

109TH CONGRESS
2D SESSION

H. R. 4731

To require owners of Internet websites to destroy obsolete data containing personal information.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2006

Mr. MARKEY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require owners of Internet websites to destroy obsolete data containing personal information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eliminate
5 Warehousing of Consumer Internet Data Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) As the Nation’s communications networks
9 continue to grow and become ever more sophisti-
10 cated, more individuals and industries will be using

1 such networks to communicate and conduct commer-
2 cial transactions.

3 (2) The ease of gathering and compiling per-
4 sonal information during such communications, both
5 overtly and surreptitiously, is becoming increasingly
6 efficient and almost effortless due to advances in
7 digital telecommunications technology and the wide-
8 spread use of the Internet.

9 (3) Consumers have an ownership interest in
10 their personal information.

11 (4) Information gathered about consumers over
12 the Internet can provide detail about some of the
13 most intimate aspects of an individual's life, includ-
14 ing their Internet interests, communications with
15 other citizens, purchases, information inquiries, and
16 political or religious interests, affiliations, or speech.

17 (5) Certain information about Internet searches
18 or website visits conducted from a particular com-
19 puter can be obtained and stored by websites or
20 search engines, and can be traced back to individual
21 computer users.

22 (6) Fair information practices include providing
23 consumers with knowledge of any data collection,
24 conspicuous consumer notice of an entity's data
25 practices, consumer choice to provide consent or

1 deny authorization for such practices, access to data
2 collected, safeguards to ensure data integrity, and
3 contact information.

4 (7) In order to safeguard consumer privacy in-
5 terests, companies that gather personal information
6 that can identify individual consumers should cease
7 to store such information after it is no longer nec-
8 essary to render service to such consumers or to con-
9 duct any legitimate business practice.

10 (8) Cable operators, who can gather personal
11 information about a subscriber's use of the cable
12 system and obtain information about a consumer's
13 video programming choices and use of their cable
14 modem are currently required under section 631 of
15 the Communications Act of 1934 (47 U.S.C. 551) to
16 destroy any personal information gathered from a
17 subscriber after it is no longer necessary for the pur-
18 pose for which it was gathered and if there are no
19 other pending legal requests for such information.

20 (9) A similar obligation should govern informa-
21 tion gathered about consumers by Internet websites,
22 which often possess information about computer
23 users which is more detailed, and arguably more
24 personalized, than information cable operators typi-
25 cally gather.

1 **SEC. 3. DESTRUCTION OF DATA WITH PERSONAL INFORMA-**
2 **TION BY INTERNET WEBSITES.**

3 An owner of an Internet website shall destroy, within
4 a reasonable period of time, any data containing personal
5 information if the information is no longer necessary for
6 the purpose for which it was collected or any other legiti-
7 mate business purpose, or there are no pending requests
8 or orders for access to such information pursuant to a
9 court order.

10 **SEC. 4. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
11 **SION.**

12 A violation of section 3 shall be treated as a violation
13 of a rule defining an unfair or deceptive act or practice
14 prescribed under section 18(a)(1)(B) of the Federal Trade
15 Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal
16 Trade Commission shall enforce this Act in the same man-
17 ner, by the same means, and with the same jurisdiction
18 as though all applicable terms and provisions of the Fed-
19 eral Trade Commission Act were incorporated into and
20 made a part of this Act.

21 **SEC. 5. DEFINITIONS.**

22 As used in this Act the following definitions apply:

23 (1) The term "Internet" means collectively the
24 myriad of computer and telecommunications facili-
25 ties, including equipment and operating software,
26 which comprise the interconnected world-wide net-

1 work of networks that employ the Transmission
2 Control Protocol/Internet Protocol, or any prede-
3 cessor or successor protocols to such protocol, to
4 communicate information of all kinds by wire or
5 radio.

6 (2) The term “personal information”—

7 (A) means information that allows a living
8 person to be identified individually, including
9 the following: the first and last name of an indi-
10 vidual, a home or physical address of an indi-
11 vidual, date or place of birth, an email address,
12 a telephone number, a Social Security number,
13 a tax identification number, birth certificate
14 number, passport number, driver’s license num-
15 ber, credit card number, bank card number, or
16 any government-issued identification number;
17 and

18 (B) does not include any record of aggre-
19 gate data that does not permit the identifica-
20 tion of particular persons.

21 (3) The term “web page” means a location that
22 has a single Uniform Resource Locator or another
23 single location with respect to the Internet, as the
24 Federal Trade Commission may prescribe.

1 (4) The term “Internet website” means a col-
2 lection of web pages that are presented and made
3 available by means of the Internet as a single
4 website (or a single web page so presented and made
5 available), which web pages have any of the fol-
6 lowing characteristics:

7 (A) A common domain name.

8 (B) Common ownership, management, or
9 registration.

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