

HOUSE BILL 2097

By Towns

AN ACT to amend Tennessee Code Annotated, Title 45;
Title 47, Chapter 18 and Title 56, relative to
personal information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-2101, is amended by deleting the short title "Tennessee Identity Theft Deterrence Act of 1999" and substituting the short title "Tennessee Identification and Personal Information Protection Act of 2009".

SECTION 2. Tennessee Code Annotated, Section 47-18-2102, is amended by adding the following subdivision to be appropriately designated:

() "Personal information or data" means financial documents, identification documents, or personal identification numbers;

SECTION 3. Tennessee Code Annotated, Section 47-18-2103, is amended by deleting the word "or" at the end of subdivision (1), by deleting the period at the end of subdivision (2) and substituting a semicolon and the word "or," and by adding the following new subdivision (3):

(3)

(A) Except as provided in subdivision (3)(B), disclose to another person, for money or anything else of value, including commercial advantage, any personal information or data possessed by one person concerning another person's financial documents, identification documents, or personal identification numbers.

(B) A person may disclose information about the documents referenced in subdivision (3)(A) if any of the following apply:

(i) The disclosure is made to a consumer reporting agency for purposes of a consumer report;

(ii) The disclosure is made to or by persons that are affiliated with the issuer of a financial transaction card by common ownership or control solely for the purpose of performing functions for or on behalf of the issuer; however, the affiliated person may not disclose any information received pursuant to this subdivision (3)(B)(ii) to a person other than the issuer, unless the issuer could make the disclosure under this section;

(iii) The disclosure is made to or by contractors or agents of the issuer of a financial transaction card if the issuer is a retailer and disclosure is made for the purposes of performing functions for or on behalf of the issuer; provided, however, the contractor or agent may not disclose any information received pursuant to this subdivision (3)(B)(iii) to a person other than the issuer, unless the issuer could make the disclosure under this section; or

(iv) The disclosure is made by any court or law enforcement agency upon subpoena or other proper request.

SECTION 4. Tennessee Code Annotated, Section 47-18-2104(d), is amended by adding after the words "identity theft" the words "or unauthorized transfer of personal information".

SECTION 5. Tennessee Code Annotated, Section 47-18-2104(e), is amended by deleting the language "identify theft or unfair, deceptive or misleading act or practice" and by substituting instead the language "unlawful act enumerated in this part".

SECTION 6. Tennessee Code Annotated, Section 47-18-2105(b), is amended by deleting the language “identify theft, unfair, misleading or deceptive act or practice” and by substituting instead the language “unlawful act enumerated in this part”.

SECTION 7. Tennessee Code Annotated, Section 47-18-2105(d), is amended by adding after the language “has been assumed” the language “or the person’s personal information has been transferred,” and by adding after the words “identity theft” the words “or the amount of compensation paid for the transfer of personal identification”.

SECTION 8. Tennessee Code Annotated, Section 47-18-2105(e), is amended by deleting the language “identify theft or misleading, deceptive or unfair practices used to engage in violations of this part” and by substituting instead the language “unlawful act enumerated in this part”.

SECTION 9. This act shall take effect July 1, 2009, the public welfare requiring it.