

Platform Customer Proprietary Network Information

(a) **General duty of digital platforms to protect customer proprietary information.**

In addition to the specific responsibilities listed below, and in addition to any other obligations imposed by federal or state law, every digital platform must protect the proprietary information of any customer relating to the customer's use of the platform.

(b) **Obligation to protect vendor information, prohibition on using vendor proprietary information to compete.**

A digital platform, or the affiliate of a digital platform, that receives proprietary information from a vendor for the purpose of providing a specific service shall use that information only for such purpose. A digital platform may not use such information for its own marketing purposes, product development purposes, or use the information to otherwise gain advantage in competition with the vendor on or off the digital platform.

(c) **Specific responsibilities of digital platforms to protect buyer proprietary information.**

Except as provided by law, a digital platform that receives or obtains proprietary information from a buyer for the purpose of facilitating a transaction with a vendor shall not use that information to:

- (1) market competing products or services to the buyer;
- (2) use the information to develop competing products or services;
- (3) use the information to circumvent the limitations of Section (b);
- (4) use the information to otherwise interfere with the buyer/vendor relationship.

(d) **Exception for search, recommendation and targeted advertising.**

Nothing in Section (c) shall prevent a digital platform from using buyer proprietary information in its search or recommendation functions, or in targeted advertising, *provided* that the digital platform does not use buyer CPNI to unfairly advantage its own products or services, or unfairly disadvantage vendors or advertisers.

(e) **Exceptions.**

(1) *Aggregate customer information.* A digital platform in possession of customer proprietary information as a consequence of facilitating a transaction between a buyer and a vendor (including information received from an affiliate of the digital platform for purpose of facilitating the transaction) may use, disclose or permit access to aggregate information, provided that, in the event access is provided to a third party, the digital platform shall take reasonable precautions to ensure that the information may not be disaggregated.

(2) *Protection of rights of digital platform, rights of digital platform users.* Nothing in this section shall prevent a digital platform from using or disclosing CPNI to:

- A. protect the rights and property of the digital platform, or the rights, property and safety of any user of the platform.
- B. Protect users of the digital platform, or other digital platforms, from fraudulent, abusive, or unlawful conduct.

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- C. As part of a process for sanctioning a vendor or buyer under a platform's terms of service, including as part of a defense against an accusation.
 - D. Bring to the attention of the appropriate authorities any evidence of suspected criminal activity or threat to the safety or well-being of others.
 - E. Comply with any law outside the jurisdiction of the United States.
- (3) In regard to the exceptions given in (e)(2), the digital platform shall seek to minimize any unnecessary disclosure consistent with the duty imposed under (a).

Definitions. For purposes of this statute:

Aggregate customer information shall have the same meaning as that given by 47 U.S.C. §222(h)(2), except that “customer” shall have the meaning assigned by this section.

Buyer means a user of a digital platform that purchases goods or services from a vendor, subject to terms and conditions established by the platform.

Customer means either a buyer or a vendor.

Digital Platform means a service that—

- (i) is accessed via the internet;
- (ii) provides a two-sided or multi-sided market where at least one side is open to the general public and allows the public to produce and interact with content; and
- (iii) permits users to:
 - (1) simultaneously engage in multiple activities on the platform;
 - (2) interact directly, or in a generally unmoderated manner, with other users of the platform;
 - (3) allows users to self-organize into open or closed groups where users have freedom to share information, goods or services with each other.

Proprietary Information shall have the same meaning as “confidential business information” in the Tariff Act of 1930, as set forth in 19 U.S.C. 1677f(b) and 19 C.F.R. 201.6(a).

Purchase means buy, rent, lease, or otherwise acquire, in exchange for any consideration, any good or service.

Vendor means a user of a digital platform that makes available, for a fee, goods or services to other users of the same platform, subject to terms and conditions established by the platform.