

134.43 Privacy and cable television. (1g) In this section:

(a) “Equipment” means equipment provided by a multichannel video provider that enables a subscriber to receive video programming.

(b) “Multichannel video provider” means an interim cable operator, as defined in s. 66.0420 (2) (n), video service provider, as defined in s. 66.0420 (2) (zg), or multichannel video programming distributor, as defined in 47 USC 522 (13).

(c) “Subscriber” means a person who subscribes to video programming provided by a multichannel video provider.

(d) “Video programming” has the meaning given in s. 66.0420 (2) (x).

(1m) (a) Upon the request of a subscriber, the subscriber’s equipment shall be fitted with a device under the control of the subscriber that enables the subscriber to prevent reception and transmission of messages identified in par. (b) by the subscriber’s equipment.

(b) The device in par. (a) shall control all messages received and transmitted by the subscriber’s equipment except messages recurring at constant intervals, including those related to security, fire, and utility service.

(c) Each multichannel video provider shall notify each subscriber in writing of the opportunity to request the device under par. (a).

(d) No subscriber may be required to pay any extra fee for the installation and operation of a device requested under par. (a).

(e) This subsection does not apply to a multichannel video provider that provides video programming via Internet protocol technology.

(2) No person may intrude on the privacy of another by doing any of the following without the written consent of the subscriber given within the preceding 2 years:

(a) Monitor the subscriber’s equipment or the use of it, except to verify the system’s integrity or to collect information for billing of pay services.

(b) Provide anyone with the name or address or other information that discloses or reasonably leads to the disclosure of any aspect of the behavior, including but not limited to individual habits, preferences or finances, of the subscriber or of a member of the subscriber’s household.

(c) Conduct research that requires the response of the subscriber or of any member of the subscriber’s household, except by mail or personal interview, unless the subscriber or household member has been notified in writing before the research begins and at least once each month while the research is being conducted.

(2m) (a) A person may supply the name, address, or other information identifying a subscriber or member of the subscriber’s household to another person if the person receiving the information uses it only for billing of pay services or to send listings of video programming programs to the subscriber and if the subscriber is notified in writing of that supplying of information, given the opportunity to object to that supplying and does not object to that supplying.

(b) Any person receiving information under par. (a) may use it only for the purposes specified in par. (a) and is otherwise subject to sub. (2).

(3) Any person who is the victim of an intrusion of privacy under this section is entitled to relief under s. 995.50 (1) and (4) unless the act is permissible under ss. 968.27 to 968.37.

(3m) Subsections (2) (b), (2m) and (3) do not apply to information regarding the name, address or employer of or financial information related to a subscriber or member of a

subscriber's household that is requested under s. 49.22 (2m) by the department of children and families or a county child support agency under s.59.53 (5).

(4) Any person who violates this section is subject to a forfeiture of not to exceed \$50,000 for a first offense and not to exceed \$100,000 for a 2nd or subsequent offense.

(5) Damages under sub. (3) are not limited to damages for pecuniary loss but shall not be presumed in the absence of proof.

History: 1981 c. 271; 1987 a. 399; 1997 a. 191; 2005 a. 155; 2007 a. 20, 42.