

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 345**

**Representatives Hall, Seitz**

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**A BILL**

To amend section 1345.51 and to enact sections 1  
1357.01, 1357.02, 1357.03, 1357.04, 1357.05, 2  
1357.06, 1357.07, 1357.08, 1357.09, 1357.10, and 3  
1357.11 of the Revised Code to enact the Ohio 4  
Personal Privacy Act. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1345.51 be amended and sections 6  
1357.01, 1357.02, 1357.03, 1357.04, 1357.05, 1357.06, 1357.07, 7  
1357.08, 1357.09, 1357.10, and 1357.11 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 1345.51.** (A) There is hereby created in the state 10  
treasury the consumer protection enforcement fund. The fund 11  
shall include ~~civil~~ all of the following: 12

(1) Civil penalties ordered pursuant to divisions (A) and 13  
(D) of section 1345.07 of the Revised Code and paid as provided 14  
in division (G) of that section, ~~all;~~ 15

(2) All civil penalties assessed under division (A) of 16  
section 1349.192 of the Revised Code, ~~all;~~ 17

(3) All moneys awarded under section 1357.11 of the 18

<u>Revised Code other than amounts awarded pursuant to division (D)</u>	19
<u>(4) of that section;</u>	20
<u>(4) All costs awarded to the attorney general and all</u>	21
<u>penalties imposed under section 4549.48 of the Revised Code, <del>and</del></u>	22
<u>all;</u>	23
<u>(5) All money unclaimed under section 4549.50 of the</u>	24
<u>Revised Code.</u>	25
<u>(B) The money in the consumer protection enforcement fund</u>	26
<u>shall be used for the sole purpose of paying expenses incurred</u>	27
<u>by the consumer protection section of the office of the attorney</u>	28
<u>general.</u>	29
<b><u>Sec. 1357.01. As used in this chapter:</u></b>	30
<u>(A) (1) "Affiliate" means a legal entity that controls, is</u>	31
<u>controlled by, shares common branding with, or is under common</u>	32
<u>control with, another legal entity.</u>	33
<u>(2) For purposes of division (A) (1) of this section,</u>	34
<u>"control" or "controlled" means a relationship between two legal</u>	35
<u>entities characterized by any of the following:</u>	36
<u>(a) One entity having ownership of, or the power to vote,</u>	37
<u>more than fifty per cent of the outstanding shares of any class</u>	38
<u>of voting security of the other legal entity;</u>	39
<u>(b) One entity having control in any manner over the</u>	40
<u>election of a majority of the directors, or of individuals</u>	41
<u>exercising similar functions, of the other entity;</u>	42
<u>(c) One entity having the power to exercise a controlling</u>	43
<u>influence over the management of the other entity.</u>	44
<u>(B) "Aggregated data" means personal data that has been</u>	45

aggregated using commercially reasonable methods such that a 46  
consumer cannot be reasonably identified. 47

(C) "Business" means any limited liability company, 48  
limited liability partnership, corporation, sole proprietorship, 49  
association, or other group, however organized and regardless of 50  
whether operating for profit or not for profit, including a 51  
financial institution organized, chartered, or holding a license 52  
authorizing operation under the laws of this state, any other 53  
state, the United States, or any other country, that, alone or 54  
jointly with others, determines the purpose and means of 55  
processing personal data. "Business" does not include a public 56  
entity, including this state, a political subdivision of this 57  
state, or a processor to the extent that the processor is acting 58  
in the role of a processor. 59

(D) "Child" means any natural person under thirteen years 60  
of age. 61

(E) "Consent" means a clear affirmative act signifying a 62  
freely given, specific, informed, and unambiguous indication of 63  
a consumer's agreement to the processing of personal data 64  
relating to the consumer, such as by a written statement, 65  
including by electronic means, or other course of action that 66  
would clearly indicate that consent has been provided. 67

(F) "Consumer" means a natural person who is a resident of 68  
this state acting only in an individual or household context. 69  
"Consumer" does not include a natural person acting in a 70  
business capacity or employment context, including contractors, 71  
job applicants, officers, directors, or owners. 72

(G) "Deidentified data" means personal data that has been 73  
deidentified using commercially reasonable methods such that a 74

consumer, or a device linked to a consumer, cannot be reasonably 75  
identified. 76

(H) "HIPAA" has the same meaning as in section 3965.01 of 77  
the Revised Code. 78

(I) "Personal data" means any information that is linked 79  
or reasonably linkable to an identified or identifiable consumer 80  
and that is processed by a business. "Personal data" does not 81  
include either of the following: 82

(1) Any such data processed from publicly available 83  
sources; 84

(2) Deidentified or aggregate data. 85

(J) "Process" or "processing" means any operation or set 86  
of operations that are performed on personal data, whether or 87  
not by automated means, including the collection, use, storage, 88  
disclosure, analysis, deletion, transfer, or modification of 89  
personal data. 90

(K) "Processor" means a natural or legal person who 91  
processes personal data on behalf of a business subject to this 92  
chapter. 93

(L) "Pseudonymized or pseudonymous data" means data that 94  
no longer allows the identification of an individual without 95  
combining it with other information, provided that such 96  
additional information is kept separately and is subject to 97  
appropriate technical and organizational measures to ensure that 98  
the personal data is not attributed to an identified or 99  
identifiable consumer. 100

(M) "Publicly available information" means information 101  
that is lawfully made available from federal, state, or local 102

<u>government records or widely available media.</u>	103
<u>(N) (1) "Sale," "sell," or "sold" means the exchange of</u>	104
<u>personal data for monetary or other valuable consideration by a</u>	105
<u>business to a third party.</u>	106
<u>(2) "Sale," "sell," or "sold" does not include any of the</u>	107
<u>following:</u>	108
<u>(a) The disclosure of personal data to a processor who</u>	109
<u>processes the personal data on behalf of a business;</u>	110
<u>(b) The disclosure of personal data to a third party for</u>	111
<u>purposes of providing a product or service requested by the</u>	112
<u>consumer;</u>	113
<u>(c) The disclosure of personal data from one business to</u>	114
<u>another business without monetary or other valuable</u>	115
<u>consideration;</u>	116
<u>(d) The disclosure or transfer of personal data to an</u>	117
<u>affiliate of the business;</u>	118
<u>(e) The disclosure of information that a consumer</u>	119
<u>intentionally made available to the general public via a channel</u>	120
<u>of mass media and did not restrict to a specific audience;</u>	121
<u>(f) The disclosure or transfer of personal data to a third</u>	122
<u>party as an asset that is part of a merger, acquisition,</u>	123
<u>bankruptcy, or other transaction in which the third party</u>	124
<u>assumes control of all or part of the business's assets.</u>	125
<u>(O) "Targeted advertising" means displaying to a consumer</u>	126
<u>an advertisement that is selected based on personal data</u>	127
<u>obtained or inferred over time from the consumer's activities</u>	128
<u>across nonaffiliated web sites, applications, or online services</u>	129
<u>to predict consumer preferences or interests. "Targeted</u>	130

<u>advertising" does not include any of the following:</u>	131
<u>(1) Advertising to a consumer in response to the</u>	132
<u>consumer's request for information or feedback;</u>	133
<u>(2) Advertisements based on activities within a business's</u>	134
<u>or processor's own web sites or online applications;</u>	135
<u>(3) Advertisements based on the context of a consumer's</u>	136
<u>current search query, visit to a web site, or online</u>	137
<u>application;</u>	138
<u>(4) Processing personal data solely for measuring or</u>	139
<u>reporting advertising performance, reach, or frequency.</u>	140
<u>(P) "Third party" means a natural or legal person, public</u>	141
<u>authority, agency, or body other than the consumer, business, or</u>	142
<u>processor, or an affiliate of the business or processor.</u>	143
<u>(Q) "Verified request" means a request submitted to a</u>	144
<u>business under sections 1357.03 to 1357.06 of the Revised Code</u>	145
<u>that has been verified by the business as being made by the</u>	146
<u>consumer in question or by the consumer's representative.</u>	147
<u>(R) "Consumer's representative" means a child's parent or</u>	148
<u>guardian or a representative of a person for whom a guardian of</u>	149
<u>the estate or conservator has been appointed.</u>	150
<b><u>Sec. 1357.02. (A) This chapter applies to businesses that</u></b>	151
<b><u>conduct business in this state, or produce products or services</u></b>	152
<b><u>targeted to consumers in this state, that satisfy one or more of</u></b>	153
<b><u>the following criteria:</u></b>	154
<u>(1) The business's annual gross revenues generated in this</u>	155
<u>state exceed twenty-five million dollars;</u>	156
<u>(2) During a calendar year, the business controls or</u>	157

<u>processes personal data of one hundred thousand or more</u>	158
<u>consumers;</u>	159
<u>(3) During a calendar year, the business derives over</u>	160
<u>fifty per cent of its gross revenue from the sale of personal</u>	161
<u>data and processes or controls personal data of twenty-five</u>	162
<u>thousand or more consumers.</u>	163
<u>(B) This chapter does not apply to any of the following:</u>	164
<u>(1) Any body, authority, board, bureau, commission,</u>	165
<u>district, or agency of this state or of any political</u>	166
<u>subdivision of this state;</u>	167
<u>(2) A financial institution, data, or an affiliate of a</u>	168
<u>financial institution governed by Title V of the federal "Gramm-</u>	169
<u>Leach-Bliley Act," 15 U.S.C. 6801, et seq. and related</u>	170
<u>regulations;</u>	171
<u>(3) A covered entity or business associate governed by the</u>	172
<u>privacy, security, and breach notification rules issued by the</u>	173
<u>United States department of health and human services, 45 C.F.R.</u>	174
<u>160 and 164 established pursuant to HIPAA, and the federal</u>	175
<u>"Health Information Technology for Economic and Clinical Health</u>	176
<u>Act," 42 U.S.C. 300jj, et seq;</u>	177
<u>(4) An institution of higher education;</u>	178
<u>(5) Business to business transactions;</u>	179
<u>(6) Any of the following:</u>	180
<u>(a) Any insurer or independent insurance agent, as defined</u>	181
<u>in section 3905.49 of the Revised Code;</u>	182
<u>(b) Any nonprofit organization established to detect or</u>	183
<u>prevent insurance-related crime or fraud;</u>	184

<u>(c) Any advisory organization described in section 3937.09</u>	185
<u>of the Revised Code;</u>	186
<u>(d) Any rating organization licensed pursuant to section</u>	187
<u>3937.05 of the Revised Code or an affiliate thereof.</u>	188
<u>(7) Personal data regulated by the federal "Children's</u>	189
<u>Online Privacy Protection Act," 15 U.S.C. 6501 to 6506, if</u>	190
<u>collected, processed, and maintained in compliance with that law</u>	191
<u>and its implementing regulations or exemptions.</u>	192
<u>(C) The following information and data are exempt from</u>	193
<u>this chapter:</u>	194
<u>(1) Protected health information, as defined by 45 C.F.R.</u>	195
<u>160.103;</u>	196
<u>(2) Health records, as described in Chapter 3798. of the</u>	197
<u>Revised Code;</u>	198
<u>(3) Patient identifying information for purposes of 42</u>	199
<u>U.S.C. 290dd-2;</u>	200
<u>(4) Any of the following types of information or data:</u>	201
<u>(a) Identifiable private information for purposes of the</u>	202
<u>federal policy for the protection of human subjects under 45</u>	203
<u>C.F.R. 46;</u>	204
<u>(b) Identifiable private information that is otherwise</u>	205
<u>information collected as part of human subjects research</u>	206
<u>pursuant to the good clinical practice guidelines issued by the</u>	207
<u>international council for harmonisation of technical</u>	208
<u>requirements for pharmaceuticals for human use;</u>	209
<u>(c) Data related to the protection of human subjects under</u>	210
<u>21 C.F.R. 6, 50, and 56, or personal data used or shared in</u>	211



research conducted in accordance with the requirements set forth 212  
in this chapter, or other research conducted in accordance with 213  
applicable law. 214

(5) Information and documents created for purposes of the 215  
federal "Health Care Quality Improvement Act of 1986," 42 U.S.C. 216  
11101 et seq.; 217

(6) Patient safety work product for purposes of the 218  
federal "Patient Safety and Quality Improvement Act," 42 U.S.C. 219  
299b-21 et seq.; 220

(7) Information derived from any of the health care- 221  
related information listed in division (C) of this section that 222  
is deidentified in accordance with the requirements for 223  
deidentification under HIPAA; 224

(8) Information originating from, and intermingled to be 225  
indistinguishable with, or information treated in the same 226  
manner as information exempt under division (C) of this section 227  
that is maintained by a covered entity or business associate as 228  
defined by HIPAA or a program or a qualified service 229  
organization as defined by 42 U.S.C. 290dd-2; 230

(9) Information used only for public health activities and 231  
purposes as authorized by HIPAA; 232

(10) The collection, maintenance, disclosure, sale, 233  
communication, or use of any personal information bearing on a 234  
consumer's credit worthiness, credit standing, credit capacity, 235  
character, general reputation, personal characteristics, or mode 236  
of living by a consumer reporting agency or furnisher that 237  
provides information for use in a consumer report, and by a user 238  
of a consumer report, but only to the extent that such activity 239  
is regulated by and authorized under the federal "Fair Credit 240

<u>Reporting Act," 15 U.S.C. 1681 et seq.;</u>	241
<u>(11) Personal data collected, processed, sold, or</u>	242
<u>disclosed in compliance with the federal "Driver's Privacy</u>	243
<u>Protection Act of 1994," 18 U.S.C. 2721 et seq.;</u>	244
<u>(12) Personal data regulated by the federal "Family</u>	245
<u>Educational Rights and Privacy Act," 20 U.S.C. 1232g et seq.;</u>	246
<u>(13) Personal data collected, processed, sold, or</u>	247
<u>disclosed in compliance with the federal "Farm Credit Act," 12</u>	248
<u>U.S.C. 2001 et seq.;</u>	249
<u>(14) Data processed or maintained in accordance with any</u>	250
<u>of the following:</u>	251
<u>(a) In the course of an individual applying to, employed</u>	252
<u>by, or acting as an agent or independent contractor of a</u>	253
<u>business subject to this chapter, processor, or a related third</u>	254
<u>party, to the extent that the data is collected and used within</u>	255
<u>the context of that role;</u>	256
<u>(b) For emergency contact purposes for individuals</u>	257
<u>described in division (C) (14) (a) of this section;</u>	258
<u>(c) As necessary to administer employment benefits to</u>	259
<u>those individuals described in division (C) (14) (a) of this</u>	260
<u>section, as well as to any persons related to those individuals,</u>	261
<u>such as dependents or spouses.</u>	262
<u>(D) This chapter does not apply to the extent necessary</u>	263
<u>for a business or processor to do any of the following:</u>	264
<u>(1) Comply with federal or state law;</u>	265
<u>(2) Comply with a civil, criminal, or regulatory inquiry,</u>	266
<u>investigation, subpoena, or summons by federal, state, or local</u>	267

<u>authorities;</u>	268
<u>(3) Cooperate with law enforcement agencies concerning</u>	269
<u>conduct or activity that the business, the processor, or a third</u>	270
<u>party reasonably and in good faith believes may violate federal,</u>	271
<u>state, or local law;</u>	272
<u>(4) Exercise, or defend against, legal claims;</u>	273
<u>(5) (a) Prevent, detect, or protect against, or provide a</u>	274
<u>response to, security incidents, identity theft, fraud,</u>	275
<u>harassment, malicious or deceptive activities, or any illegal</u>	276
<u>activity;</u>	277
<u>(b) Report or prosecute those responsible for any such</u>	278
<u>action.</u>	279
<u>(6) Preserve the integrity or security of systems;</u>	280
<u>(7) Engage in public or peer-reviewed scientific,</u>	281
<u>historical, or statistical research in the public interest that</u>	282
<u>adheres to all other applicable ethics and privacy laws, if the</u>	283
<u>deletion of the information is likely to render impossible or</u>	284
<u>seriously impair the achievement of the research and the</u>	285
<u>consumer in question has provided consent;</u>	286
<u>(8) Assist another business, processor, or third party</u>	287
<u>with any of the obligations imposed under division (C) of this</u>	288
<u>section;</u>	289
<u>(9) Provide a product or service specifically requested by</u>	290
<u>a consumer or a child's parent or guardian;</u>	291
<u>(10) Perform a contract to which a consumer or child's</u>	292
<u>parent or guardian is a party, including fulfilling the terms of</u>	293
<u>a written warranty;</u>	294

<u>(11) Comply with the request of a consumer or child's</u>	295
<u>parent or guardian prior to entering into a contract;</u>	296
<u>(12) Take immediate steps to protect an interest that is</u>	297
<u>essential for the life of the consumer or of another natural</u>	298
<u>person, and where the processing cannot be manifestly based on</u>	299
<u>another legal basis.</u>	300
<u>(E) The requirements of this chapter do not apply to the</u>	301
<u>extent that compliance would violate or hinder an evidentiary</u>	302
<u>privilege under the laws of this state.</u>	303
<u>(F) The obligations imposed on businesses or processors</u>	304
<u>under this chapter shall not be construed as restricting a</u>	305
<u>business's or processor's ability to collect, use, or retain</u>	306
<u>data as necessary to do any of the following:</u>	307
<u>(1) Conduct internal research solely to improve or repair</u>	308
<u>products, services, or technology;</u>	309
<u>(2) Identify and repair technical errors that impair</u>	310
<u>existing or intended functionality;</u>	311
<u>(3) Perform solely internal operations that are reasonably</u>	312
<u>aligned with the expectations of the consumer based on the</u>	313
<u>consumer's existing relationship with the business, or are</u>	314
<u>otherwise compatible with processing in furtherance of the</u>	315
<u>provision of a product or service specifically requested by a</u>	316
<u>consumer or the performance of a contract or warranty to which</u>	317
<u>the consumer is a party;</u>	318
<u>(4) Effectuate a product recall.</u>	319
<u>(G) This chapter shall not be construed as requiring a</u>	320
<u>business or processor to collect personal data that it would not</u>	321
<u>otherwise collect in the ordinary course of its business, retain</u>	322

personal data for longer than it would otherwise retain such 323  
data in the ordinary course of its business, or reidentify or 324  
otherwise link information that is not maintained in a manner 325  
that would be considered personal data. 326

(H) Obligations imposed on businesses and processors under 327  
this chapter shall not be construed as doing either of the 328  
following: 329

(1) Adversely affecting the rights or freedoms of any 330  
persons, such as exercising the right of free speech pursuant to 331  
the first amendment of the United States Constitution or Article 332  
I, Section 11, of the Ohio Constitution; 333

(2) Applying to the processing of personal data by a 334  
natural person in the course of a purely personal or household 335  
activity. 336

(I) Nothing in this chapter shall be construed to do 337  
either of the following: 338

(1) Require a business or processor to reidentify 339  
deidentified data or pseudonymous data; 340

(2) Maintain data in an identifiable form or collect, 341  
obtain, retain, or access any data or technology in order to be 342  
capable of associating an authenticated consumer request with 343  
personal data. 344

(J) The consumer rights provided under sections 1357.04 to 345  
1357.08 of the Revised Code do not apply to pseudonymous data in 346  
cases where the business or processor is able to demonstrate 347  
that any information necessary to identify the consumer is kept 348  
separately and is subject to effective technical and 349  
organizational controls to prevent the business or processor 350  
from accessing such information. 351

(K) Nothing in this chapter requires a business or processor to disclose a trade secret. 352  
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Sec. 1357.03. (A) A consumer has a right to know the personal data that a business collects about that consumer, such as by obtaining a privacy policy from the business. 354  
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(B) A business shall provide consumers notice about the personal data that it processes about the consumer by providing a reasonably accessible, clear, and conspicuously posted privacy policy. 357  
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(C) (1) The privacy policy shall include all of the following: 361  
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(a) The identity and the contact information of the business, including the business's contact for privacy and data security inquiries, and the identity of any affiliate to which personal data may be transferred by the business; 363  
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365  
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(b) The categories of personal data the business processes; 367  
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(c) The purposes of processing for each category of personal data; 369  
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(d) The categories of sources from which the personal data is collected; 371  
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(e) The categories of processors with whom the business discloses personal data; 373  
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(f) If the business sells personal data to third parties, the business shall clearly and conspicuously disclose such processing, as well as the categories of third parties to whom the business sells personal data, and how a consumer may exercise the right to opt out of such processing; 375  
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<u>(g) A description of the business's data retention</u>	380
<u>practices for personal data and the purposes for such retention;</u>	381
<u>(h) How individuals can exercise their rights under this</u>	382
<u>chapter;</u>	383
<u>(i) The effective date of the privacy policy;</u>	384
<u>(j) A description of the mechanism or mechanisms a</u>	385
<u>business can use to notify consumers, pursuant to division (E)</u>	386
<u>of this section, when it makes a material change to its privacy</u>	387
<u>policy or decides to process personal data for purposes</u>	388
<u>incompatible with the privacy policy.</u>	389
<u>(2) (a) The privacy policy shall also disclose any and all</u>	390
<u>purposes for which the company collects or processes personal</u>	391
<u>data.</u>	392
<u>(b) Failure on the part of a business to maintain a</u>	393
<u>privacy policy that reflects the business's data privacy</u>	394
<u>practices to a reasonable degree of accuracy shall be considered</u>	395
<u>an unfair and deceptive practice under Chapter 1345. of the</u>	396
<u>Revised Code, except that a consumer shall not be entitled to a</u>	397
<u>private cause of action under that chapter for a failure to</u>	398
<u>comply with division (C) (2) (a) of this section.</u>	399
<u>(D) A business, a co-business, or a processor may provide</u>	400
<u>the privacy policy to the consumer.</u>	401
<u>(E) If a business makes a material change to its privacy</u>	402
<u>policy or decides to process personal data for purposes</u>	403
<u>incompatible with the privacy policy, it shall do either of the</u>	404
<u>following prior to further processing previously collected</u>	405
<u>personal data:</u>	406
<u>(1) Obtain affirmative consent from the consumers</u>	407

affected; 408

(2) (a) Provide notice outlining the changes to the 409  
business's privacy policy and providing affected consumers a 410  
reasonable means to opt out of having their data processed or 411  
disseminated. 412

(b) Such notice shall be provided not less than sixty days 413  
prior to implementing the change, taking into account available 414  
technology and the nature of the relationship between the 415  
business and the consumer. 416

(F) The business shall provide direct notification, where 417  
possible, regarding a material change to the privacy policy to 418  
affected consumers, taking into account available technology and 419  
the nature of the relationship. 420

**Sec. 1357.04.** (A) A consumer, or the parent or guardian of 421  
a known child on the child's behalf, may invoke the rights 422  
provided under sections 1357.05 to 1357.08 of the Revised Code 423  
at any time by making a verifiable request as described in this 424  
section. 425

(B) (1) (a) A business shall provide at least one of the 426  
following methods for consumers to make requests under sections 427  
1357.05 to 1357.08 of the Revised Code: 428

(i) A toll-free telephone number; 429

(ii) An electronic mail address; 430

(iii) A web form; 431

(iv) A clear and conspicuous link on the business's main 432  
internet homepage to an internet web page that enables a 433  
consumer to exercise the rights provided under sections 1357.05 434  
to 1357.08 of the Revised Code. 435



(b) If the consumer maintains an account with the 436  
business, the business may require the consumer to submit the 437  
request through that account. If the consumer does not maintain 438  
an account, the business shall not require that an account be 439  
created to submit the request. 440

(2) A business shall reasonably verify the identity of the 441  
consumer before granting a request made under sections 1357.05 442  
to 1357.08 of the Revised Code. 443

(3) A business need not respond to a consumer request made 444  
pursuant to this section if the business is unable to reasonably 445  
verify the consumer. 446

(C) (1) A business shall comply with a verified request 447  
within forty-five calendar days of the request. 448

(2) (a) For reasonable cause, and upon notice to the 449  
consumer citing the cause for the delay, a business may extend 450  
the time required to respond to a request under this section by 451  
an additional forty-five calendar days. 452

(b) Such a delay shall not be used more than one time per 453  
request. 454

(D) Upon receipt of a request made pursuant to sections 455  
1357.04 to 1357.08 of the Revised Code, a business shall comply 456  
with all requirements of this chapter as they relate to the 457  
request, including by notifying the necessary processors. 458

**Sec. 1357.05.** (A) A consumer may request a copy of the 459  
consumer's personal data that the consumer previously provided 460  
to the business electronically in a portable, and, to the extent 461  
technically feasible, readily usable format. 462

(B) Upon receiving a verified request, a business shall 463

disclose both of the following to the consumer in question in 464  
conformance with this section: 465

(1) The categories of third parties to whom the business 466  
sells personal data, or if it does not sell personal data, that 467  
fact; 468

(2) The personal data the business has collected about the 469  
consumer or an accurate description or summary of such data. 470

(C) The disclosure shall cover the twelve-month period 471  
preceding the business's receipt of the request. A business is 472  
not obligated to provide access to a consumer's personal data 473  
more than once in a twelve-month period, beginning from the 474  
prior date on which the consumer made a request pursuant to this 475  
section. 476

(D) A business may redact personal data in its responses 477  
to consumers to protect the security of personal data, 478  
including, without limitation, redacting social security 479  
numbers, financial account numbers, or driver's license numbers. 480

**Sec. 1357.06.** (A) A consumer has a right to correct 481  
inaccuracies in the consumer's personal data that the consumer 482  
previously provided to the business, taking into account the 483  
nature of the personal data and the purposes of the processing 484  
of the consumer's personal data, by making a verifiable request 485  
to have the consumer's data be corrected. 486

(B) Upon receiving a verified request, a business shall 487  
correct inaccurate information as requested by the consumer, 488  
taking into account the nature of the personal data and the 489  
purposes of the processing of the consumer's personal data. 490

**Sec. 1357.07.** (A) A consumer has the right to request that 491  
a business delete personal data that the business has collected 492

from the consumer and that the business maintains in an 493  
electronic format. 494

(B) Such a verifiable request shall reasonably describe 495  
the personal data the consumer is requesting be deleted. 496

(C) (1) If the consumer's personal data is stored on 497  
archived or backup systems, the business may delay compliance 498  
with the consumer's request to delete until the archived or 499  
backup system relating to that data is restored to an active 500  
system, next accessed, or used for a sale, disclosure, or other 501  
purpose. 502

(2) If the consumer's personal data is stored on archived 503  
or backup systems, the business may comply with the consumer's 504  
request by deleting or overwriting the data in accordance with a 505  
scheduled backup or creation of a new archive, so long as the 506  
business employs encryption standards to protect that data both 507  
when the data is in transit and is at rest. 508

(D) A business is not required to delete personal data 509  
that it maintains or uses as aggregated, deidentified, or 510  
pseudonymous data, provided that such data in the possession of 511  
the business is not linked to a specific consumer. 512

(E) A business, or an associated processor, shall not be 513  
required to comply with a consumer's request to delete personal 514  
data if it is necessary for the business or processor to 515  
maintain the consumer's personal data in order to adhere to its 516  
written records retention schedule. 517

**Sec. 1357.08.** (A) A consumer has a right to request both 518  
of the following from a business: 519

(1) That the business not sell the consumer's personal 520  
data; 521

(2) That the business not process the consumer's personal data for the purpose of targeted advertising. 522  
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(B) Upon receipt of a verified request made under division (A) of this section, a business shall not sell the personal data of the consumer in question or process the data for the purpose of targeted advertising. 524  
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(C) A business shall not sell the personal data collected online of a known child without complying with the requirements of or exceptions in the "Children's Online Privacy Protection Act of 1998," 15 U.S.C. 6501, et seq. and its regulations. 528  
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(D) A business that sells personal data or uses processed personal data for the purposes of targeted advertising shall provide clear and conspicuous notice of these facts in such a manner as to enable a consumer to opt out of the sale of the consumer's personal data, the use of that data for targeted advertising, or both; such as by providing clear and conspicuous notice on its web site privacy policy or other publicly available notice. 532  
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(E) A business is not required to comply with an opt-out request that the business reasonably determines to be fraudulent. 540  
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(F) A business shall reasonably inform its processors or third parties of a consumer's request to opt out and request that they comply with the consumer's opt-out request. 543  
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**Sec. 1357.09.** (A) Subject to divisions (B) and (C) of this section, a business shall not discriminate against a consumer for exercising the rights provided to a consumer under this chapter. 546  
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(B) A business may charge different prices or rates for 550

goods or services for individuals who exercise their rights 551  
under this chapter for legitimate business reasons or as 552  
otherwise permitted or required by applicable law. 553

(C) A business's denial of a consumer's request in 554  
compliance with this chapter shall not be considered 555  
discrimination against the consumer. 556

(D) Nothing in this section shall be construed as doing 557  
either of the following: 558

(1) Requiring a business to provide a product or service 559  
that requires the personal data of a consumer that the business 560  
does not collect or maintain or requiring a business to provide 561  
a product or service if the consumer has exercised the right to 562  
opt-out pursuant to section 1357.08 of the Revised Code; 563

(2) Prohibiting a business from offering a different 564  
price, rate, level, quality, or selection of goods or services 565  
to a consumer, including offering goods or services for no fee, 566  
if the offer is related to a consumer's voluntary participation 567  
in a bona fide loyalty, rewards, premium features, discounts, or 568  
club card program. 569

**Sec. 1357.10.** (A) A contract between a business and a 570  
processor shall govern the data processing procedures of the 571  
processor with respect to processing performed on behalf of the 572  
business. 573

(B) A processor shall do all of the following: 574

(1) Taking into account the nature of the processing, 575  
assist a business, to the extent reasonably possible and through 576  
the use of appropriate technical and organizational measures, in 577  
fulfilling the obligation of the business to respond to consumer 578  
requests made pursuant to sections 1357.04 to 1357.08 of the 579

<u>Revised Code;</u>	580
<u>(2) Develop, implement, and maintain reasonable</u>	581
<u>administrative, technical, and physical safeguards to protect</u>	582
<u>the security and confidentiality of personal data processed by</u>	583
<u>the processor. The safeguards shall reflect the nature and scope</u>	584
<u>of the activities of the processor and its role in processing</u>	585
<u>the personal data.</u>	586
<u>(3) At the direction of the business and pursuant to the</u>	587
<u>contract described in division (A) of this section, delete or</u>	588
<u>return, except as required by law, all personal data to the</u>	589
<u>business as requested at the end of the contract period;</u>	590
<u>(4) If the processor uses the services of a subprocessor</u>	591
<u>with respect to a business, require the subprocessor to meet the</u>	592
<u>obligations of the processor with respect to any personal data</u>	593
<u>collected.</u>	594
<u>(C) Whether a person acts as a business or a processor</u>	595
<u>with respect to a specific processing of personal data is a</u>	596
<u>fact-based determination that depends on the context in which</u>	597
<u>the personal data is processed. A processor adhering to the</u>	598
<u>instructions of a business with respect to a specific processing</u>	599
<u>of personal data is considered a processor.</u>	600
<b><u>Sec. 1357.11. (A) The attorney general has exclusive</u></b>	601
<b><u>authority to enforce this chapter.</u></b>	602
<u>(B) Except as provided in divisions (B)(1) to (4) of this</u>	603
<u>section, if, by the attorney general's own inquiries or as a</u>	604
<u>result of complaints, the attorney general has reasonable cause</u>	605
<u>to believe that a business or processor has engaged or is</u>	606
<u>engaging in an act or practice that violates this chapter, the</u>	607
<u>attorney general may investigate in accordance with section</u>	608

1345.06 of the Revised Code. 609

(1) References to "person" in section 1345.06 of the 610  
Revised Code shall be interpreted, for purposes of 611  
investigations entered into under this section, as referring to 612  
an individual or a business. 613

(2) References to a "supplier" in section 1345.06 of the 614  
Revised Code shall be interpreted, for purposes of 615  
investigations entered into under this section, as referring to 616  
a business. 617

(3) Division (E) of section 1345.06 of the Revised Code 618  
does not apply to investigations entered into under this 619  
section. 620

(4) Nothing in this section shall be construed as granting 621  
any additional rights or responsibilities under any other 622  
section of Chapter 1345. of the Revised Code. 623

(C) The attorney general shall not disclose publicly the 624  
identity of a business or processor investigated under this 625  
section or the facts developed in investigations unless either 626  
of the following are met: 627

(1) These matters have become a matter of public record in 628  
enforcement proceedings, including if the business has entered 629  
into an assurance of voluntary compliance with the attorney 630  
general pursuant to section 1345.06 of the Revised Code. 631

(2) The business or processor that is the subject of the 632  
investigation has consented in writing to public disclosure. 633

(D) (1) If the attorney general, by the attorney general's 634  
own inquiries or as a result of complaints, has reasonable cause 635  
to believe that a business or processor has engaged or is 636

engaging in an act or practice that violates this chapter, the 637  
attorney general, subject to divisions (D) (2) to (4) of this 638  
section, may bring an action in a court of common pleas of this 639  
state seeking any or all of the following relief: 640

(a) Declaratory judgment that the act or practice violates 641  
this chapter; 642

(b) Injunctive relief, including preliminary and permanent 643  
injunctions, to prevent further violations of and compel 644  
compliance with this chapter; 645

(c) Civil penalties described in division (D) (2) (c) of 646  
this section; 647

(d) Attorneys' fees and investigative costs; 648

(e) Any other relief the court determines appropriate, 649  
including relief described in division (D) (4) of this section. 650

(2) (a) Prior to initiating any action under this section, 651  
the attorney general shall provide a business or processor 652  
thirty-days' notice, in writing, identifying the specific 653  
provisions of this chapter the attorney general alleges have 654  
been or are being violated. 655

(b) If, within the thirty-day period, the business or 656  
processor cures the noticed violation and provides the attorney 657  
general an express written statement that the alleged violations 658  
have been cured and that no further such violations will occur, 659  
the attorney general shall not initiate an action against the 660  
business or processor, except as provided in division (D) (2) (c) 661  
of this section. 662

(c) If a business or processor continues to violate a 663  
representation made in such written statement following the cure 664



period described in division (D) (2) (b) of this section or 665  
breaches an express written statement provided to the attorney 666  
general pursuant to that division, the attorney general may 667  
initiate an action pursuant to division (D) (1) of this section 668  
and seek civil penalties of up to five thousand dollars for each 669  
violation under this chapter. 670

(3) Civil penalties levied in accordance with this 671  
division shall be made in accordance with the following 672  
criteria: 673

(a) Each provision of this chapter that was violated 674  
counts as a separate violation. 675

(b) Each consumer affected counts as a separate violation. 676

(c) When calculating civil penalties, the court may 677  
consider all of the following: 678

(i) The number of affected consumers; 679

(ii) The severity of the violation; 680

(iii) The size, nature, and complexity of the business; 681

(iv) The sensitivity of the information in question; 682

(v) The precautions taken to prevent a violation. 683

(4) (a) The court may award relief to each identified 684  
consumer affected by a violation of a section of this chapter, 685  
regardless of whether any actual damages were suffered, in an 686  
amount that is not less than one hundred dollars and not more 687  
than seven hundred fifty dollars per violation. 688

(b) If the court finds the business or processor willfully 689  
or knowingly violated this chapter, the court may, in its 690  
discretion, triple the award. 691

(E) Any moneys awarded under this section, with the exception of amounts awarded under division (D) (4) of this section, shall be deposited into the consumer protection enforcement fund established in section 1345.51 of the Revised Code. 692  
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(F) The remedies available to the attorney general under this section are cumulative and concurrent, and the exercise of one remedy by the attorney general does not preclude or require the exercise of any other remedy. 697  
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(G) Any violation of this chapter shall not serve as the basis for, or be subject to, a private right of action, including a class action lawsuit, under this chapter or under any other law. 701  
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(H) A business or processor that discloses personal data to another business or processor shall not be liable under this chapter if the recipient uses it in violation of the restrictions set forth in this chapter, provided that, at the time of disclosing the personal data, the business or processor does not have actual knowledge, or reason to believe, that the processor intends to commit such a violation. 705  
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(I) (1) (a) A business has an affirmative defense against allegations of violations of this chapter if that business creates, maintains, and complies with a written privacy program that does both of the following: 712  
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(i) Reasonably conforms to the national institute of standards and technology privacy framework entitled "A Tool for Improving Privacy through Enterprise Risk Management Version 1.0," including applicable controls selected by the business from special publication 800-53 and 800-53a published by the 716  
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national institute of standards and technology and referenced by 721  
the national institute of standards and technology privacy 722  
framework; 723

(ii) Provides individuals with the substantive rights 724  
provided to individuals by this chapter. 725

(b) When a final revision to the national institute of 726  
standards and technology privacy framework is published, a 727  
business shall reasonably conform its privacy program to the 728  
revised framework not later than one year after the publication 729  
date stated in the revision. 730

(2) The scale and scope of a business's privacy program 731  
under division (I) (1) of this section is appropriate if it is 732  
based on all of the following factors: 733

(a) The size and complexity of the business; 734

(b) The nature and scope of the activities of the 735  
business; 736

(c) The sensitivity of the personal information processed; 737

(d) The cost and availability of tools to improve privacy 738  
protections and data governance; 739

(e) Compliance with any comparable state or federal law. 740

(3) A business that satisfies divisions (I) (1) and (2) of 741  
this section has an affirmative defense to any cause of action 742  
brought under the laws of this state or in the courts of this 743  
state that alleges a violation of this chapter or similar claim 744  
based on a violation of privacy rights afforded to individuals 745  
under this chapter or under Chapter 1345. of the Revised Code, 746  
commonly referred to as the consumer sales practices act. 747

(J) Where more than one business or processor, or both a business and a processor, involved in the same processing violate this chapter, liability shall be apportioned according to the amount of responsibility born by each. 748  
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(K) The intent of the general assembly in enacting this chapter is to establish a statewide, comprehensive enactment that applies to all parts of the state, operates uniformly throughout the state, and sets forth police regulations. No political subdivision as defined in section 2744.01 of the Revised Code shall regulate the collection, processing, or sale of personal data by a business. 752  
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**Section 2.** That existing section 1345.51 of the Revised Code is hereby repealed. 759  
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**Section 3.** The Attorney General may use \$250,000 of appropriation item 055321, Operating Expenses, in fiscal year 2025 for the purpose of enforcing the Ohio Personal Privacy Act and enacted sections 1357.01 to 1357.11 of the Revised Code. 761  
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**Section 4.** Sections 1, 2, and 3 of this act take effect one year after the effective date of this section. 765  
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