

The Judicial Redress Act, H.R. 1428/S. 1600

Overview

- The Judicial Redress Act provides appropriate access to court under the Privacy Act for citizens of designated countries.
- **BSA supports this bipartisan, bicameral legislation that will improve the trust America's allies have in our government's treatment of their citizens' information.**

ISSUE DISCUSSION

American citizens have the ability in most European Union Member States ("EU States") to ensure information shared with law enforcement is accurate, and correct the information if it is not accurate. The U.S. does not provide a reciprocal right. This inconsistency adds to the level of distrust our allies have with the United States, all of which puts American companies at a competitive disadvantage in the global marketplace.

The Judicial Redress Act will improve trust. It will:

- *Authorize the Attorney General to designate countries whose citizens would be permitted to seek limited remedies under the Privacy Act.* The designation would be made in consultation with the Secretaries State, Treasury, and Homeland Security.
- *Provide appropriate criteria for designating countries.* The determination would be made based on whether the country (1) has an agreement with the U.S. that provides privacy protections for information shared related to criminal offenses, or (2) has effectively shared information with the U.S. and has privacy protections for such shared information. The Department of Justice would publish annual statistics on requests made by and to foreign governments, particularly if the requests are for obtaining the contents of electronic information.
- *Permit limited access under the Privacy Act to court for citizens of designated countries.* A citizen of a country designated by this law would be permitted to bring civil actions under the Privacy Act to access and amend information, and redress unlawful disclosures.



BSA POSITION

BSA supports the Judicial Redress Act because the legislation provides limited and appropriate access to court for foreign citizens to protect their privacy.

- The current lack of judicial redress in US courts for privacy violations of foreign nationals has long been a concern for Europeans and creates friction in our relations, affecting international data transfers and, ultimately, the ability of American companies to compete.
- The limited judicial redress provided in the legislation is appropriate, it is supported by the US law enforcement agencies, and it will support our global trade agenda.

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20 F Street, NW | Suite 800 | Washington, DC 20001 | Phone 202.872.5500 | www.bsa.org