A federal court opinion released this week is a reminder that Michigan’s Video Rental Privacy Act (VRPA) may apply to far more than just videos.

The Michigan VRPA restricts the disclosure of customers’ personal information by companies “engaged in the business of selling at retail, renting, or lending books or other written materials, sound recordings, or video recordings.”

Plaintiff Deborah Kinder filed a putative class action lawsuit against Meredith Corp., alleging that the magazine publisher violated the VRPA by disclosing her personal information, along with information about the magazines to which she subscribed, without her consent.

Meredith moved to dismiss the VRPA claim, contending that magazines are not covered by the statute. In an opinion released on Tuesday, Judge Thomas L. Ludington of the U.S. District Court for the Eastern District of Michigan rejected this argument, concluding that magazines are “other written materials” that are covered by the statute.

Judge Ludington also rejected Meredith’s argument that applying the video privacy law to magazines would lead to an absurd result, particularly because readers would not expect the law to cover their magazine subscriptions. Judge Ludington concluded that ensuring that “Michigan magazine subscribers enjoy a high level of privacy” is not absurd.

Meredith also asserted that the VRPA does not cover Kinder because she did not allege that she purchased the magazines “at retail,” as the statute requires. In her complaint, Kinder stated that by subscribing to the magazines, she “purchased written materials directly from Meredith.” Judge Ludington disagreed with Meredith’s argument, concluding that although Kinder “did not provide the exact method she used to subscribe, she did claim that she purchased them directly from Meredith.”

The federal Video Privacy Protection Act (VPPA) restricts the disclosure of personally identifiable information about customers’ rental or purchase of videos. The Michigan VRPA is one of more than a dozen state analogues to the VPPA. Michigan’s law is particularly broad, as seen in this week’s decision. Companies that sell, rent, or loan video, audio, or written materials to Michigan consumers should pay careful attention to the statute’s requirements and the court opinions interpreting the law.

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