

Data Privacy Bill Draft Outline

This document provides an outline of areas to potentially address in a bill draft related to data privacy. It is not intended to be comprehensive, but to provide for discussion.

Bill catch title: Wyoming data privacy act.

Section 1. W.S. 40-30-201 through 40-30-206 are created to read:

40-30-201. Short title.

40-30-202. Definitions.

Definitions this committee has considered in the past related to data privacy include:

(i) "Consent" means a clear, affirmative act signifying a consumer's freely given, specific, informed and unambiguous agreement, such as by a written statement, including by electronic means or through a personal digital identity, or other clear, affirmative action by which the consumer signifies agreement to the processing of personal data. None of the following constitutes consent:

(A) Acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information;

(B) Hovering over, muting, pausing or closing a given piece of content;

(C) Agreement obtained through dark patterns.

(ii) "Personal data" means information that is linked or reasonably linkable to an identified or identifiable natural person or personal digital identity and does not include de-identified data or publicly available information. As used in this paragraph, "publicly available information" means information that is lawfully made available from federal, state, or local government records

and information that a controller has a reasonable basis to believe the consumer has lawfully made available to the general public;

40-30-203. Personal data rights.

This section could include a list of the rights a natural person has with respect to their personal data.

Potential rights discussed in the past have included:

- (i) Right to opt out;
- (ii) Right of access;
- (iii) Right of correction;
- (iv) Right of deletion;
- (v) Right to data portability;
- (vi) Right to consent.

40-30-204. Data collection and handling requirements.

This section could include requirements to:

- Prohibit data collection beyond that reasonably necessary;
- Provide requirements for how the data is processed, secured, and maintained.

40-30-205. Applicability.

This section could specify duties and obligations under the law and to whom those obligations apply in several ways including:

- Provide specific requirements of data collectors or processors with respect to data;
- Provide specific requirements of the natural person with respect to their personal data;

- Provide protections specific to the data itself.

40-30-206. Enforcement.

This section could specify how the new law would be enforced. Possibilities include:

- Enforcement through the attorney general or local law enforcement agencies through civil or criminal actions.
- Private civil action.