

## **IC 24-4.8**

### **ARTICLE 4.8. PROHIBITED SPYWARE**

#### **IC 24-4.8-1**

##### **Chapter 1. Definitions**

#### **IC 24-4.8-1-1**

##### **Application**

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.115-2005, SEC.1.*

#### **IC 24-4.8-1-2**

##### **"Advertisement"**

Sec. 2. "Advertisement" means a communication that has the primary purpose of promoting a commercial product or service.

*As added by P.L.115-2005, SEC.1.*

#### **IC 24-4.8-1-3**

##### **"Computer software"**

Sec. 3. (a) "Computer software" means a sequence of instructions written in any programming language that is executed on a computer.

(b) The term does not include computer software that is a web page or a data component of a web page that is not executable independently of the web page.

*As added by P.L.115-2005, SEC.1.*

#### **IC 24-4.8-1-4**

##### **"Damage"**

Sec. 4. "Damage" means a significant impairment to the integrity or availability of data, computer software, a system, or information.

*As added by P.L.115-2005, SEC.1.*

#### **IC 24-4.8-1-5**

##### **"Execute"**

Sec. 5. "Execute" means to perform a function or carry out an instruction of computer software.

*As added by P.L.115-2005, SEC.1.*

#### **IC 24-4.8-1-6**

##### **"Intentionally deceptive means"**

Sec. 6. "Intentionally deceptive means" means any of the following:

- (1) A materially false statement that a person knows to be false.
- (2) A statement or description made by a person who omits or misrepresents material information with the intent to deceive an owner or operator of a computer.
- (3) The failure to provide notice to an owner or operator of a computer regarding the installation or execution of computer software with the intent to deceive the owner or operator.

*As added by P.L.115-2005, SEC.1.*

**IC 24-4.8-1-7**

**"Internet"**

Sec. 7. "Internet" has the meaning set forth in IC 5-22-2-13.5.

*As added by P.L.115-2005, SEC.1.*

**IC 24-4.8-1-8**

**"Owner or operator"**

Sec. 8. (a) "Owner or operator" means the person who owns or leases a computer or a person who uses a computer with the authorization of the person who owns or leases the computer.

(b) The term does not include a manufacturer, distributor, wholesaler, retail merchant, or any other person who owns or leases a computer before the first retail sale of the computer.

*As added by P.L.115-2005, SEC.1.*

**IC 24-4.8-1-9**

**"Person"**

Sec. 9. "Person" means an individual, a partnership, a corporation, a limited liability company, or another organization.

*As added by P.L.115-2005, SEC.1.*

**IC 24-4.8-1-10**

**"Personally identifying information"**

Sec. 10. "Personally identifying information" means the following information that refers to a person who is an owner or operator of a computer:

- (1) Identifying information (as defined in IC 35-43-5-1).
- (2) An electronic mail address.
- (3) Any of the following information in a form that personally identifies an owner or operator of a computer:
  - (A) An account balance.
  - (B) An overdraft history.
  - (C) A payment history.

*As added by P.L.115-2005, SEC.1.*

**IC 24-4.8-1-11**

**"Transmit"**

Sec. 11. (a) Except as provided in subsection (b), "transmit" means to transfer, send, or otherwise make available computer software or a computer software component through a network, the Internet, a wireless transmission, or any other medium, including a disk or data storage device.

(b) "Transmit" does not include an action by a person who provides:

- (1) the Internet connection, telephone connection, or other means of connection for an owner or operator, including a compact disc or DVD on which computer software to establish or maintain a connection is made available;

(2) the storage or hosting of computer software or an Internet web page through which the computer software was made available; or

(3) an information location tool, including a directory, an index, a reference, a pointer, or a hypertext link, through which the owner or operator of the computer located the software;

unless the person receives a direct economic benefit from the execution of the computer software.

*As added by P.L.115-2005, SEC.1.*