

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1738

By: Moore

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6 AS INTRODUCED

7 An Act relating to state government; creating the
8 Oklahoma Privacy Protection Act; providing short
9 title; stating public policy; prohibiting certain
10 activities by agencies, boards, commissions, units or
subdivisions of state government; defining term;
providing penalties for violations; providing for
codification; and declaring an emergency.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3120 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 Sections 1 through 4 of this act shall be known and may be cited
18 as the "Oklahoma Privacy Protection Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3121 of Title 74, unless there
21 is created a duplication in numbering, reads as follows:

22 It is the public policy of this state to refuse material
23 support, participation or assistance to any federal agency which
24 claims the power to authorize, or with any federal law, rule,

1 regulation or order which purports to authorize, the collection of
2 electronic data or metadata of any person pursuant to any action not
3 based on a warrant that particularly describes the person, place or
4 thing to be searched or seized.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3122 of Title 74, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Notwithstanding any law, regulation, rule or order to the
9 contrary, no state agency, board, commission or other unit or
10 subdivision of state government, or employee of a state agency,
11 board, commission or other unit or subdivision of state government
12 acting in his or her official capacity, or corporation providing
13 services on behalf of this state or subdivision of this state shall:

14 1. Provide material support, participation or assistance in any
15 form to any federal agency which claims the power to authorize, or
16 with any federal law, rule, regulation or order which purports to
17 authorize, the collection of electronic data or metadata of any
18 person pursuant to any action not based on a warrant that
19 particularly describes the person, place or thing to be searched or
20 seized;

21 2. Utilize any assets, state funds or funds allocated by the
22 state to local entities on or after the effective date of this act,
23 in whole or in part, to engage in any activity that aids a federal
24 agency, federal agent or corporation providing services to the

1 federal government in the collection of electronic data or metadata
2 of any person pursuant to any action not based on a warrant that
3 particularly describes the person, place or thing to be searched or
4 seized;

5 3. Provide services, or participate or assist in any way with
6 the providing of services, to a federal agency, federal agent or
7 corporation providing services to the federal government which is
8 involved in the collection of electronic data or metadata of any
9 person pursuant to any action not based on a warrant that
10 particularly describes the person, place or thing to be searched or
11 seized; or

12 4. Use any information in a criminal investigation or
13 prosecution provided by any federal agency, federal agent or
14 corporation providing services to the federal government which was
15 obtained through the collection of electronic data or metadata of
16 any person pursuant to any action not based on a warrant that
17 particularly describes the person, place or thing to be searched or
18 seized.

19 B. As used in this act "metadata" means information generally
20 not visible when an electronic document is printed describing the
21 history, tracking or management of the electronic document,
22 including information about data in the electronic document that
23 describes how, when and by whom the data is collected, created,

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1 accessed or modified and how it is formatted. Metadata does not
2 include:

- 3 1. A spreadsheet formula;
- 4 2. A database field;
- 5 3. An externally or internally linked file; or
- 6 4. A reference to an external file or hyperlink.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3123 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 A. An agency, board, commission or other unit or subdivision of
11 state government may not receive state grant funds if the agency,
12 board, commission or other unit or subdivision of state government
13 adopts a rule, order, ordinance or policy under which the entity
14 violates the provisions of Section 3 of this act. State grant funds
15 for the agency, board, commission or other unit or subdivision of
16 state government shall be denied for the fiscal year following the
17 year in which a final judicial determination in an action brought
18 under this section is made that the agency, board, commission or
19 other unit or subdivision of state government has intentionally
20 required actions which violate the prohibitions in Section 3 of this
21 act.

22 B. Any agent or employee of this state or any unit or
23 subdivision of state government who violates the prohibitions in
24 Section 3 of this act shall be deemed to have resigned any

1 commission from the State of Oklahoma which he or she may possess,
2 his or her office shall be deemed vacant, and he or she shall be
3 forever thereafter ineligible to any office of trust, honor or
4 emolument under the laws of this state.

5 C. Any agent or employee of this state who violates the
6 prohibitions in Section 3 of this act shall, upon conviction, be
7 guilty of a misdemeanor punishable by a fine of One Thousand Dollars
8 (\$1,000.00).

9 D. Any corporation or person that provides services to or on
10 behalf of this state and violates the prohibitions of Section 3 of
11 this act shall be forever ineligible to act on behalf of, or provide
12 services to, this state or any political subdivision of this state.

13 SECTION 5. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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