

Cal Bus & Prof Code § 22947.2

Deering's California Codes are current through the 2024 Regular Session Ch 1

Deering's California Codes Annotated > **BUSINESS & PROFESSIONS CODE (§§ 1 — 30047)** > **Division 8 Special Business Regulations (Chs. 1 — 40)** > **Chapter 32 Consumer Protection Against Computer Spyware Act (§§ 22947 — 22947.6)**

§ 22947.2. Modifying settings; Collecting information; Preventing user's efforts to block or disable software; Misrepresenting that software will be uninstalled or disabled; Removing, disabling or rendering inoperative security, antispyware or antivirus software

A person or entity that is not an authorized user, as defined in Section 22947.1, shall not, with actual knowledge, with conscious avoidance of actual knowledge, or willfully, cause computer software to be copied onto the computer of a consumer in this state and use the software to do any of the following:

(a) Modify, through intentionally deceptive means, any of the following settings related to the computer's access to, or use of, the Internet:

- (1) The page that appears when an authorized user launches an Internet browser or similar software program used to access and navigate the Internet.
- (2) The default provider or Web proxy the authorized user uses to access or search the Internet.
- (3) The authorized user's list of bookmarks used to access Web pages.

(b) Collect, through intentionally deceptive means, personally identifiable information that meets any of the following criteria:

- (1) It is collected through the use of a keystroke-logging function that records all keystrokes made by an authorized user who uses the computer and transfers that information from the computer to another person.
- (2) It includes all or substantially all of the Web sites visited by an authorized user, other than Web sites of the provider of the software, if the computer software was installed in a manner designed to conceal from all authorized users of the computer the fact that the software is being installed.
- (3) It is a data element described in paragraph (2), (3), or (4) of subdivision (k) of Section 22947.1, or in subparagraph (A) or (B) of paragraph (5) of subdivision (k) of Section 22947.1, that is extracted from the consumer's computer hard drive for a purpose wholly unrelated to any of the purposes of the software or service described to an authorized user.

(c) Prevent, without the authorization of an authorized user, through intentionally deceptive means, an authorized user's reasonable efforts to block the installation of, or to disable,

software, by causing software that the authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer without the authorization of an authorized user.

(d) Intentionally misrepresent that software will be uninstalled or disabled by an authorized user's action, with knowledge that the software will not be so uninstalled or disabled.

(e) Through intentionally deceptive means, remove, disable, or render inoperative security, antispyware, or antivirus software installed on the computer.

History

Added Stats 2004 ch 843 § 2 (SB 1436).

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