

HB 1589-FN - AS INTRODUCED

2026 SESSION

26-2907

06/09

HOUSE BILL            ***1589-FN***

AN ACT                establishing the digital choice act.

SPONSORS:            Rep. Litchfield, Rock. 32; Rep. Thibault, Merr. 25; Rep. Granger, Straf. 2; Rep. Moffett, Merr. 4

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill establishes the digital choice act, which requires social media companies to provide users with access to their personal data and enable data sharing across platforms through open protocols and user-controlled interoperability interfaces.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



1 (1) Displays content that is primarily generated by account holders and not by the  
2 social media company;

3 (2) Permits an individual to register as an account holder and create a profile that is  
4 made visible to the general public or a set of other users defined by the account holder;

5 (3) Connects account holders to allow users to interact socially with each other  
6 within the website or application; and

7 (4) Allows account holders to post content viewable by other users.

8 (b) "Social media service" does not include:

9 (1) Email;

10 (2) Cloud storage; or

11 (3) Document viewing, sharing, or collaboration services.

12 VI. "User" means an individual who is a resident of this state who accesses or uses a social  
13 media service.

14 358-A:15 Legislative Findings. The following is hereby found and declared:

15 I. An individual has a right to control and move the individual's own personal data,  
16 including social interactions online;

17 II. Companies have demonstrated a pattern of restricting the interoperability of content,  
18 preventing users from easily sharing posts and interactions across different platforms.

19 III. The state should ensure that individuals have the right to access a complete personal  
20 data record from social media platforms.

21 358-A:16 Data Rights.

22 I. A user shall have the right to:

23 (a) Delete personal data held by the social media company that was provided by, or  
24 obtained about, the user; and

25 (b) Obtain a copy of the user's personal data processed by the social media company, in a  
26 portable and, to the extent technically feasible, readily usable format that allows the user to  
27 transmit the data to another user without hindrance, where the processing is carried out by  
28 automated means, provided such user shall not be required to reveal any trade secret.

29 II. A user may exercise rights under this section by a secure, timely, and reliable means  
30 established by the secretary of state.

31 358-A:17 Data Interoperability Requirements.

32 I. A social media company shall implement a transparent, third-party-accessible  
33 interoperability interface or interfaces to allow users to choose to:

34 (a) Share a common set of their current social graph or user-selected parts of their social  
35 graph between the social media services they designate; and

36 (b) Enable third parties to access social graph data they create and be notified when new  
37 or updated social graph data is available, with the user's permission.

1           II. A social media company that receives personal data shall reasonably secure any personal  
2 data it acquires.

3           III. In order to achieve interoperability under paragraph I, a social media company shall:

4               (a) Utilize an open protocol;

5               (b) Facilitate and maintain interoperability and continuous, real-time data sharing with  
6 other social media services through an interoperability interface, based on reasonable terms that do  
7 not discriminate between social media services;

8               (c) Establish reasonable and proportionate thresholds related to the frequency, nature,  
9 and volume of requests, beyond which the social media company may assess a reasonable fee for  
10 such access; and

11              (d) Disclose to other social media companies complete, accurate, and regularly updated  
12 documentation describing access to the interoperability interface required under this section.

13           IV. A social media company or third party may not collect, use, or share personal data  
14 obtained from other social media services through the interoperability interface except for the  
15 purposes of safeguarding the privacy and security of such information or maintaining  
16 interoperability of services.

17           V. A social media company or third party may not share or receive personal data through  
18 the interoperability interface except with the user's consent.

19           VI. A social media company shall adopt an accessible, prominent, and persistent method for  
20 users to give consent for data sharing with other social media services or third parties through the  
21 interoperability interface and shall promptly implement the user's instructions.

22           VII. A social media company is not required to:

23               (a) Provide access to:

24                   (1) Inferences, analyses, or derived data that the social media company has  
25 generated internally about a user; or

26                   (2) Trade secrets, proprietary algorithms, ranking systems, or other internal  
27 operating mechanisms; or

28               (b) Transmit data that meets all of the following criteria:

29                   (1) Such data is stored or structured in a proprietary format;

30                   (2) No open, industry-standard format is reasonably available; and

31                   (3) Transmitting the data would disclose information described in paragraph (a) of  
32 this subdivision.

33           358-A:18 Rulemaking Authority.

34           I. The attorney general may, after completing an assessment, adopt rules, pursuant to RSA  
35 541-A, to identify open protocols that it has determined meet the requirements of RSA 358-A:17.

1           II. A social media company that utilizes an open protocol identified by the attorney general  
2 under this section shall be entitled to a rebuttable presumption of providing access on reasonable  
3 terms that do not discriminate between social media services.

4           358-A:19 Enforcement.

5           I. The attorney general shall have exclusive authority to enforce violations under this  
6 subdivision.

7           II. Nothing in this subdivision shall be construed as providing the basis for, or be subject to,  
8 a private right of action for violations under this subdivision or any other law.

9           III. A violation under this subdivision shall constitute an unfair method of competition or  
10 any unfair or deceptive act or practice in the conduct of any trade or commerce within this state  
11 under RSA 358-A:2 and shall be enforced by the attorney general.

12           358-A:20 Severability. The provisions of this subdivision are severable. If any provision of this  
13 subdivision or its application is held invalid, that invalidity shall not affect other provisions or  
14 applications that can be given effect without the invalid provision or application.

15           3 Effective Date. This act shall take effect 90 days after its passage.

**HB 1589-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT establishing the digital choice act.

**FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase \$100,000 to \$500,000	Indeterminable Increase \$100,000 to \$500,000	Indeterminable Increase \$100,000 to \$500,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill establishes the Digital Choice Act, requiring social media companies to provide users with data portability, deletion rights, and interoperability through open protocols. The bill authorizes the Attorney General to enforce its provisions and permits rulemaking to identify acceptable open protocols.

The Department of Justice states this bill will expand the responsibilities of the Department's Consumer Protection and Antitrust Bureau by requiring oversight of data access rights, data deletion requests, open-protocol interoperability, and enforcement actions against social media companies for violations of the new statutory requirements. The Department explains it would require at least one additional attorney and a technologist to administer this bill, but it cannot predict the level of this position because the required expertise is uncertain. The overall expenditures are indeterminable but could range from \$100,000 to \$500,000.

The Department of Justice did not provide specific position information or salary and benefits for positions being requested and this bill does not provide funding or authorization for positions.

**AGENCIES CONTACTED:**

Department of Justice