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2 bills keep consumers' personal data private

By Howard Fischer

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PHOENIX — That information encoded on your driver's license would get a little more privacy protection under terms of legislation given final House approval Wednesday.

Without dissent, lawmakers voted to bar retailers from selling or otherwise sharing information that they collect from a customer's driver's license or other state-issued ID. Violators could end up paying fines of \$500 for a first offense — and \$5,000 the third time.

The measure, HB 2291, now awaits the governor's signature.

That legislation actually was one of two bills the House sent to the governor Wednesday designed to shield personal data.

The second bill, HB 2726, would bar utility companies from selling individual customer information to anyone. It also would make it illegal for anyone to use fraudulent means to try to obtain utility records.

The two bills are the latest efforts by lawmakers to shield personal information in a time when technology is making that more difficult.

One example of that is on virtually all Arizona driver licenses. There is a code on the back machines can use to read the information about each motorist, with the same information embedded in a magnetic stripe.

There's nothing inherently wrong with that, said Rep. Bill Konopnicki, R-Safford.

Where it becomes an issue, he said, is that retailers who used to manually check an individual's license now simply swipe the card through a device. And that, said Konopnicki, records the information into a computer.

"The problem with it is that now they own the information," he said. "And they can do with it what they want."

The biggest users are retailers who sell alcohol and tobacco, where buyers have to prove they are of legal age, said Konopnicki. Rather than keeping a written log, he said, they just scan all the information into the computer.

Legislation signed by the governor Tuesday actually provides an incentive for bars to have someone at the door scan the licenses of everyone who enters: Once that is done, bartenders can't be held liable if they happen to serve an underage patron.

But Konopnicki said retailers are using the cards — and the scanners — for other purposes. For example, he noted that state laws now require proof of identity to buy decongestant with pseudoephedrine.

"They can use it for whatever legal reasons they want to do it," he said of the scanned info. "But they don't have any right to sell it or pass it on without the individual who's information it is (giving) approval."

None of this protects consumers who carry those "affinity" cards issued by many grocery and drug stores that provide discounts: The sign-up procedure generally gives the merchant the permission to reuse that information.

"You get their discount and also give up your buying patterns and habits to them," Konopnicki said.

The other measure actually is an expansion of a year-old law designed to protect the confidentiality of telephone and cell-phone records. This extends those restrictions to all utilities.

People who try to "mine" information can call a utility and represent themselves as someone else to get a customer's records, said Rep. Eddie Farnsworth, R-Gilbert. Those techniques also can be used by people guilty of domestic violence to try to track down a spouse or former lover, he said.

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