

**House File 712 - Introduced**

HOUSE FILE 712

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 526)

**A BILL FOR**

1 An Act relating to social media data collection regarding  
2 children under eighteen years of age, providing civil  
3 penalties, and including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 554G.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Child*" means an individual younger than eighteen years  
5 of age.

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

7 3. "*Online contact information*" means an electronic mail  
8 address or any other substantially similar identifier that  
9 permits direct contact with a person online, including but not  
10 limited to an instant messaging user identifier, a voice over  
11 internet protocol identifier, or a video chat user identifier.

12 4. "*Personal information*" means individually identifiable  
13 information about a child collected online, including all of  
14 the following:

15 a. First and last name.

16 b. Home or other physical address including street name and  
17 name of a city or town.

18 c. Electronic mail address.

19 d. Telephone number.

20 e. Social security number.

21 f. Online contact information, or a screen or user name that  
22 functions in the same manner as online contact information.

23 g. A persistent identifier that can be used to recognize a  
24 user over time and across different internet sites or online  
25 services, including but not limited to a customer number held  
26 in a cookie, an internet protocol address, a processor or  
27 device serial number, or unique device identifier.

28 h. A photograph, video, or audio file where such file  
29 contains a child's image or voice.

30 i. Geolocation information sufficient to identify street  
31 name and name of a city or town.

32 j. Information concerning a child or the parents of that  
33 child that an internet site collects online from the child and  
34 combines with an identifier described in this subsection.

35 5. "*Social media platform*" means an internet site or

1 application that is open to the public, allows a user to create  
2 an account, and enables users to communicate with other users  
3 for the primary purpose of posting information, comments,  
4 messages, or images. The term does not include any of the  
5 following:

6     *a.* An internet service provider.

7     *b.* Electronic mail.

8     *c.* An online service, application, or internet site that  
9 consists primarily of news, sports, entertainment, or other  
10 information or content preselected by the provider that  
11 is not user-generated and where interactive functionality  
12 is incidental to, directly related to, or dependent on the  
13 provision of the content.

14     Sec. 2. NEW SECTION. **554G.2 Social media platform —**  
15 **prohibition on child data collection.**

16     1. A social media platform shall not collect, use, or  
17 disclose personal information from or regarding a child in  
18 this state if the social media platform has actual knowledge  
19 that the platform is collecting, using, or disclosing such  
20 information, unless consent is obtained pursuant to subsection  
21 2.

22     2. A social media platform shall obtain verifiable parental  
23 consent prior to the collection, use, or disclosure of personal  
24 information from or regarding a child in this state.

25     Sec. 3. NEW SECTION. **554G.3 Civil penalty.**

26     A social media platform that violates section 554G.2 shall  
27 be subject to a civil penalty of one thousand dollars per  
28 violation. A penalty imposed pursuant to this section shall be  
29 deposited in the general fund of the state.

30     Sec. 4. NEW SECTION. **554G.4 Enforcement.**

31     The attorney general may bring a civil action under section  
32 554G.2 on behalf of a child who resides in this state against a  
33 social media platform.

34     Sec. 5. **APPLICABILITY.** This Act applies to the collection,  
35 use, or disclosure of information by a social media platform

1 operating on or after the effective date of this Act.

2

EXPLANATION

3

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

4

5 This bill relates to social media data collection regarding  
6 children under 18 years of age.

7 The bill defines "child", "internet site", "online contact  
8 information", "personal information", and "social media  
9 platform". The bill defines "online contact information" to  
10 mean an electronic mail address or any other substantially  
11 similar identifier that permits direct contact with a person  
12 online. The bill defines "personal information" to mean  
13 individually identifiable information about a child collected  
14 online, including the name, telephone number, social security  
15 number, or geolocation information of a child. The bill  
16 defines "social media platform" to mean an internet site or  
17 application that is open to the public, allows a user to create  
18 an account, and enables users to communicate with other users  
19 for the primary purpose of posting information, comments,  
20 messages, or images.

21 The bill prohibits a social media platform from collecting,  
22 using, or disclosing personal information regarding a child  
23 if the social media platform has actual knowledge that the  
24 platform is collecting, using, or disclosing such information,  
25 unless a social media platform first obtains verifiable  
26 parental consent to the collection, use, or disclosure of such  
27 personal information.

28 The bill provides for civil penalties. A social media  
29 platform in violation of the bill's provisions shall be subject  
30 to a fine of \$1,000 per violation. The fine shall be deposited  
31 in the general fund of the state.

32 The bill provides that the attorney general may enforce the  
33 provisions of the bill.

34 The bill applies to the collection, use, or disclosure of  
35 information by a a social media platform operating in the state

H.F. 712

1 on or after the effective date of the bill.