

[DISCUSSION DRAFT]

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To make improvements to title V of the Gramm-Leach-Bliley Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. HUIZENGA introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To make improvements to title V of the Gramm-Leach-Bliley Act, 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. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—IMPROVEMENTS TO TREATMENT OF CONSUMER  
FINANCIAL DATA

Sec. 101. Subtitle and section heading alterations.

Sec. 102. Data minimization.

Sec. 103. Continuing consumer opt-out right.

Sec. 104. Limits on obtaining consumer access credentials.

Sec. 105. Additional information to be included in notices to consumers.

Sec. 106. Customer access to privacy and disclosure policies.

Sec. 107. Consumer requests for access to or deletion of nonpublic personal information.

TITLE II—REGULATORY CONSIDERATION FOR SMALL FINANCIAL INSTITUTIONS

Sec. 201. Regulatory consideration for small financial institutions.

TITLE III—RELATION TO OTHER LAWS

Sec. 301. Relation to State laws.

TITLE IV—ADDITIONS TO DEFINITIONS

Sec. 401. Additions to definitions.

1 **TITLE I—IMPROVEMENTS TO**  
2 **TREATMENT OF CONSUMER**  
3 **FINANCIAL DATA**

4 **SEC. 101. SUBTITLE AND SECTION HEADING ALTERATIONS.**

5 The Gramm-Leach-Bliley Act is amended—

6 (1) in title V (15 U.S.C. 6801 et seq.)—

7 (A) in subtitle A, in the heading of the  
8 subtitle, by striking “**Disclosure**” and insert-  
9 ing “**Treatment**”; and

10 (B) in section 502, by striking “**DISCLO-**  
11 **SURES OF**” and inserting “**NONPUBLIC**”; and

12 (2) in the table of contents for such Act—

13 (A) in the item relating to subtitle A of  
14 title V, by striking “Disclosure” and inserting  
15 “Treatment”; and

16 (B) in the item relating to section 502, by  
17 striking “disclosures of” and inserting “non-  
18 public”.

1 **SEC. 102. DATA MINIMIZATION.**

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

4 (1) in subsection (e), by striking “Subsections  
5 (a) and (b)” and inserting “Subsections (a), (b), and  
6 (f)”; and

7 (2) by adding at the end the following:

8 “(f) DATA MINIMIZATION.—

9 “(1) IN GENERAL.—A financial institution shall  
10 collect, use, retain, or disclose nonpublic personal in-  
11 formation only to the extent necessary for its legiti-  
12 mate business, legal, or regulatory purposes and if  
13 such collection, use, retention, or disclosure is not  
14 otherwise prohibited by this subtitle or the amend-  
15 ments made by this subtitle.

16 “(2) RULE OF CONSTRUCTION.—Nothing in  
17 paragraph (1) shall be construed to prevent a finan-  
18 cial institution from disclosing nonpublic personal  
19 information—

20 “(A) to a nonaffiliated third party pursu-  
21 ant to subsection (b)(2);

22 “(B) to comply with a request from a con-  
23 sumer reporting agency (as defined in section  
24 603(f) of the Fair Credit Reporting Act (15  
25 U.S.C. 1681a(f))) to the extent the consumer

1 reporting agency is engaged in activities subject  
2 to the Fair Credit Reporting Act;

3 “(C) to an agency with regulatory jurisdic-  
4 tion over the financial institution; or

5 “(D) as otherwise required by law.”.

6 **SEC. 103. CONTINUING CONSUMER OPT-OUT RIGHT.**

7 Section 502(b)(1) of the Gramm-Leach-Bliley Act  
8 (15 U.S.C. 6802(b)(1)) is amended—

9 (1) in subparagraph (B), by inserting after  
10 “initially disclosed” the following: “and at any time  
11 thereafter”; and

12 (2) in subparagraph (C), by inserting before the  
13 period at the end the following: “before the time  
14 that such information is initially disclosed and at  
15 any time thereafter”.

16 **SEC. 104. LIMITS ON OBTAINING CONSUMER ACCESS CRE-**  
17 **DENTIALS.**

18 Section 502 of the Gramm-Leach-Bliley Act (15  
19 U.S.C. 6802), as amended by section 102(2), is further  
20 amended by adding at the end the following:

21 “(g) **LIMITS ON OBTAINING CONSUMER ACCESS CRE-**  
22 **DENTIALS.**—A financial data aggregator or nonaffiliated  
23 third party may not use the access credentials of a con-  
24 sumer to access the consumer’s account at, or otherwise

1 obtain nonpublic personal information of the consumer  
2 from, a financial institution unless—

3 “(1) before the time that such access creden-  
4 tials are initially collected, the financial data  
5 aggregator or nonaffiliated third party provides a  
6 clear and conspicuous disclosure to such consumer  
7 that includes—

8 “(A) how the financial data aggregator or  
9 nonaffiliated third party will use such access  
10 credentials;

11 “(B) whether the financial data aggregator  
12 or nonaffiliated third party will disclose such  
13 access credentials to a third party not affiliated  
14 with the financial data aggregator or non-  
15 affiliated third party; and

16 “(C) a notification of the risks to privacy  
17 and security of nonpublic personal information  
18 associated with use of access credentials to ob-  
19 tain nonpublic personal information held by a  
20 financial institution; and

21 “(2) the consumer is given the opportunity to  
22 direct that such access credentials not be used to ac-  
23 cess the consumer’s account at, or otherwise obtain  
24 nonpublic personal information of the consumer  
25 from, the financial institution.”.

1 **SEC. 105. ADDITIONAL INFORMATION TO BE INCLUDED IN**  
2 **NOTICES TO CONSUMERS.**

3 (a) IN GENERAL.—Section 503(c) of the Gramm-  
4 Leach-Bliley Act (15 U.S.C. 6803(c)) is amended—

5 (1) in paragraph (3) by striking “and” at the  
6 end;

7 (2) by redesignating paragraph (4) as para-  
8 graph (10); and

9 (3) by inserting after paragraph (3) the fol-  
10 lowing:

11 “(4) the purpose for which the financial institu-  
12 tion—

13 “(A) collects and uses nonpublic personal  
14 information; and

15 “(B) discloses nonpublic personal informa-  
16 tion to a nonaffiliated third party;

17 “(5) the policies and practices of the financial  
18 institution with respect to the financial institution’s  
19 retention of nonpublic personal information;

20 “(6) the policies and practices of the financial  
21 institution with respect to the financial institution’s  
22 use of artificial intelligence in the collection, proc-  
23 essing, and utilization of nonpublic personal infor-  
24 mation;

25 “(7) an explanation of how a consumer can ex-  
26 ercise the option pursuant to section 502(b) to direct

1 that nonpublic personal information not be disclosed  
2 to a nonaffiliated third party before the time that  
3 such information is initially disclosed and at any  
4 time thereafter;

5 “(8) an explanation of how a customer can ex-  
6 ercise the option to request a copy of the disclosure  
7 required by subsection (a) pursuant to subsection  
8 (g);

9 “(9) an explanation of how a consumer can ex-  
10 ercise the option to request access to or deletion of  
11 nonpublic personal information pursuant to section  
12 503A; and”.

13 (b) UPDATE OF MODEL FORMS.—

14 (1) IN GENERAL.—The agencies referred to in  
15 section 504(a)(1) of the Gramm-Leach-Bliley Act  
16 (15 U.S.C. 6804(a)(1)) shall jointly develop updates  
17 to the model form mandated by section 503(e) of  
18 such Act.

19 (2) SAFE HARBOR.—During the 1-year period  
20 beginning on the date the agencies update the model  
21 form under paragraph (1)(A), a financial institution  
22 shall be deemed to be compliant with section 502(a)  
23 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(a))  
24 if the disclosures of the financial institution under  
25 section 503 of such Act comply with the model form

1 issued pursuant to section 503(e) in effect on the  
2 date of enactment of this Act.

3 **SEC. 106. CUSTOMER ACCESS TO PRIVACY AND DISCLO-**  
4 **SURE POLICIES.**

5 Section 503 of the Gramm-Leach-Bliley Act (15  
6 U.S.C. 6803) is amended by inserting at the end the fol-  
7 lowing:

8 “(g) CUSTOMER ACCESS TO PRIVACY AND DISCLO-  
9 SURE POLICIES.—A financial institution shall, upon a cus-  
10 tomer request, provide such customer with a copy of the  
11 disclosure required by subsection (a) in writing or in elec-  
12 tronic form or other form permitted by the regulations  
13 prescribed under section 504.”.

14 **SEC. 107. CONSUMER REQUESTS FOR ACCESS TO OR DELE-**  
15 **TION OF NONPUBLIC PERSONAL INFORMA-**  
16 **TION.**

17 (a) IN GENERAL.—Title V of the Gramm-Leach-Bli-  
18 ley Act (15 U.S.C. 6801 et seq.) is amended by inserting  
19 after section 503 the following:

20 **“SEC. 503A. CONSUMER REQUESTS FOR ACCESS TO OR DE-**  
21 **LETION OF NONPUBLIC PERSONAL INFORMA-**  
22 **TION.**

23 “(a) CONSUMER REQUEST FOR ACCESS TO NON-  
24 PUBLIC PERSONAL INFORMATION.—Upon a request from  
25 a consumer who is a current or former customer of a fi-

1 nancial institution, such financial institution shall disclose  
2 to such consumer—

3 “(1) any nonpublic personal information of the  
4 consumer possessed or controlled by the financial in-  
5 stitution; and

6 “(2) a list of the categories of affiliates and  
7 nonaffiliated third parties to whom the financial in-  
8 stitution has disclosed nonpublic personal informa-  
9 tion of the consumer (other than disclosures of non-  
10 public personal information made to an affiliate or  
11 a nonaffiliated third party pursuant to an exception  
12 under section 502(e)).

13 “(b) FORMER CUSTOMER REQUEST FOR DELETION  
14 OF NONPUBLIC PERSONAL INFORMATION.—Upon a re-  
15 quest from a former customer, a financial institution shall  
16 delete any nonpublic personal information of the former  
17 customer held by the financial institution.

18 “(c) FORMER CUSTOMER DELETION REQUEST EX-  
19 CEPTIONS.—Subsection (b) shall not require deletion of  
20 nonpublic personal information of a former customer by  
21 a financial institution where—

22 “(1) the nonpublic personal information is re-  
23 quired to be retained for a continuing purpose pur-  
24 suant to an exception described under section  
25 502(e);

1           “(2) the recipient of the nonpublic personal in-  
2           formation of the consumer is a consumer reporting  
3           agency, as defined in section 603(f) of the Fair  
4           Credit Reporting Act (15 U.S.C. 1681a(f)), and the  
5           nonpublic personal information is held solely to the  
6           extent that it is used in activities subject to the Fair  
7           Credit Reporting Act;

8           “(3) the nonpublic personal information is re-  
9           quired to be retained to respond to a dispute under  
10          the Fair Credit Reporting Act; or

11          “(4) the nonpublic personal information is re-  
12          quired to be retained as otherwise required by law.”.

13          (b) CLERICAL AMENDMENT.—The table of contents  
14          in section 1(b) of the Gramm-Leach-Bliley Act is amended  
15          by inserting after the item relating to section 503 the fol-  
16          lowing:

          “Sec. 503A. Consumer requests for access to or deletion of nonpublic personal  
          information.”.

17       **TITLE II—REGULATORY CONSID-**  
18       **ERATION FOR SMALL FINAN-**  
19       **CIAL INSTITUTIONS**

20       **SEC. 201. REGULATORY CONSIDERATION FOR SMALL FI-**  
21       **NANCIAL INSTITUTIONS.**

22          Section 504 of the Gramm-Leach-Bliley Act (15  
23          U.S.C. 6804) is amended by adding at the end the fol-  
24          lowing:



1 shall not apply to a financial institution subject to this  
2 subtitle.

3 “(b) REGULATION AND ENFORCEMENT BY STATE IN-  
4 SURANCE AUTHORITIES.—Subsection (a) shall not be con-  
5 strued to alter, affect, or otherwise limit the authority of  
6 a State insurance authority to enforce this subtitle pursu-  
7 ant to section 505 or to adopt regulations to carry out  
8 this subtitle pursuant to section 504 in a manner con-  
9 sistent and comparable with the regulations prescribed by  
10 the Federal agencies authorized to prescribe regulations  
11 under section 504 as required by section 504(a)(2).”.

## 12 **TITLE IV—ADDITIONS TO** 13 **DEFINITIONS**

### 14 **SEC. 401. ADDITIONS TO DEFINITIONS.**

15 Section 509 of the Gramm-Leach-Bliley Act (15  
16 U.S.C. 6809) is amended—

17 (1) in paragraph (3)(A), by inserting before the  
18 period at the end the following: “or a financial data  
19 aggregator”;

20 (2) by amending paragraph (4)(A) to read as  
21 follows:

22 “(A) The term ‘nonpublic personal infor-  
23 mation’ means—

24 “(i) personally identifiable financial  
25 information—

1                   “(I) provided by a consumer to a  
2                   financial institution;

3                   “(II) resulting from any trans-  
4                   action with the consumer or any serv-  
5                   ice performed for the consumer; or

6                   “(III) otherwise obtained by the  
7                   financial institution;

8                   “(ii) access credentials;

9                   “(iii) biometric data; and

10                  “(iv) geolocation data.”;

11                  (3) in paragraph (11), by striking “CUSTOMER”  
12                  and inserting “TIME OF ESTABLISHING A CUS-  
13                  TOMER”; and

14                  (4) by adding at the end the following:

15                  “(12) ACCESS CREDENTIALS.—The term ‘ac-  
16                  cess credentials’ means personally identifiable non-  
17                  financial information that a consumer uses to access  
18                  an account of such consumer at a financial institu-  
19                  tion, including a username, password, personal iden-  
20                  tification number, access code, answer to a security  
21                  question, or a substantially similar item of person-  
22                  ally identifiable nonfinancial information.

23                  “(13) BIOMETRIC DATA.—The term ‘biometric  
24                  data’—

1           “(A) means personally identifiable non-  
2           financial information of a consumer generated  
3           by automatic measurements of biological char-  
4           acteristics, including a fingerprint, voiceprint,  
5           eye retinas, eye irises, or other unique biological  
6           patterns or characteristics that are used to  
7           identify a specific consumer; and

8           “(B) does not include a physical or digital  
9           photograph, a video or audio recording or data  
10          generated therefrom, or information collected,  
11          used, or stored for health care treatment, pay-  
12          ment, or operations under the Health Insurance  
13          Portability and Accountability Act or the  
14          amendments made by that Act.

15          “(14) CUSTOMER.—The term ‘customer’ means  
16          a consumer who has a customer relationship with a  
17          financial institution.

18          “(15) CUSTOMER RELATIONSHIP.—The term  
19          ‘customer relationship’ means a continuing relation-  
20          ship between a consumer and a financial institution  
21          under which the financial institution provides one or  
22          more financial products or services to the consumer  
23          that are to be used primarily for personal, family, or  
24          household purposes.

1           “(16) FINANCIAL DATA AGGREGATOR.—The  
2 term ‘financial data aggregator’—

3           “(A) means any person that operates a  
4 commercial business or enterprise for the pur-  
5 pose of accessing, aggregating, collecting, sell-  
6 ing, or otherwise disclosing nonpublic personal  
7 information; and

8           “(B) does not include—

9           “(i) a person that receives, processes,  
10 or discloses nonpublic personal information  
11 solely to perform services for or functions  
12 on behalf of a financial institution;

13           “(ii) a consumer reporting agency, as  
14 defined in section 603(f) of the Fair Credit  
15 Reporting Act (15 U.S.C. 1681a(f)), solely  
16 to the extent that it engages in activities  
17 subject to the Fair Credit Reporting Act;  
18 or

19           “(iii) an attorney, accountant, invest-  
20 ment adviser, or similar person acting on  
21 behalf of a consumer pursuant to section  
22 502(e)(3)(E).

23           “(17) GEOLOCATION DATA.—The term  
24 ‘geolocation data’—

1           “(A) means personally identifiable non-  
2           financial information of a consumer generated  
3           by technological means, including global posi-  
4           tioning systems, telemetry, telematics, and level,  
5           latitude, and longitude coordinates, or other  
6           means, that directly identifies the specific loca-  
7           tion of a consumer with precision and accuracy  
8           within a radius of 2,640 feet; and

9           “(B) does not include the content of com-  
10          munications or any data generated by or con-  
11          nected to advanced utility metering infrastruc-  
12          ture systems or equipment for use by a util-  
13          ity.”.