

Proposed Legislation for Security in the Digital Age

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Do we need a new government agency tasked with protecting the data of American citizens? Senator Kirsten Gillibrand believes that we do. On February 12, 2020, Senator Gillibrand announced her proposed legislation titled “The Data Protection Act of 2020.” “Technology is connecting us in new significant ways, and our society must be equipped for both the challenges and opportunities of a transition to the digital age. As the data privacy crisis looms larger over the everyday lives of Americans, the government has a responsibility to step forward and give Americans meaningful protection over their data and how it’s being used,” said Senator Gillibrand. The Data Protection Act of 2020, if enacted, would most notably create a Data Protection Agency (DPA) to bring citizen’s privacy and security concerns into the digital age and to address those concerns at the federal level.

The 41-page Bill outlines the proposed DPA’s purpose, objectives and enforcement powers. According to Senator Gillibrand, the DPA would be an executive agency. The director would be appointed by the president and confirmed by the Senate, serve a 5-year term, and must have knowledge in technology, protection of personal data, civil rights, law, and business. A key component of the law would allow people to file complaints with the agency when they believe a company has violated data privacy laws. Right now, those complaints need to be filed with the Federal Trade Commission (FTC), but some consumer rights advocates and government officials have expressed frustration with the FTC’s ability to enforce those laws. The Bill also gives the proposed agency significant enforcement authority including the ability to conduct joint investigations with subpoena authority, rescind and form contracts, seek equitable and legal remedies, and pursue civil penalties. In addition, the Bill provides that state attorney generals may bring a civil suits in their state to enforce provisions of the Bill or regulations issued by the proposed agency. It is important to note that the Bill would only preempt existing state privacy laws to the extent of they were inconsistent with Data Protection Act of 2020. Senator Gillibrand believes her Data Protection Act of 2020 would give Americans control and protection over their own data by creating and enforcing clear data protection rules. More control and protection is exactly what some are looking for as it seems data privacy and security continues to be a growing issue that is likely to play an even larger role in the years to come. It is important to keep an eye on proposed legislation and how it could affect you.

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