

Introduced by Senator Correa

January 11, 2011

An act to add Section 2892.4 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 102, as introduced, Correa. Telecommunications: customer privacy.

Existing law prescribes the circumstances under which telephone corporations, as defined, may release information regarding residential subscribers without their written consent.

This bill would require a commercial seller of mobile telephony service communications devices (commonly known as "cell phones") that incorporate geotagging, as defined, capability to disclose this capability to a potential purchaser prior to completing a sale of the device. The bill would prohibit the commercial seller from selling a mobile telephony service communications device to a purchaser with the geotagging capability activated or operational without first obtaining the purchaser's consent, in writing, acknowledging that the purchaser has been informed of the existence of the geotagging capability and consents to this capability being activated or operational.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2892.4 is added to the Public Utilities
- 2 Code, to read:

1 2892.4. (a) For purposes of this section, “geotagging” means
2 the affixing or embedding of locational information, including
3 Global Positioning System (GPS) coordinates, to different types
4 of media, including photographs and videos, transmitted to, or
5 over, the Internet.

6 (b) Every commercial seller of mobile telephony service
7 communications devices that incorporate geotagging capability
8 shall disclose this capability to a potential purchaser prior to
9 completing the sale of the device to the potential purchaser.

10 (c) A commercial seller shall not sell a mobile telephony service
11 communications device to a purchaser with the geotagging
12 capability activated or operational without first obtaining the
13 purchaser’s consent, in writing, acknowledging that the purchaser
14 has been informed of the existence of the geotagging capability
15 and consents to this capability being activated or operational.