

107TH CONGRESS
1ST SESSION

S. 536

To amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profiling information, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2001

Mr. SHELBY introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profiling information, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom From Behav-
5 ioral Profiling Act of 2000”.

6 **SEC. 2. LIMITATION ON SHARING OF MARKETING AND BE-**
7 **HAVIORAL PROFILING INFORMATION.**

8 Section 502 of the Gramm-Leach-Bliley Act (15
9 U.S.C. 6802) is amended by adding at the end the fol-
10 lowing:

1 “(f) LIMITATION ON SHARING OF MARKETING AND
2 BEHAVIORAL PROFILING INFORMATION.—

3 “(1) LIMITATION.—Except as provided in para-
4 graph (2), a financial institution may not disclose to
5 any person—

6 “(A) any information for the purpose of
7 marketing nonfinancial products to the con-
8 sumer to whom the information pertains; or

9 “(B) the identity of any person or entity—

10 “(i) to whom that consumer has made
11 a payment by check or similar instrument;

12 “(ii) with whom that consumer has
13 engaged in a credit transaction; or

14 “(iii) from whom that consumer has
15 received any payment or transfer of funds.

16 “(2) EXCEPTION.—A financial institution may
17 disclose the information listed in paragraph (1) only
18 if—

19 “(A) the financial institution clearly and
20 conspicuously discloses to the consumer to
21 whom the information pertains, in writing (or
22 other form, including electronic form, permitted
23 by the regulations prescribed under section
24 504), that such information may be disclosed;
25 and

1 “(B) the consumer—
 2 “(i) has affirmatively consented in
 3 writing to the transfer of such information;
 4 and
 5 “(ii) has not withdrawn the consent.”.

6 **SEC. 3. CONFORMING AMENDMENTS.**

7 Section 502 of the Gramm-Leach-Bliley Act (15
 8 U.S.C. 6802) is amended—

9 (1) in subsection (a), by inserting before the pe-
 10 riod “, or, in the case of information described in
 11 subsection (f)(1), the requirements of subsection
 12 (f)(2) have been met”;

13 (2) in subsection (b), by striking the subsection
 14 heading and inserting “CONSUMER OPTIONS.—”;
 15 and

16 (3) in subsection (b)(1)—

17 (A) by striking “party unless—” and in-
 18 serting “party—

19 “(A) unless—”;

20 (B) by striking “(A) such” and inserting
 21 “(i) such” and indenting appropriately;

22 (C) by striking “(B) the consumer” and
 23 inserting “(ii) the consumer” and indenting ap-
 24 propriately;

1 (D) by striking “(C) the consumer” and
2 inserting “(iii) the consumer” and indenting ap-
3 propriately;

4 (E) by striking “option.” and inserting
5 “option; or”; and

6 (F) by adding at the end the following:

7 “(B) unless, in the case of information de-
8 scribed in subsection (f)(1), the requirements of
9 subsection (f)(2) have been met.”.

○