

Senate File 2236 - Introduced

SENATE FILE 2236

BY NUNN

A BILL FOR

1 An Act relating to the removal of internet content upon
2 request, and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 715D.1 Title.

2 This chapter shall be known and may be cited as the "*Right to*
3 *be Forgotten Act*".

4 Sec. 2. NEW SECTION. 715D.2 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Content of minimal value*" means information related to
8 an individual that is inaccurate, irrelevant, inadequate, or
9 excessive. "*Content of minimal value*" includes information
10 which, after a significant lapse in time from its first
11 publication, is no longer material to current public debate
12 or discourse, especially when considered in light of the
13 demonstrable harm the information is causing or may cause to
14 an individual's professional, financial, reputational, or
15 other interest. "*Content of minimal value*" does not include
16 information related to criminal convictions, potential or
17 pending litigation relating to a violent crime, or a matter
18 that is of significant current public interest.

19 2. "*Internet site*" means the same as defined in section 4.1.

20 3. "*Operator*" means an internet search engine owner, an
21 internet site indexer, or any person who owns an internet site.

22 Sec. 3. NEW SECTION. 715D.3 Removal of content of minimal
23 value.

24 1. An individual may request that an operator remove
25 information the individual contends is content of minimal value
26 related to the individual from the operator's search engine,
27 index, or internet site.

28 2. Within thirty days after receipt of a request made
29 pursuant to subsection 1, an operator shall do one of the
30 following:

31 a. Remove the content of minimal value subject to the
32 request from its search engine, index, or internet site,
33 including all links to such content.

34 b. Notify the individual the information will not be removed
35 based on a determination by the operator that the information

1 is not content of minimal value and the rationale for making
2 that determination.

3 3. An operator shall not replace content of minimal value
4 that is removed pursuant to subsection 2, paragraph "a", with
5 any hyperlink, replacement notice, information, or other
6 content indicating the removal of the content.

7 Sec. 4. NEW SECTION. 715D.4 Enforcement.

8 An operator who fails to remove information the attorney
9 general determines to be content of minimal value, and links
10 to such, within thirty days after receipt of a request made
11 pursuant to subsection 1, or who violates subsection 2 or 3,
12 commits an unlawful practice pursuant to section 714.16.

13 Sec. 5. Section 614.1, Code 2020, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 15. Removal of content of minimal value. An
16 action for damages for injury suffered as a result of a
17 violation of section 715D.3 shall be brought within five years
18 of the date the individual requested that an operator remove
19 content of minimal value from the operator's search engine,
20 index, or internet site.

21

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill creates a right to be forgotten Act authorizing
25 individuals to request certain content be removed from the
26 internet.

27 The bill defines "content of minimal value" to mean
28 information that is inaccurate, irrelevant, inadequate,
29 or excessive. This includes information which, after a
30 significant lapse in time from its first publication, is
31 no longer material to current public debate or discourse,
32 especially when considered in light of the demonstrable harm
33 the information is causing or may cause to an individual's
34 professional, financial, reputational, or other interest.
35 However, "content of minimal value" does not include

1 information related to criminal convictions, litigation
2 relating to a violent crime, or a matter that is of significant
3 current public interest.

4 The bill defines "internet site" by reference to Code
5 section 4.1, which states the term means a specific location on
6 the internet that is determined by internet protocol numbers,
7 by a domain name, or by both, including but not limited to
8 domain names that use the designations ".com", ".edu", ".gov",
9 ".org", and ".net".

10 The bill defines "operator" to mean an internet search
11 engine owner, an internet site indexer, or any person who owns
12 an internet site.

13 The bill authorizes an individual to request that an
14 operator remove information the individual contends is content
15 of minimal value related to the individual from the operator's
16 search engine, index, or internet site. The operator is
17 required to remove the content within 30 days after receipt
18 of the request, if the operator determines the information is
19 content of minimal value. If, however, the operator determines
20 the information is not content of minimal value, the operator
21 is required to notify the individual within 30 days that the
22 information will not be removed and why the information has
23 been determined by the operator not to be content of minimal
24 value. Moreover, the operator is not to replace the content of
25 minimal value that is removed with any hyperlink, replacement
26 notice, information, or other content indicating the removal of
27 the content of minimal value.

28 An operator commits an unlawful practice pursuant to Code
29 section 714.16 if the operator does any of the following:
30 fails to remove information the attorney general determines to
31 be content of minimal value, along with links to the content,
32 within the 30-day period following a request for such removal;
33 fails to notify the individual as to why the information will
34 not be removed within the 30-day period; or replaces the
35 content of minimal value that was removed with an indication

1 of its removal. Several types of remedies are available
2 if a court finds that a person has committed an unlawful
3 practice, including injunctive relief, disgorgement of moneys
4 or property, and a civil penalty not to exceed \$40,000 per
5 violation.

6 An action for damages for injury suffered as a result of a
7 violation of the bill's provisions shall be brought within five
8 years of the date the individual requested that an operator
9 remove content of minimal value from the operator's search
10 engine, index, or internet site.