

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 site 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 an internet site or data components of an internet site that are not executable independently of the internet site.
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 site 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; 2013 Acts, ch 90, §190, 191, 257

[T] Code editor directive applied

[T] Subsection 2 amended

[T] Subsection 10, paragraph b amended