

## Assembly Bill No. 2246

### CHAPTER 1039

An act to add Title 1.81 (commencing with Section 1798.80) to Part 4 of Division 3 of the Civil Code, relating to customer records.

[Approved by Governor September 30, 2000. Filed  
with Secretary of State September 30, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2246, Wayne. Customer records: personal information: disposal.

Existing law does not regulate the disposal by businesses of records containing the personal information of customers.

This bill would require a business to ensure the privacy of a customer's personal information, as defined, contained in records by destroying, or arranging for the destruction of the records by shredding, erasing, or otherwise modifying the customer record to make information therein unreadable or undecipherable through any means. Any customer injured by a business' violation of these provisions would be entitled to institute a civil action to recover damages, obtain injunctive relief, or seek other remedies.

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

SECTION 1. Title 1.81 (commencing with Section 1798.80) is added to Part 4 of Division 3 of the Civil Code, to read:

#### TITLE 1.81. CUSTOMER RECORDS

1798.80. The following definitions apply to this title:

(a) "Business" means a sole proprietorship, partnership, corporation, association, or other group, however organized and whether or not organized to operate at a profit, including a financial institution organized, chartered, or holding a license or authorization certificate under the law of this state, any other state, the United States, or of any other country, or the parent or the subsidiary of a financial institution. The term includes an entity that destroys records.

(b) "Records" means any material, regardless of the physical form, on which information is recorded or preserved by any means, including in written or spoken words, graphically depicted, printed, or electromagnetically transmitted. "Records" does not include publicly available directories containing information an individual



has voluntarily consented to have publicly disseminated or listed, such as name, address, or telephone number.

(c) “Customer” means an individual who provides personal information to a business for the purpose of purchasing or leasing a product or obtaining a service from the business.

(d) “Individual” means a natural person.

(e) “Personal information” means any information that identifies, relates to, describes, or is capable of being associated with, a particular individual, including, but not limited to, his or her name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver’s license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information.

1798.81. A business shall take all reasonable steps to destroy, or arrange for the destruction of a customer’s records within its custody or control containing personal information which is no longer to be retained by the business by (1) shredding, (2) erasing, or (3) otherwise modifying the personal information in those records to make it unreadable or undecipherable through any means.

1798.82. (a) Any customer injured by a violation of this title may institute a civil action to recover damages.

(b) Any business that violates, proposes to violate, or has violated this title may be enjoined.

(c) The rights and remedies available under this section are cumulative to each other and to any other rights and remedies available under law.

