

## Federal Consumer Privacy Legislation – 112<sup>th</sup> Congress

(Includes bills that have been introduced and those that are pending)

Bill No. and Title	Sponsors	Key Provisions
<b>U.S. House of Representatives Legislation</b>		
H.R. 611 - BEST PRACTICES Act	Rep. Bobby Rush (D-Ill.) (sponsor)	<ul style="list-style-type: none"> <li>▪ Meaningful notice to consumers</li> <li>▪ Consumer consent prior to data collection</li> <li>▪ Express affirmative consent prior to third-party sharing or monitoring</li> <li>▪ FTC-approved self-regulatory opt-out program to satisfy a Safe Harbor provision</li> <li>▪ Must ensure data accuracy, and provide reasonable access to, and the ability to correct, certain information</li> <li>▪ Data security safeguards and limits on data retention</li> </ul>
H.R. 654 - Do Not Track Me Online Act of 2011	Rep. Jackie Speier (D-CA) (sponsor); Rep. Bob Filner (D-CA) (co-sponsor); Rep. Alcee Hastings (D-FL) (co-sponsor)	<ul style="list-style-type: none"> <li>▪ FTC to prescribe regulations on personal data collection and use</li> <li>▪ Meaningful disclosures about data collection practices</li> <li>▪ Online opt-out Do Not Track mechanism</li> </ul>
H.R. 653 - Financial Information Privacy Act of 2011	Rep. Jackie Speier (D-CA) (sponsor); Rep. Bob Filner (D-CA) (co-sponsor); Rep. Alcee Hastings (D-FL) (co-sponsor)	<ul style="list-style-type: none"> <li>▪ Financial institutions must obtain affirmative opt-in consent prior to third-party sharing or selling of personal data</li> <li>▪ Financial institutions could not discriminate against opt-in consent denials</li> </ul>
H.R.____ - Consumer Privacy Protection Act of 2011	Rep. Cliff Stearns (R-FL) (co-sponsor); Rep. Jim Matheson (D-UT) (co-sponsor)	<ul style="list-style-type: none"> <li>▪ Clear and conspicuous notice regarding collection and use of personal information</li> <li>▪ Concise and timely privacy statements that detail the extent to which personal information will be collected, used, and transferred</li> <li>▪ Opt-out mechanism precluding the disclosure of personal information to non-affiliated third-parties</li> <li>▪ Data security safeguards</li> <li>▪ FTC enforcement authority</li> <li>▪ FTC-approved five-year self-regulatory program that includes a consumer dispute resolution process</li> </ul>
H.R.1707 – Data Accountability and Trust Act	Rep. Bobby Rush (D-IL) (sponsor)	<ul style="list-style-type: none"> <li>▪ Company security policies that address the collection, use, sale, and disposal of personal information</li> <li>▪ Processes for assessing and responding to data security vulnerabilities</li> <li>▪ Consumer data breach notification requirements</li> <li>▪ Prohibition on pretexting by data brokers; reasonable access to information maintained by data brokers</li> </ul>
TBD - this bill has yet to be introduced.	Rep. Ed Markey (D-MA) (sponsor)	<ul style="list-style-type: none"> <li>▪ Online Do Not Track mechanism specific to children</li> </ul>
TBD - this bill has yet to be introduced.	Rep. Mary Bono Mack (R-CA) (sponsor)	<ul style="list-style-type: none"> <li>▪ Transparency and meaningful notice to consumers</li> <li>▪ Consumer data breach notification requirements</li> </ul>

<b>U.S. Senate Legislation</b>		
S. ___ - Do Not Track Act of 2011	Sen. Jay Rockefeller (D-WV) (sponsor)	<ul style="list-style-type: none"> <li>▪ Prohibit tracking online consumer activities, including online mobile activities, without consent</li> <li>▪ Dual enforcement regime involving FTC and state attorneys general</li> </ul>
S. ___ - The Commercial Privacy Bill of Rights Act of 2011	Sen. John McCain (R-AZ) (co-sponsor); Sen. John Kerry (D-MA) (co-sponsor)	<ul style="list-style-type: none"> <li>▪ Timely notice on collection and use of personal data</li> <li>▪ Opt-out consent for personal information used in an unauthorized manner; Opt-in consent for sensitive data</li> <li>▪ Must ensure data accuracy, and provide reasonable access to, and the ability to correct, certain information</li> <li>▪ Data security safeguards and limits on data retention</li> <li>▪ FTC enforcement authority</li> <li>▪ Safe Harbor program based on Dept. of Commerce codes of conduct; includes FTC oversight</li> </ul>