

106TH CONGRESS
2D SESSION

S. 2360

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

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2000

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 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 BEHAVIORAL PROFILING INFORMA-**
7 **TION.**

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 BEHAVIORAL PROFILING IN-
2 FORMATION.—

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

6 “(A) to whom that consumer has made a
7 payment by check or similar instrument;

8 “(B) with whom that consumer has en-
9 gaged in a credit transaction; or

10 “(C) from whom that consumer has re-
11 ceived any payment or transfer of funds.

12 “(2) EXCEPTION.—A financial institution may
13 disclose the information listed in paragraph (1) only
14 if—

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

22 “(B) the consumer—

23 “(i) has affirmatively consented in
24 writing to the transfer of such information;
25 and

1 “(ii) has not withdrawn the consent.”.

2 **SEC. 3. CONFORMING AMENDMENTS.**

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

5 (1) in subsection (a), by inserting before the pe-
6 riod “, or, in the case of information described in
7 subsection (f)(1), the requirements of subsection
8 (f)(2) have been met”;

9 (2) in subsection (b), by striking the subsection
10 heading and inserting “CONSUMER OPTIONS.—”;
11 and

12 (3) in subsection (b)(1)—

13 (A) by striking “party unless—” and in-
14 serting “party—

15 “(A) unless—”;

16 (B) by striking “(A) such” and inserting
17 “(i) such” and indenting appropriately;

18 (C) by striking “(B) the consumer” and
19 inserting “(ii) the consumer” and indenting ap-
20 propriately;

21 (D) by striking “(C) the consumer” and
22 inserting “(iii) the consumer” and indenting ap-
23 propriately;

24 (E) by striking “option.” and inserting
25 “option; or”; and

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

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

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