



To codify the privacy rights of consumers, as well as the responsibilities of internet and information service providers.

IN THE CONGRESS OF THE UNITED STATES

FEBRUARY 13, 2020

Mr. HOLBROOK (for himself, Mr. WILL, Mr. PLURIBUS, Mr. BERT, Ms. EMMA, Mr. S4L, Mr. VITA, Mr. LIBERTAD, Ms. MCKENNA, Mr. WAFFLES, and Mr. RICHARD) introduced the following Act;

AN ACT

To codify the privacy rights of consumers, as well as the responsibilities of internet and information service providers.

Whereas, everyone has the right to confidentiality over their communications,

Whereas, everyone has the right, upon request, to have their personal data securely erased,

*Be it enacted by the House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Data Privacy Protection Act”.

SEC. 2. NEW RIGHTS AND REGULATIONS.

(a) In General.—Title 47 of the U.S. Code is amended—

(i) by creating the following new section within a new chapter entitled “Data Protection”:

“§ 1601. DATA PROTECTION

“(a) REGULATIONS

“(1) Any individual, organization, or corporation which derives revenue from hosting, storing, “facilitating, processing, transmitting, or receiving electronic data—

“(i) is prohibited from directly viewing anyone’s personal data without their informed consent.

“(ii) must delete the personal data of any data subject which has been inactive for one year “unless provided otherwise by the user or account with informed consent.

“(iii) must provide an easily accessible mechanism by which a data subject may request to “have their personal data deleted with the option of receiving a certificate of deletion via mail “or any other means of communication.

“(iv) which receives a request from a data subject to delete personal data must securely “erase the data in the manner described in paragraph (2).

“(v) is prohibited from profiling data subjects without their informed consent.

“(2) The process of secure erasure shall consist of—

“(i) encrypting the entirety of the data in the manner described in the most recent revision of “the Federal Information Processing Standards Publication 197 (NIST).

“(ii) sanitizing the entirety of the data and its encryption key(s) in the manner described in “the most recent revision of Special Publication 800-88 (NIST).

“(iii) any further erasure or encryption method determined by the Secretary of Commerce.

“(b) PENALTIES

- “(1) An individual shall be fined for each violation not more than \$100 for each day they remain in violation of this section, except as specifically provided for in this section.
- “(2) An organization or corporation shall be fined for each violation not more than \$1,000 for each day they remain in violation of this section, except as specifically provided for in this section.
- “(3) An individual, organization, or enterprise unable to comply with this section for technical reasons may be granted not more than 30 additional days to comply, after which they will be fined according to paragraphs (1) and (2).

“(c) **DEFINITIONS**

- “(1) For the purposes of this section—
- “(i) “personal data” means any information, media, or files relating to a natural person who can be identified, including names, addresses, identification numbers, internet protocol addresses, location data, aliases, usernames, emails, phone numbers, facial images, fingerprints, or any other factors which would contribute to identifying any natural person, except for any legal documents, media, or files held by the states of federal government.
  - “(ii) “informed consent” means any freely given and unambiguous agreement given by a person who is presented with and can reasonably understand the terms of the agreement.
  - “(iii) “data subject” means the person to whom personal data belongs or relates to.
  - “(iv) “directly viewing” means the accessing, viewing, or evaluation of personal data by a person, algorithm, or any other agent.
  - “(v) “profiling” means the use of personal data to analyze, evaluate, or predict personal aspects relating to natural persons, including but not limited to preferences, behavior, location, health.
  - “(vi) “inactive” means a data subject from which new data has not been recorded.
  - “(vii) “easily accessible mechanism” means any freely available and unambiguous process or agreement by which a data subject may request the deletion of their personal data.

**SEC. 3. ENACTMENT.**

(a) Effective Date.—The amendments made by this act shall apply starting June 1, 2020.

---