

House Data Security Legislation Likely to Pass Next Year?

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House Commerce, Manufacturing and Trade subcommittee chairman, Mary Bono Mack (R-CA), said yesterday that safe data legislation is her number one priority for the committee. She did acknowledge though that movement on such a bill is unlikely until Energy and Commerce Chairman Fred Upton (R-MI) completes his work on the Joint Select Committee on Deficit Reduction (the Super Committee).

Dissatisfied with current efforts by industry, and concerned that government may do too much, the Chair sought input from industry, advertising, and consumer representatives yesterday at a hearing titled "Understanding Consumer Attitudes Toward Privacy." Committee staff continue to meet with stakeholders on HR 2577, the SAFE Data Act, seeking to develop a national data breach/notification law that would protect consumers, but is no broader than necessary in regulating industry.

With the Super Committee due to present its recommendations in late November and Congress to vote on them before year's end, we anticipate that data breach legislation will be more likely to move in the House next year. Data breach/notification legislation was also mentioned as a priority of the House Republican Cyber Security Legislative Strategy released last week by Rep. Mac Thornberry (R-TX). House Republican leadership has proposed tackling cyber security in small bites, rather than the comprehensive approach of the Senate, making it possible that a data breach bill could move through the House early next year. Stay tuned for further developments.

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