# **RSA 359-H:2**

Statutes current through Chapter 8 of the 2024 Regular Session.

***LEXIS™ New Hampshire Revised Statutes Annotated* > *Title XXXI Trade and Commerce (Chs. 333 — 359-U)* > *Chapter 359-H Computer Spyware (§§ 359-H:1 — 359-H:6)***

**359-H:2. Prohibited Conduct.**

A person or entity conducting business in this state, who is not an authorized user, shall not knowingly cause a computer program or spyware to be copied onto the computer of a consumer and use the program or spyware to do any of the following:

**I.** Take control, through intentionally deceptive means, of the consumer’s computer by doing any of the following:

**(a)** Transmitting or relaying commercial electronic mail or a computer virus from the consumer’s computer, where the transmission or relaying is initiated by a person other than an authorized user and without the authorization of an authorized user.

**(b)** Accessing or using the consumer’s modem or Internet service for the purpose of causing damage to the consumer’s computer or causing an authorized user to incur unauthorized financial charges.

**(c)** Using the consumer’s computer as part of an activity performed by a group of computers for the purpose of causing damage to another computer, including launching a denial of service attack.

**(d)** Opening multiple, sequential, stand-alone advertisements in the consumer’s Internet browser with knowledge that a reasonable computer user cannot close the advertisements without turning off the computer or closing the consumer’s Internet browser.

**II.** Modifying, through intentionally deceptive means, any of the following settings related to the computer’s access to, or use of, the Internet:

**(a)** The page that appears when an authorized user launches an Internet browser or similar program used to access and navigate the Internet.

**(b)** The default provider the authorized user uses to access or search the Internet.

**(c)** The authorized user’s list of bookmarks used to access Web pages.

**(d)** An authorized user’s security or other settings that protect information about the authorized user, for the purpose of stealing personal information of, or causing harm to, an authorized user.

**(e)** The security settings of the computer for the purpose of causing damage to one or more computers.

**III.** Collecting personal information through intentionally deceptive means, such as through the use of a keystroke logging function, and transferring that information from the computer to another person.

**IV.** Preventing, through intentionally deceptive means, an authorized user’s reasonable efforts to block the installation of, or to disable, software by doing any of the following:

**(a)** Presenting an authorized user with an option to decline installation of software such that, when the option is selected, the installation nevertheless proceeds.

**(b)** Falsely representing that software has been disabled.

**(c)** 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.

**V.** Intentionally misrepresenting that software will be uninstalled or disabled by an authorized user’s action, with knowledge that the software will not be uninstalled or disabled.

**VI.** Inducing, through deceptive means, an authorized user to install a software component onto the computer, including deceptively misrepresenting that installing software is necessary for security or privacy reasons or in order to open, view, or play a particular type of content.

**VII.** Deceptively installing and executing on the computer one or more additional computer software components with the intent of causing an authorized user to use the components in a way that violates any other provision of this section.

**VIII.** Through intentionally deceptive means, removing, disabling, or rendering inoperative a security, antispyware, or antivirus technology installed on the computer.

**History**

2005, 238:1, eff. July 14, 2005.

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