SCOPE: All Company-affiliated legal entities in the state of Nevada that meet the definition of “Operator” in N.R.S. 603A.330.

PURPOSE: To establish the requirements for each Company-affiliated legal entity to post an online Notice regarding Covered Information collected by Operator as required by N.R.S. 603A.340. The online Notice will include a statement informing Consumers of their right to opt-out of the Sale of their Covered Information. To establish the requirements for each Company-affiliated legal entity to provide a Designated Request Address through which Consumers may submit Verified Requests to opt-out of the Sale of their Covered Information.

POLICY: All Operators of an Internet website or online service are responsible for the protection of Covered Information. This Policy sets forth the areas in which appropriate actions must be taken to ensure the use of Covered Information is limited and protected. An Operator of an Internet website or online service that collects certain items of personally identifiable information about Consumers in Nevada must make available a notice, that is located in the online Privacy Policy, containing certain information relating to the privacy of Covered Information collected by the Operator including a statement informing Consumers of their right to opt-out of the Sale of their Covered Information. Operators of an Internet website or online service that collects certain information from Consumers in Nevada are prohibited from making any Sale of certain information about a Consumer if so directed by the Consumer.

All required revisions to the online Privacy Policy will be drafted by the Corporate Information Protection and Security Department and inserted by resources such as the Corporate Information Technology Group or Division Marketing leadership, as applicable. Consumer requests will be routed to resources such as a Contact Center via the toll-free number provided in the online Privacy Policy. Identified resources at that location will forward Consumer requests to business owners such as the Corporate Marketing Department or Division Marketing leadership, as needed, for resolution. Generally, facilities will not receive or process Consumer requests.

EXCEPTION: Among other exceptions, the definition of Operator does not include an entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

DEFINITIONS

1. “Consumer” means a person who seeks or acquires, by purchase or lease, any good, service, money or credit for personal, family or household purposes from the Internet website or online service of an Operator.
2. “Covered Information” means any one or more of the following items of personally identifiable information about a Consumer collected by an Operator through an Internet website or online service and maintained by the Operator in an accessible form:
   - a first and last name;
   - a home or other physical address which includes the name of a street and the name of a city or town;
   - an electronic mail address;
   - a telephone number;
   - a social security number;
   - an identifier that allows a specific person to be contacted either physically or online;
   - any other information concerning a person collected from the person through the Internet website or online service of the Operator and maintained by the Operator in combination with an identifier in a form that makes the information personally identifiable.

3. “Designated Request Address” means an electronic mail address, toll-free telephone number or Internet website established by an Operator through which a Consumer may submit to an Operator a Verified Request.

4. “Operator” means a person who:
   - Owns or operates an Internet website or online service for commercial purposes;
   - Collects and maintains Covered Information from Consumers who reside in Nevada and use or visit the Internet website or online service; and
   - Purposefully directs its activities toward Nevada, consummates some transaction with Nevada or a resident thereof, purposefully avails itself of the privilege of conducting activities in Nevada or otherwise engages in any activity that constitutes sufficient nexus with Nevada to satisfy the requirements of the United States Constitution.

   The term does not include, among other exceptions, an entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

5. “Sale” means the exchange of Covered Information for monetary consideration by the Operator to a person for the person to license or sell the Covered Information to additional persons.

   The term does not include:
   - The disclosure of Covered Information by an Operator to a person who processes the Covered Information on behalf of the Operator;
   - The disclosure of Covered Information by an Operator to a person with whom the Consumer has a direct relationship for the purposes of providing a product or service requested by the Consumer;
• The disclosure of Covered Information by an Operator to a person for purposes which are consistent with the reasonable expectations of a Consumer considering the context in which the Consumer provided the Covered Information to the Operator;
• The disclosure of Covered Information to a person who is an affiliate of the Operator. For the purposes of this definition, “affiliate” means any company that controls, is controlled by or is under common control with another company; or
• The disclosure or transfer of Covered Information to a person as an asset that is part of a merger, acquisition, bankruptcy or other transaction in which the person assumes control of all or part of the assets of the Operator.

6. “Verified Request” means a request:
• Submitted by a Consumer to an Operator for the purposes of directing the Operator not to make any Sale of any Covered Information the Operator has collected or will collect about the Consumer; and
• For which an Operator can reasonably verify the authenticity of the request and the identity of the Consumer using commercially reasonable means.

PROCEDURE:

Online Notice to Consumers:

An Operator shall post an online notice that is accessible to Consumers. The notice shall:

1. Identify the categories of Covered Information that the Operator collects through its Internet website or online service about Consumers who use or visit the Internet website or online service and the categories of third parties with whom the Operator may share such Covered Information;

2. Provide a description of the process, if any such process exists, for an individual Consumer who uses or visits the Internet website or online service to review and request changes to any of his or her Covered Information that is collected through the Internet website or online service;

3. Describe the process by which the Operator notifies Consumers who use or visit the Internet website or online service of material changes to the notice;

4. Disclose whether a third party may collect Covered Information about an individual Consumer’s online activities over time and across different Internet websites or online services when the Consumer uses the Internet website or online service of the Operator; and

5. State the effective date of the notice.
An Operator may remedy any failure to comply with the provisions above within 30 days after being informed of such a failure.

An Operator violates this requirement if the Operator:

- Knowingly and willfully fails to remedy a failure to comply with these provisions within 30 days after being informed of such a failure; or
- Makes available a notice that contains information that constitutes a knowing and material misrepresentation or omission that is likely to mislead a Consumer acting reasonably under the circumstances, to the detriment of the Consumer.

**Consumer Opt-Out Requests:**

1. An Operator shall establish a Designated Request Address through which a Consumer may submit a Verified Request.
2. A Consumer may, at any time, submit a Verified Request through the Designated Request Address to an Operator directing the Operator not to make any Sale of any Covered Information the Operator has collected or will collect about the Consumer.
3. An Operator that has received a Verified Request submitted by a Consumer shall not make any Sale of any Covered Information the Operator has collected or will collect about that Consumer.
4. An Operator shall respond to a Verified Request submitted by a Consumer within 60 days after receipt of the request. An Operator may extend by not more than 30 days if the Operator determines that such an extension is reasonably necessary. An Operator that extends the period must notify the Consumer of such an extension.

**Enforcement**

If the Attorney General has reason to believe that an Operator, either directly or indirectly, has violated or is violating the notice or opt-out requirements set forth above, the Attorney General may institute an appropriate legal proceeding against the Operator. The district court, upon a showing that the Operator, either directly or indirectly, has violated or is violating the notice or opt-out requirements set forth above, may:

- Issue a temporary or permanent injunction; or
- Impose a civil penalty not to exceed $5,000 for each violation.

There is no private right of action against an Operator.

**REFERENCES:**

Senate Bill 220; N.R.S. 603A.300 – 603A.360