

To: Governor Commonwealth of Virginia

From: Leah Drew

Subject: Privacy and Data Protection

Date: March 16th, 2024

In the years since the advent of the Internet, privacy has become a concern for every American. It is important that people have the ability to control what information about themselves they share and who has access to it. Unfortunately, it is very common for organizations that do business over the Internet to collect personal information about individuals and share that information with other organizations, such as advertisers. Individuals have rarely had direct control over how this data is used and shared until recent privacy laws have been enacted in other states and countries. Because of this, the right to privacy is a serious concern that most individuals share.

The most important information that should be protected is personally identifiable information (PII). As the name suggests, PII can be used to either directly identify an individual or allow someone to infer their identity. This includes information such as their full name, date of birth, social security number, and home address. A notable subcategory of PII to consider is biometric data, which deals with a person's physical characteristics such as their fingerprint or voice. Unfortunately, the nature of biometric data is that it is impossible to change if it is stolen; because of this, it should be given strong protection.

Failure to protect someone's PII can have serious consequences, ranging from identity theft to violent crimes. Unfortunately, it is very easy for someone to abuse access to this information if it falls into the wrong hands. Additionally, access to a person's information can be

used as a basis for discrimination, even if the entity storing this information collected it with good intentions (Klosowski, 2021).

The best example of a strong privacy law that protects individuals is the General Data Protection Regulation, which was passed by the European Union in 2018. While the GDPR was created to protect individuals in the EU, the GDPR applies to any organization that collects the data of people living in the EU, including a majority of American organizations. According to the GDPR, individuals living in the EU must be informed of what data is being collected and given the ability to access their data, correct their data, and erase the data that has been collected about them, as well as several other rights (Wolford, 2023). Because the GDPR requires that individuals consent to their data being processed, individuals have a say in who they trust with their personal information. They have full control over who has access to their data, so long as the organization in question is abiding by the law.

Privacy laws have been enacted in the United States as well. At the state level, California, Colorado, Connecticut, Delaware, Florida, Indiana, Iowa, Montana, New Hampshire, New Jersey, Oregon, Tennessee, Texas, and Utah have all passed some sort of privacy law, though some are more comprehensive than others (“Which states have consumer data privacy laws?,” 2024). California’s Consumer Privacy Act, which was enacted in 2018 and amended later in 2023, give individuals rights that are similar to the rights guaranteed by the GDPR. Private information that is protected by the CCPA is primarily PII, but also includes more general information about a person’s life, such as demographic information and the contents of emails and text messages that were intended to be private. Information that was either revealed publicly by the individual or by federal, state, or local governments is not considered private information, and so it is not protected. Under the CCPA, organizations are limited in what they can do with

that information without an individual's consent, and individuals have more direct control over what data is collected about them and who is able to access that data ("California Consumer Privacy Act," 2024).

A state personal information and data protection law would have a similar effect to a federal law for Virginians. Because the Internet is not contained by state boundaries, it is possible to restrict organizations outside of Virginia that collect data about Virginians. Both the CCPA and GDPR have such a requirement (Kiarie, 2023). However, I believe that it is best to focus on having a federal law passed. If organizations that would benefit from lenient data protection laws are given the opportunity to lobby for this, a federal law that does not protect individuals will take priority over any state law we enact. Thus, it is better to focus on protecting our privacy at the federal level. A federal law would go through a more difficult process in order to be passed, due to needing agreement from both houses of Congress and the President, but I believe the extra effort is worth it in order to protect all Americans.

In my opinion, the best privacy law would be modeled after the GDPR. Such a law should include protection of PII, a requirement for organizations to have an individual's consent before collecting data, and rights for individuals that allow them to control who has access to their data and what data is collected. A law such as this would ensure that individuals can directly control information about themselves, increasing their privacy and their ability to trust that organizations will take actions to support their right to privacy.

References

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