



# Maine Privacy Law Guide

LD 946

An Act to Protect the Privacy of Online  
Consumer Information

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# Introduction

The Maine Privacy Law (LD 946) Internet service providers to obtain consent before being allowed to use, disclose or provide access to customer information.

This guide is for anyone interested in learning more about the law and their rights under it.

This guide will teach you the following:



**Who the law applies to**



**Definition of "personal information"**



**The opt-in consent requirement**



**The exceptions to the law**



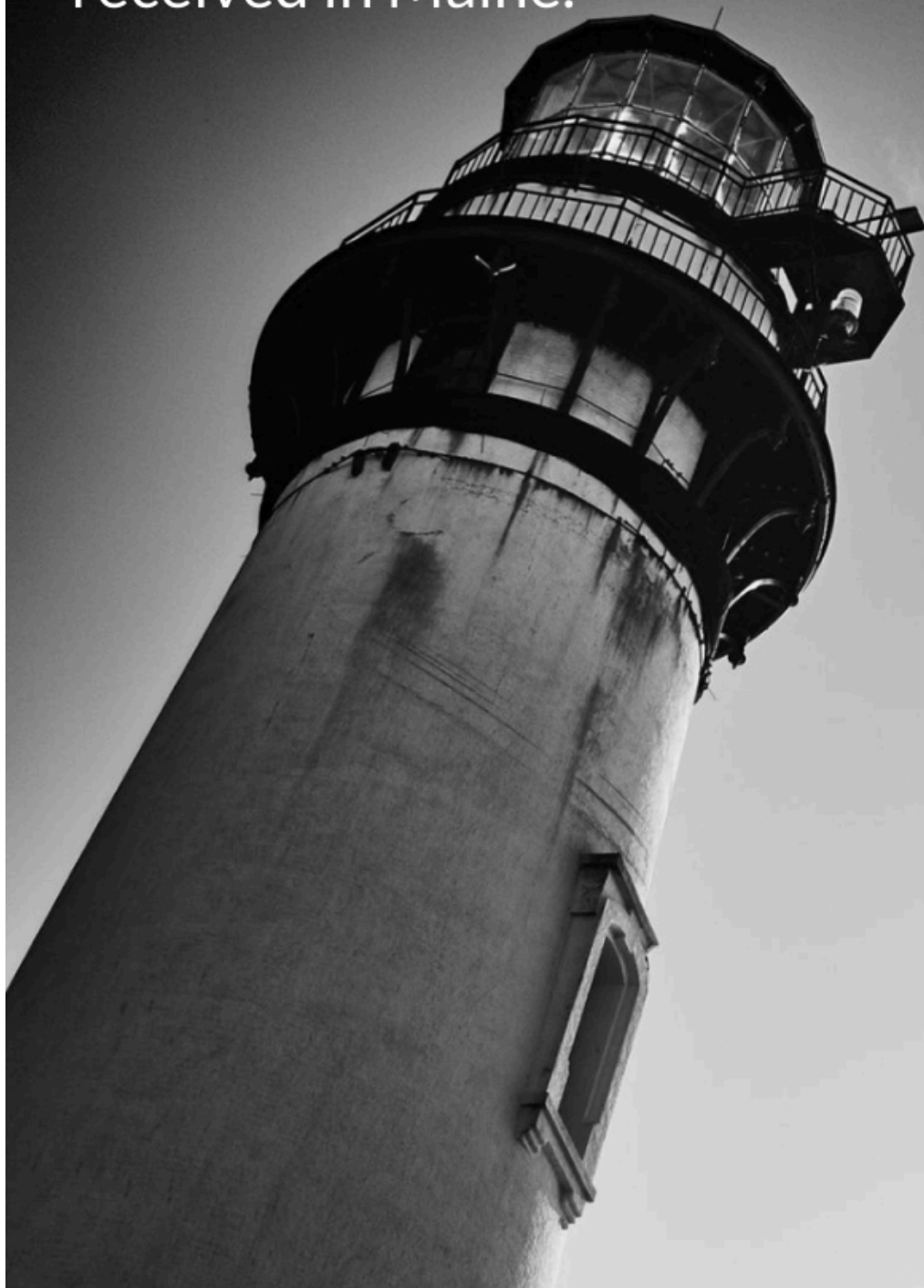
**The security and notice requirements**



## Who does the law apply to?

- The Maine Privacy Law applies to the providers of Internet access services.
- Internet access services are defined as "mass-market retail service by wire or radio that provides the capability to transmit or receive data from all Internet endpoints."
- Aka the provider of your internet.
- Examples of a provider would include:
  - AT&T;
  - Comcast.
- The law protects "customers", which include:
  - Applicants for service;
  - Current subscribers; and
  - Former subscribers.

The law covers Internet providers in Maine when they provide Internet services to customers that are located in and billed for service received in Maine.





# What information does the law protect?

Personally identifiable information about a consumer, including the following examples:

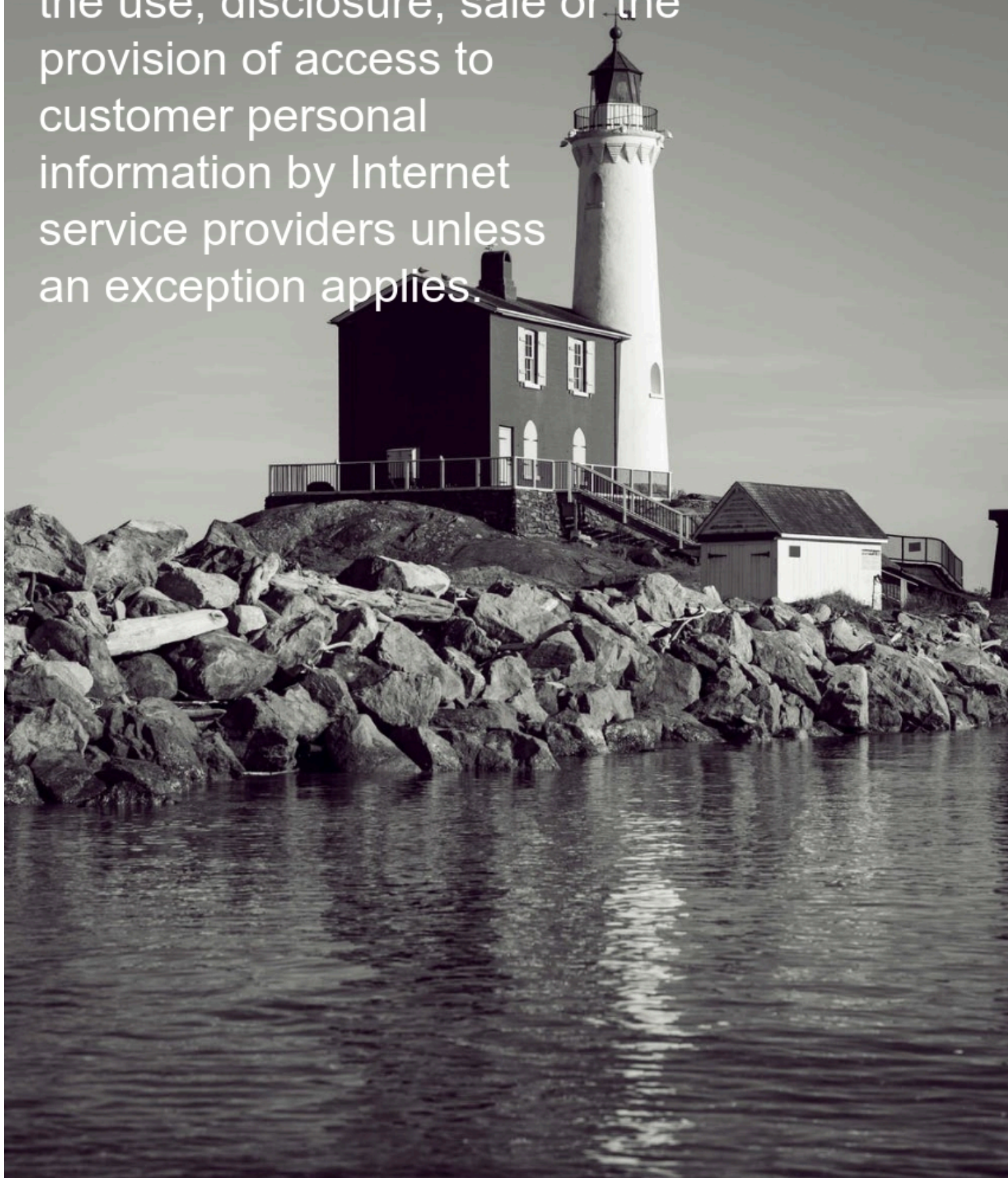
- Name;
- Billing information;
- Social security number;
- Billing address; and
- Demographic data.

It also protects the information from a customer's use of the Internet service, including the following examples:

- Web browsing history;
- Application usage history;
- Precise geolocation information;
- Financial information;
- Health information;
- Information pertaining to the customer's kids;
- Customer's device identifier (such as IP address);
- Content of customer's communications; and
- Origin and destination IP address.



The Maine Privacy Law prohibits the use, disclosure, sale or the provision of access to customer personal information by Internet service providers unless an exception applies.





## What is the consent exception?

A provider may use, disclose, sell or permit access to the customer's personal information if the customer provides consent for such actions.


A customer has the ability to withdraw consent at any time.

A provider is not allowed to:

- (1) Refuse service to a customer who does not provide his or her consent; or
- (2) Charge a customer a penalty for not providing consent; or
- (3) Give the customer a discount if he or she agrees to provide consent.

A provider may use, disclose, sell or permit access to information about a customer that is not personal information, unless the customer provides written notice that he or she does not permit the Internet provider to use, disclose, sell or permit access to this information.





## Are there any other exceptions?

An internet provider may collect, retain, use, disclose, sell and permit access to customer personal information without approval in the following situations:

- To provide the Internet service;
- To advertise or market the provider's related services to the customer;
- To comply with a lawful court order;
- To bill and collect payment for the service;
- To protect other customers or services from fraud, abuse, or unlawful use of the services;
- To provide geolocation information of the customer to:
  - Emergency or law enforcement services;
  - Customer's legal guardian or immediate family member in an emergency situation that involves risk of death or serious physical harm;
  - A provider of information or database management services for the purpose of assisting in emergency response.



# Security Requirements

The law also requires Internet providers to take reasonable measures to protect customer personal information from unauthorized use, disclosure or access. The following factors need to be taken into account when implementing security measures:

- The nature and scope of the Internet provider's activities;
- Sensitivity of the data;
- Size of the provider; and
- Technical feasibility of security measures.

## Notice Requirements

The Internet provider must provide notice at the point of sale and on the provider's website of the provider's obligations and a customer's rights under this law.

The notice must be:

- Clear;
- Conspicuous; and
- Non-deceptive.



## Have any questions? Contact us!

We hope that this guide has helped you understand your rights!

Feel free to contact us with any questions that you may have.

We generate Privacy Policies that automatically update when the laws change so you don't have to worry!

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