this
40 assessment the use of deidentified data and the reasonable expectations of
41 consumers, as well as the context of the processing and the relationship between the
42 controller and the consumer whose personal data will be processed.43 D. A controller shall make the data protection assessment available to the
44 attorney general upon request. The attorney general may evaluate the data protection
45 assessment for compliance with the duties provided for in this Chapter. Data

1 protection assessments are confidential and exempt from public inspection and
2 copying in accordance with the Public Records Law as provided in R.S. 44:1 et seq.
3 The disclosure of a data protection assessment pursuant to a request from the
4 attorney general pursuant to this Subsection does not constitute a waiver of any
5 attorney-client privilege or work-product protection that might otherwise exist with
6 respect to the assessment and any information contained in the assessment.
7 E. A single data protection assessment may address a comparable set of
8 processing operations that include similar activities.
9 F. Data protection assessment requirements apply to processing activities
10 created or generated after December 1, 2023."

11 AMENDMENT NO. 55

12 On page 22, line 22, change "§1395." to "§1396."

13 AMENDMENT NO. 56

14 On page 23, line 11, change "§1396." to "§1397."

15 AMENDMENT NO. 57

16 On page 23, line 25, change "Section 2." to "Section 3."