



2026 South Dakota Legislature

Senate Bill 111

Introduced by: **Senator Rohl**

1 **An Act to require that social media companies provide collected personal data of a**
2 **user at the user's request and maintain transparent interoperability**
3 **interfaces.**

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 **Section 1. That § 53-12-1 be AMENDED:**

6 **53-12-1.** Terms used in this chapter mean:

- 7 (1) "Agreement," the bargain of the parties in fact, as found in their language or
8 inferred from other circumstances and from rules and procedures given the effect
9 of agreements under laws otherwise applicable to a particular transaction;
- 10 (2) "Automated transaction," a transaction conducted or performed, in whole or in
11 part, by electronic means or electronic records, in which the acts or records of one
12 or both parties are not reviewed by an individual in the ordinary course in forming
13 a contract, performing under an existing contract, or fulfilling an obligation required
14 by the transaction;
- 15 (3) "Blockchain technology," technology that uses a distributed, shared, and replicated
16 ledger, either public or private, with or without permission, or driven with or
17 without tokenized crypto economics where the data on the ledger is protected with
18 cryptography and is immutable and auditable;
- 19 (4) "Computer program," a set of statements or instructions to be used directly or
20 indirectly in an information processing system in order to bring about a certain
21 result;
- 22 (5) "Contract," the total legal obligation resulting from the parties' agreement as
23 affected by this chapter and other applicable law;
- 24 (6) "Electronic," any technology, including blockchain technology, using electrical,
25 digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

- 1 (7) "Electronic agent," a computer program or an electronic or other automated means
2 used independently to initiate an action or respond to electronic records or
3 performances in whole or in part, without review or action by an individual;
- 4 (8) "Electronic record," a record created, generated, sent, communicated, received, or
5 stored by electronic means. The term includes a record that is secured through
6 blockchain technology;
- 7 (9) "Electronic signature," an electronic sound, symbol, or process attached to or
8 logically associated with a record and executed or adopted by a person with the
9 intent to sign the record. The term includes a signature that is secured through
10 blockchain technology;
- 11 (10) "Governmental agency," an executive, legislative, or judicial agency, department,
12 board, commission, authority, institution, or instrumentality of the federal
13 government or of a state or of a county, municipality, or other political subdivision
14 of a state;
- 15 (11) "Information," data, text, images, sounds, codes, computer programs, software,
16 databases, or the like;
- 17 (12) "Information processing system," an electronic system for creating, generating,
18 sending, receiving, storing, displaying, or processing information;
- 19 (13) "Open protocol," a publicly available technical standard that:
20 (a) Enables interoperability and data exchange between social media services
21 by providing a common data infrastructure where multiple social media
22 services can access, contribute to, and synchronize a user's personal data;
23 (b) Is free from licensing fees and patent restrictions; and
24 (c) Governs how social media services communicate and exchange data with
25 each other;
- 26 ~~(13)~~(14) "Person," an individual, corporation, business trust, estate, trust, partnership,
27 limited liability company, association, joint venture, governmental agency, public
28 corporation, or any other legal or commercial entity;
- 29 (15) "Personal data," information that is linked or reasonably linkable to an identified or
30 identifiable individual, including data that represents the individual's connections
31 and interactions within a social media service, and excluding de-identified data,
32 aggregated data, or publicly available information;
- 33 ~~(14)~~(16) "Record," information that is inscribed on a tangible medium or that is stored
34 in an electronic or other medium and is retrievable in perceivable form;

- 1 ~~(15)~~(17) "Security procedure," a procedure employed for the purpose of verifying that
 2 an electronic signature, record, or performance is that of a specific person or for
 3 detecting changes or errors in the information in an electronic record. The term
 4 includes a procedure that requires the use of algorithms or other codes, identifying
 5 words or numbers, encryption, or callback or other acknowledgment procedures;
 6 (18) "Social media company," an entity that owns or operates a social media service;
 7 (19) "Social media service," a public website or application that:
 8 (a) Displays content that is primarily generated by account holders and not by
 9 the social media company;
 10 (b) Requires an individual to register as an account holder and create a profile
 11 that is made visible to the public or a set of other users defined by the
 12 account holder;
 13 (c) Connects account holders to allow users to interact socially with each other
 14 within the website or application;
 15 (d) Allows account holders to post content viewable by other users; and
 16 (e) Is not identifiable as email, cloud storage, or document viewing, sharing, or
 17 collaboration services;
 18 ~~(16)~~(20) "State," a state of the United States, the District of Columbia, Puerto Rico, the
 19 United States Virgin Islands, or any territory or insular possession subject to the
 20 jurisdiction of the United States. The term includes an Indian tribe or band, or
 21 Alaskan native village, which is recognized by federal law or formally acknowledged
 22 by a state;
 23 ~~(17)~~(21) "Transaction," an action or set of actions occurring between two or more
 24 persons relating to the conduct of business, commercial, or governmental affairs;
 25 and
 26 (22) "User," an individual located in this state who accesses or uses a social media
 27 service.

28 **Section 2. That § 55-1A-35.1 be AMENDED:**

- 29 **55-1A-35.1.** If otherwise validly executed, the following documents may be
 30 executed in accordance with chapter 53-12:
 31 (1) The governing instrument of an express trust, or other document, other than a will
 32 or codicil as defined in title 29A;

- 1 (2) The resignation, removal, appointment, or acceptance of appointment of any
 2 trustee, any advisor or protector, or of any designated representation addressed
 3 in title 55;
- 4 (3) A consent, release, ratification, or indemnification addressed in title 55; and
- 5 (4) Any other document addressed by title 55 to the extent it is not excluded from the
 6 scope of chapter 53-12.
- 7 Notwithstanding any provision of chapter 53-12 to the contrary, the documents
 8 under this section are deemed to be a transaction ~~within the meaning of subdivision 53-~~
 9 ~~12-1(17)~~, as defined in § 53-12-1, and are within the scope of chapter 53-12.

10 **Section 3. That a NEW SECTION be added to chapter 53-12:**

11 If a user requests a copy of the user's personal data being held by a social media
 12 service with more than five hundred thousand active monthly users and whose primary
 13 focus is not charity or religion, the social media service must provide the personal data in
 14 a format that:

- 15 (1) Is portable to the extent technically feasible;
 16 (2) Is readily usable to the extent practicable; and
 17 (3) Allows the user to transmit the data to another social media service, without
 18 impediment.

19 **Section 4. That a NEW SECTION be added to chapter 53-12:**

20 A social media company operating a social media service with more than five
 21 hundred thousand active monthly users and whose primary focus is not charity or religion
 22 shall implement a transparent, third-party-accessible interoperability interface subject to
 23 section 3 of this Act to allow the social media service's users to choose to:

- 24 (1) Share a common set of the user's personal data between the social media services
 25 designated by the user; and
 26 (2) Enable third parties to access content created by the user and to be notified when
 27 new or updated content is available, with the user's permission.

28 **Section 5. That a NEW SECTION be added to chapter 53-12:**

29 To achieve interoperability under section 4 of this Act, a social media company
 30 operating a social media service with more than five hundred thousand active monthly
 31 users and whose primary focus is not charity or religion shall:

- 1 (1) Utilize an open protocol;
- 2 (2) Facilitate and maintain interoperability and synchronous data sharing with other
- 3 social media services based on terms that do not discriminate between social media
- 4 services;
- 5 (3) Establish proportionate thresholds related to the frequency, nature, and volume of
- 6 requests, beyond which the social media company may assess a fee for the access;
- 7 (4) Offer to other social media companies a functionally equivalent version of any
- 8 internal interfaces created by the social media company for the social media
- 9 company's own social media services;
- 10 (5) Disclose to other social media companies complete, accurate, and regularly
- 11 updated documentation describing access to the interoperability interface required
- 12 under this section;
- 13 (6) Refrain from sharing or receiving a user's personal data through the interoperability
- 14 interface except with the user's consent; and
- 15 (7) Adopt a method for users to give consent for data sharing with other social media
- 16 services or third parties through the interoperability interface.

17 **Section 6. That a NEW SECTION be added to chapter 53-12:**

18 A social media company operating a social media service with more than five

19 hundred thousand active monthly users and whose primary focus is not charity or religion

20 shall secure all personal data obtained through an interoperability interface and safeguard

21 the privacy and security of a user's personal data obtained from other social media

22 services through the interoperability interface, in accordance with the social media

23 company's privacy notice and administrative, technical, and physical data security

24 practices.

25 **Section 7. That a NEW SECTION be added to chapter 53-12:**

26 Sections 3 to 6, inclusive, of this Act do not apply to an entity that is owned,

27 controlled, operated, or maintained by a religious organization and is exempt from

28 property taxation under state law.