

Representatives Stearns and Matheson Introduce Consumer Privacy Protection Act

April 15, 2011

On April 13, 2011, Representatives Cliff Stearns (R-FL) and Jim Matheson (D-UT) introduced privacy legislation that seeks to ensure that consumers have greater control and are better informed on the collection and use of their personal information. The [Consumer Privacy Protection Act of 2011](#) would provide consumers with control over certain uses of personal information collected online and offline. Protections under the bi-partisan Stearns-Matheson bill include consumer notice requirements and the ability for consumers to limit disclosures of personal information to third parties.

The bill contains many provisions consistent with the [Commercial Privacy Bill of Rights Act of 2011](#), introduced in the Senate by Senators Kerry (D-MA) and McCain (R-AZ) on April 12, 2011. Both bills would be enforced by the Federal Trade Commission (FTC), include a self-regulatory 'safe harbor' framework, permit the FTC to seek civil penalties for violations, preempt similar state laws, and exclude a private right of action. Contrary to the Kerry-McCain bill, the Stearns-Matheson bill does not cover certain telecommunications providers within its scope. Additionally, civil penalties under the Stearns-Matheson bill are set at double the amount permitted under the FTC Act (for a total of \$32,000 per violation) with a maximum civil penalty of \$500,000. The potential civil penalties under the Stearns-Matheson bill are greater per violation, but less overall, than the civil penalties proposed in the Kerry-McCain bill.

Click here for [more information regarding the bill's provisions](#), as well as a [chart summarizing the various federal bills](#) on point.