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Ten Privacy and Consumer Groups Ask Congressional Leaders to Strengthen Privacy Bill

House Subcommittee Urged to Expand Definition of “Sensitive Information,” Incorporate “Fair Information Practices,” and Require “Opt-in” Procedures for Data Collection

WASHINGTON -- In response to a discussion draft of a new privacy bill currently under consideration by the House Subcommittee on Communications, Technology and the Internet, ten leading privacy and consumer organizations today called for much stronger provisions to protect consumer privacy both online and off.

The groups, including the Consumer Federation of America, Electronic Frontier Foundation, Consumer Watchdog, World Privacy Forum, Consumer Action, USPIRG, Privacy Rights Clearinghouse, Privacy Times, Privacy Lives, and the Center for Digital Democracy, raised their concerns in a letter to Subcommittee Chairman Rick Boucher and Ranking Member Cliff Stearns.

Read the letter, released by the groups today, here:

<http://www.privacylives.com/wp-content/uploads/2010/06/letter-boucher-stearns-060410.pdf>

Recognizing that “Consumers increasingly rely on the Internet and other digital services for a wide range of transactions and services, many of which involve their most sensitive affairs, including health, financial, and other personal matters,” the groups’ letter made a number of recommendations for strengthening the draft privacy bill, including the following items:

- The bill should incorporate the Fair Information Practice Principles that have long served as the bedrock of consumer privacy protection in the U.S., including the principle of not collecting more data than is necessary for the stated purposes, limits on how long data should be retained, and a right to access and correct one’s data.
- The bill’s definitions of what constitutes “sensitive information” need to be expanded; for instance, to include health-related information beyond just “medical records.”

- The bill should require strict “opt-in” procedures for the collection and use of covered data and should prohibit the collection and use of any sensitive information except for the transactions for which consumers provided it.

“We are committed to working with you to achieve real privacy protection for consumers,” the letter concluded.

In addition to the comments in the letter the ten groups offered a draft “findings” section to be included in the privacy legislation. Read the proposed findings section here:

<http://www.privacylives.com/wp-content/uploads/2010/06/privacy-bill-findings-060410.pdf>

“Consumers online are being stealthily tracked, profiled and targeted by marketers — who are able to obtain personal information regarding their finances, health, ethnicity, and their families,” said Jeff Chester, Executive Director of the Center for Digital Democracy. “The public should not be placed at risk as they grow to rely on the Internet and mobile phones when making purchases and searching for information. Reps. Boucher and Stearns have launched an important debate that must lead to real privacy safeguards for consumers. Both political parties should work together to revise this proposal and enact landmark 21st Century consumer protection legislation.”

“The draft bill has served to launch the debate,” observed John M. Simpson, a consumer advocate with Consumer Watchdog, “but substantial revisions are necessary to provide meaningful privacy protection for consumers. In its present form the bill would lock in a bankrupt ‘notice and choice’ model and offer few real protections. Enacting no legislation would be better than passing this flawed bill in its current form.”

“Consumers need strong privacy legislation that sets the default switch on tracking consumers or selling or sharing their information to OFF, and gives consumers real control of their personal data,” said Ed Mierzwinski, Consumer Program Director of USPIRG. “If a Congressional proposal doesn't protect consumers, and isn't based on all the Fair Information Practices, but only on some limited, industry-approved ‘here's our take-it-or-leave-it list,’ then make no mistake, we will oppose it.”

“We’re tired of companies paying lip-service to privacy but using consumers’ personal information for whatever they want, without giving consumers any meaningful control,” said Susan Grant, Director of Consumer Protection at Consumer Federation of America. “We need a law that forces companies to build respect for privacy into their business models, and we believe that they will ultimately benefit from increased consumer confidence.”

“It has long been the goal of consumer and privacy advocates to see meaningful privacy protection legislation passed at the federal level, to protect consumers and to strengthen online commerce,” said Linda Sherry, director of national priorities at Consumer Action. “But this draft, despite all the good intentions of House leaders, is full of holes—not the

least of which are that it would supersede even stronger state regulations and that it does not provide for a private right of action for aggrieved individuals.”

About the members of the coalition:

Center for Digital Democracy: The Center for Digital Democracy (CDD) is dedicated to ensuring that the public interest is a fundamental part of the new digital communications landscape. URL: <http://www.democraticmedia.org>

Consumer Action: Consumer Action, founded in 1971, is a national non-profit education and advocacy organization committed to financial literacy and consumer protection. URL: <http://www.consumer-action.org>

Consumer Federation of America: Since 1968, the Consumer Federation of America (CFA) has provided consumers a well-reasoned and articulate voice in decisions that affect their lives. URL: <http://www.consumerfed.org>

Consumer Watchdog: Consumer Watchdog (formerly The Foundation for Taxpayer and Consumer Rights) is a consumer group that has been fighting corrupt corporations and crooked politicians since 1985. URL: <http://www.consumerwatchdog.org>

Electronic Frontier Foundation: When freedoms in the networked world come under attack, the Electronic Frontier Foundation (EFF) is the first line of defense. URL: <http://www.eff.org>

Privacy Lives: Published by Melissa Ngo, the Website chronicles and analyzes attacks on privacy and various defenses against them to show that privacy lives on, despite the onslaught. URL: <http://www.privacylives.com>

Privacy Rights Clearinghouse: The Privacy Rights Clearinghouse is a consumer organization with a two-part mission: To raise consumer awareness about privacy and to advocate for privacy rights in policy proceedings. URL: <http://www.privacyrights.org>

Privacy Times: Since 1981, Privacy Times has provided its readers with accurate reporting, objective analysis and thoughtful insight into the events that shape the ongoing debate over privacy and Freedom of Information. URL: <http://www.privacytimes.com>

U.S. Public Interest Research Group: The federation of state Public Interest Research Groups (PIRGs) stands up to powerful special interests on behalf of the public, working to win concrete results for our health and our well-being. URL: <http://www.uspirg.org>

The World Privacy Forum: WPF is focused on conducting in-depth research,

analysis, and consumer education in the area of privacy. Areas of focus include health care, technology, and the financial sector. URL:
<http://www.worldprivacyforum.org>