Comprehensive Federal Privacy Legislation
Can Build on State Privacy Laws

THERE ARE THREE KEY COMPONENTS OF PRIVACY LEGISLATION:

1. ESTABLISHING CONSUMERS’ RIGHTS IN THEIR DATA

   **California** creates new consumer rights including:
   - Confirmation of Processing
   - Access
   - Correction
   - Deletion
   - Portability
   - Opt out of: (1) sale, and (2) sharing of personal information

   **Virginia** creates the same consumer rights but has a broader opt out right, allowing consumers to opt out of: (1) sale, (2) targeted advertising, and (3) certain types of “profiling”

   **Federal Law** should create these important consumer rights—and give consumers broad rights to opt out of processing, not limited to sale.

2. OBLIGATING COMPANIES TO HANDLE THAT DATA IN WAYS THAT DO NOT SURPRISE CONSUMERS

   **California** imposes several obligations on companies that decide how and why a consumer’s data is collected and used, including:
   - Data minimization and purpose specification
   - Reasonable security measures
   - Prohibition on retaliating against consumers that exercise new rights

   **Virginia** creates a broader set of obligations on businesses that decide how and why consumers’ data is processed, including:
   - Putting the burden on companies to obtain a consumer’s consent to process sensitive data and to obtain consent for unexpected processing
   - Prohibiting processing data in violation of state and federal non-discrimination laws

   **California and Virginia** both recognize the distinct role of service providers, including requiring them to process data pursuant to a contract.

   **Federal Law** should build on these obligations to ensure that companies use consumers’ personal data consistent with consumer expectations.

3. STRONG ENFORCEMENT

   **California’s** law creates a new regulator to enforce the law’s privacy provisions

   **Virginia’s** law will be enforced by the Attorney General

   **Federal Law** should not be enforced by a single regulator, but by federal and state agencies working together.

   **Federal**: The FTC should enforce federal privacy law, with new tools including:
   1. Targeted rulemaking authority
   2. Authority to fine first-time violators
   3. Additional funding and staff

   **State**: Attorneys General in all states and territories should also enforce the law, adding 50+ new enforcement agencies.

We urge Congress to enact a federal consumer privacy law that builds on state privacy protections in each area. Congress should build on privacy laws enacted by California and Virginia to protect consumers nationwide.