

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Civil Justice & Property
 2 Rights Subcommittee
 3 Representative McFarland offered the following:

Amendment

6 Remove lines 294-312 and insert:

7 2. The term does not include consumer information that is:

8 a. Publicly and lawfully available.

9 b. Deidentified or aggregate consumer information.

10 (n) "Probabilistic identifier" means the identification of
 11 a consumer or a device to a degree of certainty of more probable
 12 than not based on any categories of personal information
 13 included in, or similar to, the categories listed under
 14 paragraph (m).

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15 (o) "Processing" means any operation or set of operations
16 that are performed on personal data or on sets of personal data,
17 whether or not by automated means.

18 (p) "Pseudonymize" means the processing of personal
19 information in a manner that renders the personal information no
20 longer attributable to a specific consumer without the use of
21 additional information, provided that the additional information
22 is kept separately and is subject to technical and
23 organizational measures to ensure that the personal information
24 is not attributed to an identified or identifiable consumer.

25 (q) "Publicly and lawfully available" means information
26 reasonably believed to be made available to the public in a
27 lawful manner and without legal restrictions:

28 1. From federal, state, or local government records.

29 2. By a widely distributed media source.

30 3. By the consumer or by someone to whom the consumer
31 disclosed the information, unless the consumer has purposely and
32 effectively restricted the information to a certain audience on
33 a private account.

34
35 The term does not include biometric information collected by a
36 business about a consumer without the consumer's consent.
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