

Federal Consumer Privacy and Data Security Legislation 112th Congress

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

Bill No. and Title	Sponsors	Key Provisions
U.S. House of Representatives Legislation		
H.R. 611 - BEST PRACTICES Act	Rep. Bobby Rush (D-Ill.) (sponsor)	<ul style="list-style-type: none"> ▪ Meaningful notice to consumers ▪ Consumer consent prior to data collection ▪ Express affirmative consent prior to third-party sharing or monitoring ▪ FTC-approved self-regulatory opt-out program to satisfy a Safe Harbor provision ▪ Must ensure data accuracy, and provide reasonable access to, and the ability to correct, certain information ▪ Data security safeguards and limits on data retention
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"> ▪ FTC to prescribe regulations on personal data collection and use ▪ Meaningful disclosures about data collection practices ▪ Online opt-out Do Not Track mechanism
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"> ▪ Financial institutions must obtain affirmative opt-in consent prior to third-party sharing or selling of personal data ▪ Financial institutions could not discriminate against opt-in consent denials
H.R. 1528 - 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"> ▪ Clear and conspicuous notice regarding collection and use of personal information ▪ Concise and timely privacy statements that detail the extent to which personal information will be collected, used, and transferred ▪ Opt-out mechanism precluding the disclosure of personal information to non-affiliated third-parties ▪ Data security safeguards ▪ FTC enforcement authority ▪ FTC-approved five-year self-regulatory program that includes a consumer dispute resolution process
H.R. 1895 – Do Not Track Kids Act of 2011	Rep. Ed Markey (D-MA) (co-sponsor); Rep. Joe Barton (R-TX) (co-sponsor)	<ul style="list-style-type: none"> ▪ Parental consent for collection and use of children’s personal information ▪ Prohibition on online targeted marketing based on kids/teens’ personal information ▪ Limits on collection of personal information, including geolocational data, of children and teens
H.R. 1707 – Data Accountability and Trust Act	Rep. Bobby Rush (D-IL) (sponsor)	<ul style="list-style-type: none"> ▪ Company security policies that address the collection, use, sale, and disposal of personal information ▪ Processes for assessing and responding to data security vulnerabilities ▪ Consumer data breach notification requirements within up to

		<p>60 days of a breach</p> <ul style="list-style-type: none"> Prohibition on pretexting by data brokers; reasonable access to information maintained by data brokers
H.R. 1841 – Data Accountability and Trust Act of 2011	Rep. Cliff Stearns (R-FL) (co-sponsor); Rep. Jim Matheson (D-UT) (co-sponsor)	<ul style="list-style-type: none"> Company security policies that address the collection, use, sale, and disposal of personal information Processes for assessing and responding to data security vulnerabilities Consumer data breach notification requirements Notice to the U.S. Dept. of Health and Human Services if data breach includes sensitive health information
TBD - this bill has yet to be introduced.	Rep. Mary Bono Mack (R-CA) (sponsor)	<ul style="list-style-type: none"> Transparency and meaningful notice to consumers Consumer data breach notification requirements
U.S. Senate Legislation		
S. 913 - Do Not Track Act of 2011	Sen. Jay Rockefeller (D-WV) (sponsor)	<ul style="list-style-type: none"> Prohibit tracking online consumer activities, including online mobile activities, without consent Dual enforcement regime involving FTC and state attorneys general
S. 799 - 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"> Timely notice on collection and use of personal data Opt-out consent for personal information used in an unauthorized manner; Opt-in consent for sensitive data Must ensure data accuracy, and provide reasonable access to, and the ability to correct, certain information Data security safeguards and limits on data retention FTC enforcement authority Safe Harbor program based on Dept. of Commerce codes of conduct; includes FTC oversight