

HOUSE COMMITTEE AMENDMENTS

2026 Regular Session

Amendments proposed by House Committee on Commerce to Reengrossed Senate Bill No. 386 by Senator Connick

1 AMENDMENT NO. 1

2 On page 2, line 13, change "**characteristics.**" to "**characteristics that are used to identify**
3 **a specific individual.**"

4 AMENDMENT NO. 2

5 On page 2, line 15, change "**that**" to "**when such data**" and change "**a**" to "**the**"

6 AMENDMENT NO. 3

7 On page 2, line 17, change "**photograph.**" to "**photograph or**"

8 AMENDMENT NO. 4

9 On page 2, line 18, after "**audio recording,**" change "**or**" to "**unless such data is generated**
10 **to identify a specific individual. The term does not include**"

11 AMENDMENT NO. 5

12 On page 3, line 9, change "**action**" to "**acting**"

13 AMENDMENT NO. 6

14 On page 3, line 28, between "**be**" and "**linked**" insert "**used to infer information about, or**
15 **otherwise be**"

16 AMENDMENT NO. 7

17 On page 3, line 29, change "**individual.**" to "**individual, if the controller or processor that**
18 **possesses such data does all of the following:**

19 **(a) Takes reasonable measures to ensure that such data cannot be**
20 **associated with an individual.**

21 **(b) Publicly commits to process such data only in a de-identified fashion**
22 **and attempt to re-identify such data.**

23 **(c) Contractually obligates any recipients of such data to satisfy the**
24 **criteria set forth in Subparagraphs (a) and (b) of this Paragraph.**

25 AMENDMENT NO. 8

26 On page 5, delete lines 8 and 9

27 AMENDMENT NO. 9

28 On page 5, line 10, delete "**data to an identified or identifiable individual.**"

29 AMENDMENT NO. 10

30 On page 5, between lines 21 and 22, insert the following:

31 **"(c) The outcome of any ballot measure, referendum, initiative, or recall**
32 **election at the federal, state, or local level.**

1 **(d) Any political, legislative, or public policy matter, including public**
2 **opinion relating thereto.**

3 AMENDMENT NO. 11

4 On page 6, line 24, delete "**sharing, disclosing, or**"

5 AMENDMENT NO. 12

6 On page 6, line 25, change "**transferring**" to "**exchange**"

7 AMENDMENT NO. 13

8 On page 7, delete lines 7 and 8 and insert in lieu thereof the following:

9 **"(e) The disclosure of personal data directed by a consumer or made**
10 **when the consumer uses the controller to interact with a third party.**

11 **(f) The disclosure or transfer of personal data to a third party as an**
12 **asset that is part of a merger, acquisition, or similar activity, or a proposed**
13 **merger, acquisition, or similar activity.**

14 AMENDMENT NO. 14

15 On page 7, line 23, after "**obtained**" and before "**from**" insert "**or inferred**"

16 AMENDMENT NO. 15

17 On page 9, delete lines 5 and 6 and insert in lieu thereof the following:

18 **"(2) A financial institution and its affiliates or data subject to Title V,**
19 **Gramm-Leach-Bliley Act, 15 U.S.C. 6801 et seq., and the rules and**
20 **implementing regulations promulgated thereunder.**

21 AMENDMENT NO. 16

22 On page 11, line 21, between "**seq.)**" and "**with**" insert "**and its rules, regulation, and**
23 **exemptions**"

24 AMENDMENT NO. 17

25 On page 12, delete lines 14 through 17 and insert in lieu thereof the following:

26 **"(e) Opt out of the processing of the personal data for purposes of:**
27 **(i) Targeted advertising.**
28 **(ii) The sale of personal data.**
29 **(iii) Profiling in furtherance of a decision that produces a legal or**
30 **similarly significant effect concerning the consumer.**
31 **(3) Nothing in this Section shall require the controller to reveal a trade**
32 **secret.**

33 AMENDMENT NO. 18

34 On page 13, line 18, change "**by:**" to "**by either of the following:**"

35 AMENDMENT NO. 19

36 On page 15, line 6, change "**R.S. 1778(A)(2)(e)(1) and (2).**" to "**Items (A)(2)(e)(i) and (ii)**
37 **of this Section.**"

1 AMENDMENT NO. 20

2 On page 15, line 10, after change "**processing.**" to "**processing for targeted advertising,**
3 **for sale of personal data, or both.**"

4 AMENDMENT NO. 21

5 On page 16, line 23, between "**with**" and "**the**" insert "**the rules, regulations, and the**
6 **exceptions of**"

7 AMENDMENT NO. 22

8 On page 17, line 13, change "**shares with**" to "**sells to**"

9 AMENDMENT NO. 23

10 On page 17, line 15, change "**shares**" to "**sells**"

11 AMENDMENT NO. 24

12 On page 18, delete lines 5 through 14 and insert in lieu thereof the following:

13 **"(a) Taking into account the nature of processing and the information available**
14 **to the processor, by using appropriate technical and organizational measures, insofar**
15 **as this is reasonably practicable, to fulfill the controller's obligation to respond to**
16 **consumer rights requests submitted pursuant to R.S. 51:1778(A).**

17 **(b) Taking into account the nature of processing and the information available**
18 **to the processor, by assisting the controller in meeting the controller's obligations in**
19 **relation to the security of processing personal data, and in relation to the notification**
20 **of a breach of security of the processor's system pursuant to R.S. 51:3071 et. seq."**

21 AMENDMENT NO. 25

22 On page 21, between lines 10 and 11, insert the following:

23 **"(7) Data protection assessments are required for processing activities as of the**
24 **effective date of this act, and are not retroactive."**

25 AMENDMENT NO. 26

26 On page 22, between lines 11 and 12, insert the following:

27 **"H. This Chapter shall not be construed to limit a controller or processor's**
28 **ability to do any of the following:**

29 **(1) Comply with federal, state, or local laws, rules, or regulations.**

30 **(2) Comply with a civil, criminal, or regulatory inquiry, investigation,**
31 **subpoena, or summons by federal, state, local, or other governmental authorities.**

32 **(3) Investigate, establish, exercise, prepare for, or defend legal claims.**

33 **(4) Provide a product or service specifically requested by a consumer or the**
34 **parent or guardian of a child, perform a contract to which the consumer is a party,**
35 **including fulfilling the terms of a written warranty, or taking steps at the request of the**
36 **consumer before entering into a contract.**

37 **(5) Take immediate steps to protect against an interest that is essential for the**
38 **life or physical safety of the consumer or of another individual and in which the**
39 **processing cannot be manifestly based on another legal basis.**

40 **(6) Engage in public or peer-reviewed scientific or statistical research in the**
41 **public interest that adheres to all other applicable ethics and privacy laws and is**
42 **approved, monitored, and governed by an institutional review board or similarly**
43 **independent oversight entity that determines all of the following has occurred:**

1 (a) If the deletion of the information is likely to provide benefits that do not
 2 exclusively accrue to the controller.

3 (b) Whether the expected benefits of the research outweigh the privacy risks.

4 (c) If the controller has implemented reasonable safeguards to mitigate privacy
 5 risks associated with research, including any risks associated with re-identification.

6 (7) Assist another controller, processor, or third party with any of the
 7 requirements pursuant to this Subsection.

8 I. The obligations imposed on controllers or processors pursuant to this
 9 Chapter shall not restrict a controller's or processor's ability to collect, use, or retain
 10 data for internal use to do any of the following:

11 (1) Conduct internal research to develop, improve, or repair products, service,
 12 or technology.

13 (2) Effectuate a product recall.

14 (3) Identify and repair technical errors that impair existing or intended
 15 functionality.

16 (4) Perform internal operations that are reasonably aligned with the
 17 expectations of the consumer or reasonably anticipated based on the consumer's
 18 existing relationship with the controller, or are otherwise compatible with processing
 19 data in furtherance of the provisions of a product or service specifically requested by
 20 a consumer or the performance of a contract to which the consumer is a party.

21 J. The obligations imposed on controllers or processors pursuant to this
 22 Chapter shall not apply where compliance by the controller or processor with said
 23 Sections would violate an evidentiary privilege pursuant to the laws of this state.
 24 Nothing in this Chapter shall be construed to prevent a controller or processor from
 25 providing personal data concerning a consumer to a person covered by an evidentiary
 26 privilege pursuant to the laws of the state as part of a privileged communication.

27 K. Nothing in this Chapter shall be construed to impose any obligation on a
 28 controller or processor that adversely affects the rights or freedoms of any person,
 29 including but not limited to the rights of any person to freedom of speech or freedom
 30 of the press guaranteed in the First Amendment to the United States Constitution.

31 L.(1) Personal data processed by a controller pursuant to this Section may be
 32 processed to the extent that such processing is both of the following:

33 (a) Reasonably necessary and proportionate to the purposes listed in this
 34 Section.

35 (b) Adequate, relevant, and limited to what is necessary in relation to the
 36 specific purposes listed in this Section.

37 (2) Personal data collected, used, or retained pursuant to Subsection I of this
 38 Section shall, where applicable, take into account the nature and purpose or purposes
 39 of such collection, use, or retention. Such data shall be subject to reasonable
 40 administrative, technical, and physical measures to protect the confidentiality,
 41 integrity, and accessibility of the personal data and to reduce reasonably foreseeable
 42 risks of harm to consumers relating to such collection, use, or retention of personal
 43 data.

44 M. If a controller processes personal data pursuant to an exemption in this
 45 Section, the controller bears the burden of demonstrating that such processing qualifies
 46 for the exemption and complies with the requirements in Subsection L of this Section.

47 N. Processing personal data for the purposes expressly identified in Subsections
 48 G through I of this Section shall not solely make a legal entity a controller with respect
 49 to such processing."

50 AMENDMENT NO. 27

51 On page 22, line 12, change "H." to "O."

52 AMENDMENT NO. 28

53 On page 22, line 23, change "I." to "P."

1 AMENDMENT NO. 29

2 On page 23, line 20, after "**violation**" insert a period "." and delete "**and notified the**
3 **consumer that the**"

4 AMENDMENT NO. 30

5 On page 23, delete lines 21 and 22

6 AMENDMENT NO. 31

7 On page 23, line 26, between "**no**" and "**further**" insert "**such**"