

Subject line: Stronger data privacy laws needed

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Curbing Companies' Bad Behavior Will Require Stronger Data Privacy Laws and a New Federal Data Privacy Agency

Federal Privacy Laws Are Antiquated and Need Updating; New Data Privacy Legislation Must Include Civil Rights Protections and Enhanced Punishments for Violations

WASHINGTON, D.C. – U.S. data privacy laws must be overhauled without pre-empting state laws and a new data privacy agency should be created to confront 21st century threats and address emerging concerns for digital customers, consumer and privacy organizations said today as they released a [framework](#) for comprehensive privacy protection and digital rights for members of Congress.

“Big Tech is coming to Washington looking for a deal that affords inadequate protections for privacy and other consumer rights but pre-empts states from defending their citizens against the tech companies’ surveillance and misuse of data,” said Robert Weissman, president of Public Citizen. “But here’s the bad news for the tech giants: That deal isn’t going to fly. Instead, the American people are demanding – and intend to win – meaningful federal restraints on tech company abuses of power that also ensure the right of states to craft their own consumer protections.”

From the Equifax data breach to foreign election interference and targeted digital ads based on race, health and income, it’s clear that U.S. consumers face a crisis of confidence born from federal data privacy laws that are decades out of date and a lack of basic protections afforded them by digital conglomerates. These corporations, many of which dominate online spaces, are far more interested in monetizing every key stroke or click than protecting consumers from data breaches. For that reason, federal and state authorities must act, the groups maintain.

The groups will push for federal legislation based on a familiar privacy framework, such as the original U.S. Code of Fair Information Practices and the widely followed Organization for Economic Cooperation and Development Privacy Guidelines. These frameworks should require companies that collect personal data and rights for individuals to:

- Establish limits on the collection, use and disclosure of sensitive personal data;
- Establish enhanced limits on the collection, use and disclosure of data of children and teens;
- Regulate consumer scoring and other business practices that diminish people’s physical health, education, financial and work prospects; and
- Prohibit or prevent manipulative marketing practices.

The groups are calling for federal baseline legislation and oppose the pre-emption of state digital privacy laws. States have long acted as the “laboratories of democracy” and must continue to have the power to enact appropriate protections for their citizens as technology develops, the groups say.

“Black communities should not have to choose between accessing the Internet and the right to control our data,” said Brandi Collins-Dexter, senior campaign director at Color Of Change. “We need privacy legislation that holds powerful corporations accountable for their impacts. Burdening our communities with the need to discern how complex terms of service and algorithms could harm us will only serve to reinforce discriminatory corporate practices. The privacy protection and digital rights principles released today create an important baseline for proactive data protections for our communities.”

“For years now, Big Tech has used our sensitive information as a cash cow,” said Josh Golin, executive director of Campaign for a Commercial-Free Childhood. “Each innovation – whether it’s talking home assistants, new social media tools or software for schools – is designed to spy on families and children. We desperately need both 21st century legislation and a new federal agency with broad enforcement powers to ensure that children have a chance to grow up without their every move, keystroke, swipe and utterance tracked and monetized.”

The United States is woefully behind other nations worldwide in providing these modern data protections for its consumers, instead relying solely on the Federal Trade Commission (FTC) to safeguard consumers and promote competition. But corporations understand that the FTC lacks rulemaking authority and that the agency often fails to enforce rules it has established.

“The FTC has failed to act,” said Caitriona Fitzgerald, policy director at the Electronic Privacy Information Center. “The U.S. needs a dedicated data protection agency.”

Alternately, many democratic nations like Canada, Mexico, the U.K., Ireland and Japan already have dedicated data protection agencies with independent authority and enforcement capabilities.

Groups that have signed on to the framework include Berkeley Media Studies Group, Campaign for a Commercial-Free Childhood, Center for Digital Democracy, Center for Media Justice, Color of Change, Consumer Action, Consumer Federation of America, Defending Rights & Dissent, Electronic Privacy Information Center, Media Alliance, Parent Coalition for Student Privacy, Privacy Rights Clearinghouse, Privacy Times, Public Citizen, Stop Online Violence Against Women and U.S. PIRG.

Read the groups’ proposal [here](#).

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