

715.3 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. “*Advertisement*” means a communication, the primary purpose of which is the commercial promotion of a commercial product or service, including content on an internet website operated for a commercial purpose.

2. “*Computer software*” means a sequence of instructions written in any programming language that is executed on a computer. “*Computer software*” does not include computer software that is a web page or data components of a web page that are not executable independently of the web page.

3. “*Damage*” means any significant impairment to the integrity or availability of data, software, a system, or information.

4. “*Execute*”, when used with respect to computer software, means the performance of the functions or the carrying out of the instructions of the computer software.

5. “*Intentionally deceptive*” means any of the following:

a. An intentionally and materially false or fraudulent statement.
b. A statement or description that intentionally omits or misrepresents material information in order to deceive an owner or operator of a computer.

c. An intentional and material failure to provide a notice to an owner or operator regarding the installation or execution of computer software for the purpose of deceiving the owner or operator.

6. “*Internet*” means the same as defined in section 4.1.

7. “*Owner or operator*” means the owner or lessee of a computer, or a person using such computer with the owner or lessee’s authorization, but does not include a person who owned a computer prior to the first retail sale of the computer.

8. “*Person*” means the same as defined in section 4.1.

9. “*Personally identifiable information*” means any of the following information with respect to the owner or operator of a computer:

- a. The first name or first initial in combination with the last name.
- b. A home or other physical address including street name.
- c. An electronic mail address.
- d. Credit or debit card number, bank account number, or any password or access code associated with a credit or debit card or bank account.
- e. Social security number, tax identification number, driver’s license number, passport number, or any other government-issued identification number.
- f. Account balance, overdraft history, or payment history that personally identifies an owner or operator of a computer.

10. “*Transmit*” means to transfer, send, or make available computer software using the internet or any other medium, including local area networks of computers other than a wireless transmission, and a disc or other data storage device. “*Transmit*” does not include an action by a person providing any of the following:

a. An internet connection, telephone connection, or other means of transmission capability such as a compact disc or digital video disc through which the computer software was made available.

b. The storage or hosting of the computer software program or an internet web page through which the software was made available.

c. An information location tool, such as a directory, index, reference, pointer, or hypertext link, through which the user of the computer located the computer software, unless the person transmitting receives a direct economic benefit from the execution of such software on the computer.

2005 Acts, ch 94, §3