

Representative Boucher Introduces Privacy Legislation

Dana B. Rosenfeld

May 4, 2010

On May 4, 2010, Rep. Rick Boucher (D-VA), the House Energy and Commerce Communications, Technology, and the Internet Subcommittee Chairman, and Rep. Cliff Stearns (R-FL), the Ranking Member of the Subcommittee, released a discussion draft of a privacy bill intended to address concerns about online behavioral advertising and place limits on how consumer personal information is collected, used, and disclosed. The bill would require organizations that collect consumer information to (1) clearly and conspicuously disclose privacy policies; (2) allow consumers to opt out of information collection and sharing and, in some instances, require the consumers' express affirmative consent to the information practices; and (3) allow the FTC to adopt rules to implement and enforce the bill's requirements.

The release of the draft bill follows increased legislative and regulatory scrutiny over consumer privacy protection measures—a topic that was extensively explored in recent House Energy and Commerce Committee hearings, in the Federal Trade Commission's (FTC) recent series of privacy roundtables (see our previous posts [here](#), [here](#), and [here](#)), and addressed, at least partially, in the FTC's April 26, 2010, announcement ([see previous post](#)) that it intends to develop Internet privacy guidelines. All of these efforts underscore that regulation of business practices concerning consumer information will likely remain at the forefront for the near future. A more detailed analysis of the Boucher/Stearns bill will be available through Kelley Drye and Warren's Advertising practice client advisories.