

July 2004

California Privacy Law

Does Your Company Have a Web Site? If So, California's New Privacy Law Could Affect Your Company!

The California Legislature recently passed the California Online Privacy Protection Act of 2003 (OPPA), a consumer privacy law which became effective July 1, 2004. Under the new law, companies conducting business in California must post a conspicuous privacy policy on their web site and disclose the kinds of personally identifiable data that they collect and share with third parties. Companies must also clearly display their privacy statements, follow their privacy policies, allow consumers to opt-out of future email solicitations, and publish the date the policy is effective.

Do you know whether or not your site visitors live in California? Over 35 million people live in California-almost 5% of the U.S. population. Privacy policies are becoming an active area of enforcement by regulators. Companies marketing via the Internet should review their web pages to ensure that their privacy policies comply with OPPA.

FTC Seeks Comments on FACTA and FCRA

The Federal Trade Commission recently announced it is seeking public comment on the proposed changes to affiliate marketing provisions of the Fair and Accurate Credit Transactions Act of 2003 (FACTA) and the Fair Credit Reporting Act (FCRA). The proposed rules seek to clarify consumer privacy rights with regard to affiliates sharing certain information with each other. The proposed rule gives consumers the choice to opt out before a company uses certain information provided by an affiliate to market its products or services to the consumer.

The FTC's website provides further information at www.ftc.gov/opa/2004/07/factasum.htm.

The Third Quarter addition of the National Regulatory Newsletter will contain details about recent changes to both of these acts.