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April 14, 2003 LB 118

General File with committee amendments attached. (AM0609, Legislative Journal page 824.)

SPEAKER BROMM: Thank you, Mr. Clerk. Recognize Senator Brown.

SENATOR BROWN: Mr. President, members, this bill is not a particularly overreaching bill, but in an age where there has been a proliferation of privacy legislation nationwide, much of it about the Internet and Telecom and how information can be used, some of this legislation has required the establishment of privacy policy with certain aspects. This bill does not make any requirements in that regard, but as other states adopt this kind of legislation the legitimate players will have privacy policies that they very much intend to follow through on. Some of the other players will have legislation...I mean have policies that they have put in place merely to meet some state's requirement, with very little intention of following through. And so consumers will, if they are that interested, will look at the privacy policies and then, if they are not being met, have little recourse, and this just clarifies that in Nebraska the Attorney General's Consumer Affairs Division can go after the bad actors who intentionally are not following through with their own published privacy policy. This does nothing in terms of requiring them to have a policy that includes anything, but if they have policies and they're telling their consumers that this is the way they're going to handle private information, then they must in Nebraska follow through with those. And with that, I would urge the adoption of this bill.

SPEAKER BROMM: Thank you, Senator Brown. Are there any persons wishing to address the bill? We do have committee amendments. We recognize Senator Brashear, to open on the committee amendments.

SENATOR BRASHEAR: Mr. Speaker, members of the body, the committee amendment makes a minor, yet significant, change to LB 118 by requiring that the business or entity must knowingly make a false or misleading statement in a customer privacy policy. As violations of the Uniform Deceptive Trade Practices Act carry both civil and criminal sanctions, it is important that the Legislature require a showing of intent or actual