CONSUMER DATA PRIVACY & SECURITY ACT

Senator Jerry Moran

All Americans need to be able to count on baseline responsibilities that businesses must uphold when collecting, processing, and protecting their data and personally identifiable information. While our economy has benefited from the use of data, these advancements should not be traded for an individual's right to have control over their personal information. In recent years, we have increasingly witnessed breaches and unauthorized activities from bad actors attempting to access consumers' personal data and sensitive information. Without action from Congress, consumers will continue to be vulnerable to future threats against their personal data, and innovators and job creators will be plagued with regulatory uncertainty resulting from a growing patchwork of state laws.

Given the recent implementation of the European Union's General Data Protection Regulation, the passage of the California Consumer Privacy Act, and other legislative actions from the states, it is clear that Congress needs to act to provide consumers and companies with a uniform federal standard that lays out robust protections for consumers' personal data.

The Consumer Data Privacy and Security Act **("CDPSA")** strengthens the laws that govern consumers' personal data and provides a clear, measurable standard for American businesses that is technology-neutral. The CDPSA would:

- **Establish a Federal Standard for Consumer Data Privacy Protection**
  This bill preempts previously enacted laws, rules, and regulations at the state and local-level related to consumers' data privacy and security.

- **Provide Individual Consumers with Control Over Their Data**
  This bill requires companies to provide accessible, clear, and easy-to-use means to individuals to exercise their rights to access, port, correct, and erase their personal data.

- **Create Appropriately-Scaled Requirements Based on the Size and Resources of Businesses**
  This bill mandates that companies who collect and process the personal data of a significant number of individuals take additional precautionary steps to ensure the privacy and security of the consumers' information. Many of the requirements under this act take into account the limited size and resources of small businesses in determining their compliance.

- **Require Notification and Consent Measures**
  Coupled with robust transparency requirements, this bill prohibits companies from collecting or processing the personal data of an individual unless the individual has provided consent. The type of consent required depends on the sensitivity of the personal data that is collected or processed and if the data is transferred to a third party.

- **Implement Robust Security Programs**
  This bill requires businesses to develop and implement a comprehensive data security program that contains administrative, technical, and physical safeguards to protect personal data from unauthorized access and disclosure.

- **Empower the Federal Trade Commission and State Attorneys General**
  This bill provides the FTC with the necessary resources to enforce consumer privacy protections through targeted rulemaking and issue first-time civil penalties for violations of the law. It also allows for state attorneys general to enforce the federal standard described in the law.