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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To prohibit data brokers from collecting, using, or maintaining the personal data of certain minors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PALLONE introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit data brokers from collecting, using, or maintaining the personal data of certain minors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Don’t Sell Kids’ Data
5 Act of 2025”.

1 **SEC. 2. PROHIBITION ON DATA BROKERS WITH RESPECT**
2 **TO THE PERSONAL DATA OF CERTAIN MI-**
3 **NORS.**

4 (a) PROHIBITION.—

5 (1) IN GENERAL.—An entity acting as a data
6 broker may not carry out the following:

7 (A) Collect, use, or maintain any personal
8 data of an individual the data broker knows is
9 a child or teen.

10 (B) Sell, license, rent, trade, transfer, re-
11 lease, disclose, provide access to, or otherwise
12 make available any personal data of an indi-
13 vidual the data broker knows is a child or teen.

14 (2) EXCEPTION.—An entity acting as a data
15 broker may collect, use, or maintain only such per-
16 sonal data of an individual that the data broker
17 knows is a child or teen that is necessary to ensure
18 compliance with paragraph (1)(A) or subsection (b)
19 and shall not collect, use, or maintain such personal
20 data for any other purpose than for such compli-
21 ance.

22 (b) DELETION OF PERSONAL DATA.—

23 (1) IN GENERAL.—An entity acting as a data
24 broker shall—

1 (A) delete any personal data of an indi-
2 vidual the data broker knows is a child or teen
3 that the data broker maintained; and

4 (B) establish a mechanism for any of the
5 following individuals to submit a request to the
6 data broker to delete any such personal data:

7 (i) Teen.

8 (ii) The parent or legal guardian of a
9 child.

10 (iii) An agent acting at the request of
11 a teen or the parent or legal guardian of
12 a child.

13 (2) PROCESS.—Not later than 10 days after the
14 date on which a teen, the parent or legal guardian
15 of a child, or an agent acting at the request of a
16 teen or the parent or legal guardian of a child sub-
17 mits a request pursuant to the mechanism estab-
18 lished pursuant to paragraph (1)(B), the data
19 broker shall carry out the following responsibilities:

20 (A) Identify any personal data of the child
21 or teen that the data broker collected, used, or
22 maintained.

23 (B) Delete any personal data identified
24 under subparagraph (A).

1 (C) Notify the individual who submitted
2 the request of the deletion under subparagraph
3 (B) upon completion.

4 (3) NOTICE.—A data broker shall make pub-
5 licly available (such as on a website of the data
6 broker), in a clear and conspicuous manner, infor-
7 mation written in plain language and relating to the
8 following:

9 (A) The mechanism established by the
10 data broker under paragraph (1)(B).

11 (B) The responsibilities of the data broker
12 under paragraph (2).

13 (c) ENFORCEMENT BY COMMISSION.—

14 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
15 TICES.—A violation of this Act shall be treated as
16 a violation of a rule defining an unfair or deceptive
17 act or practice under section 18(a)(1)(B) of the Fed-
18 eral Trade Commission Act (15 U.S.C.
19 57a(a)(1)(B)).

20 (2) POWERS OF COMMISSION.—

21 (A) IN GENERAL.—The Commission shall
22 enforce this Act in the same manner, by the
23 same means, and with the same jurisdiction,
24 powers, and duties as though all applicable
25 terms and provisions of the Federal Trade

1 Commission Act (15 U.S.C. 41 et seq.) were in-
2 corporated into and made a part of this Act.

3 (B) PRIVILEGES AND IMMUNITIES.—Any
4 entity who violates this Act shall be subject to
5 the penalties and entitled to the privileges and
6 immunities provided in the Federal Trade Com-
7 mission Act (15 U.S.C. 41 et seq.).

8 (C) AUTHORITY PRESERVED.—Nothing in
9 this Act may be construed to limit the authority
10 of the Commission under any other provision of
11 law.

12 (d) ENFORCEMENT BY STATES.—

13 (1) IN GENERAL.—In any case in which the at-
14 torney general of a State, or an official or agency of
15 a State, has reason to believe that an interest of the
16 residents of such State has been or is threatened or
17 adversely affected by an act or practice in violation
18 of this Act, the State, as *parens patriae*, may bring
19 a civil action on behalf of the residents of the State
20 in an appropriate district court of the United States
21 to—

22 (A) enjoin such act or practice;

23 (B) enforce compliance with such sub-
24 section;

1 (C) obtain damages, restitution, or other
2 compensation on behalf of residents of the
3 State; or

4 (D) obtain such other legal and equitable
5 relief as the court may consider to be appro-
6 priate.

7 (2) NOTICE.—Before filing an action under this
8 subsection, the attorney general, official, or agency
9 of the State involved shall provide to the Commis-
10 sion a written notice of such action and a copy of
11 the complaint for such action. If the attorney gen-
12 eral, official, or agency determines that it is not fea-
13 sible to provide the notice described in this para-
14 graph before the filing of the action, the attorney
15 general, official, or agency shall provide written no-
16 tice of the action and a copy of the complaint to the
17 Commission immediately upon the filing of the ac-
18 tion.

19 (3) AUTHORITY OF COMMISSION.—

20 (A) IN GENERAL.—On receiving notice
21 under paragraph (2) of an action under this
22 subsection, the Commission shall have the
23 right—

24 (i) to intervene in the action; and

25 (ii) upon so intervening—

1 (I) to be heard on all matters
2 arising therein; and

3 (II) to file petitions for appeal.

4 (B) LIMITATION ON STATE ACTION WHILE
5 FEDERAL ACTION IS PENDING.—If the Commis-
6 sion or the Attorney General of the United
7 States has instituted a civil action for violation
8 of this Act (referred to in this subparagraph as
9 the “Federal action”), no State attorney gen-
10 eral, official, or agency may bring an action
11 under this subsection during the pendency of
12 the Federal action against any defendant
13 named in the complaint in the Federal action
14 for any violation of such subsection alleged in
15 such complaint.

16 (4) RULE OF CONSTRUCTION.—For purposes of
17 bringing a civil action under this subsection, nothing
18 in this Act shall be construed to prevent an attorney
19 general, official, or agency of a State from exercising
20 the powers conferred on the attorney general, offi-
21 cial, or agency by the laws of such State to conduct
22 investigations, administer oaths and affirmations, or
23 compel the attendance of witnesses or the production
24 of documentary and other evidence.

1 (5) SAVINGS PROVISION.—Nothing in this sub-
2 section may be construed to prohibit an authorized
3 official of a State from initiating or continuing any
4 proceeding in a court of the State for a violation of
5 any civil or criminal law of the State.

6 (e) ENFORCEMENT BY PERSONS.—

7 (1) CIVIL ACTION.—

8 (A) IN GENERAL.—An individual may
9 bring a civil action against a data broker for a
10 violation of this Act related to the personal data
11 of that individual in an appropriate Federal dis-
12 trict court of the United States.

13 (B) INJURY IN FACT.—A violation of this
14 Act related to the personal data of an individual
15 constitutes a concrete and particularized injury
16 in fact for that individual.

17 (2) RELIEF.—

18 (A) IN GENERAL.—In a civil action
19 brought under paragraph (1) in which the
20 plaintiff prevails, the court may award the
21 plaintiff—

22 (i) an amount equal to the sum of any
23 actual damages, but not less than \$1000
24 for each violation of this Act;

25 (ii) injunctive relief;

1 (iii) declaratory relief; and

2 (iv) reasonable attorney fees and liti-
3 gation costs.

4 (B) WILLFUL VIOLATIONS.—If the court
5 finds that the defendant willfully or knowingly
6 violated this Act, the court may, in its discre-
7 tion, increase the amount of the award to an
8 amount equal to not more than 3 times the
9 amount available under subparagraph (A) of
10 this paragraph.

11 (3) COSTS AND ATTORNEY'S FEES.—The court
12 shall award to a prevailing plaintiff in an action
13 under this subsection the costs of such action and
14 reasonable attorney's fees, as determined by the
15 court.

16 (4) WAIVER OF RIGHTS AND REMEDIES.—The
17 rights and remedies provided by this subsection may
18 not be waived by any terms of service, including by
19 a predispute arbitration agreement.

20 (5) NONEXCLUSIVE REMEDY.—The remedy pro-
21 vided by this subsection shall be in addition to any
22 other remedy available to the person.

23 (f) EFFECTIVE DATE.—This Act shall take effect on
24 the date that is 180 days after the date of the enactment
25 of this Act.

1 (g) DEFINITIONS.—In this section:

2 (1) CHILD.—The term “child” means an indi-
3 vidual under the age of 13 years.

4 (2) COMMISSION.—The term “Commission”
5 means the Federal Trade Commission.

6 (3) DATA BROKER.—

7 (A) IN GENERAL.—The term “data
8 broker” means an entity that, for valuable con-
9 sideration, sells, licenses, rents, trades, trans-
10 fers, releases, discloses, provides access to, or
11 otherwise makes available to another entity per-
12 sonal data of an individual that the entity did
13 not collect directly from such individual.

14 (B) EXCEPTION.—The term “data broker”
15 does not include an entity to the extent the en-
16 tity—

17 (i) acts as a service provider;

18 (ii) provides, maintains, or offers a
19 product or service with respect to which
20 personal data, or access to such data, is
21 not the product or service;

22 (iii) transmits personal data of an in-
23 dividual, including any communication of
24 such individual, at the request or direction
25 of such individual; or

1 (iv) reports or publishes news or in-
2 formation that concerns local, national, or
3 international events or other matters of
4 public interest.

5 (4) KNOWS.—The term “knows” means to have
6 actual knowledge or knowledge fairly implied on the
7 basis of objective circumstances.

8 (5) PERSONAL DATA.—The term “personal
9 data”—

10 (A) means information that identifies or is
11 linked or reasonably linkable, alone or in com-
12 bination with other information, to an indi-
13 vidual or a device that identifies is linked or
14 reasonably linkable to an individual; and

15 (B) includes derived data and unique per-
16 sistent identifiers.

17 (6) SERVICE PROVIDER.—The term “service
18 provider” means an entity that collects, processes, or
19 transfers personal data on behalf of, and at the di-
20 rection of—

21 (A) the individual to whom such informa-
22 tion pertains;

23 (B) the parent or legal guardian of the in-
24 dividual to whom such information pertains;

1 (C) a Federal, State, or local government
2 entity; or

3 (D) another entity acting at the direction
4 of an individual or entity described in subpara-
5 graph (A), (B), or (C).

6 (7) STATE.—The term “State” means each
7 State of the United States, the District of Columbia,
8 each territory or possession of the United States,
9 and each federally recognized Indian Tribe.

10 (8) TEEN.—The term “teen” means an indi-
11 vidual who has attained age 13 years and is under
12 the age of 18 years.