

THE ADVISER ANA

A weekly roundup from ANA's Government Relations team

June 14, 2019



Highlights this week include a continuing focus on privacy issues on Capitol Hill.

In this issue:

Federal Affairs

- [Data Privacy Becomes Central Focus of Final FTC Competition and Consumer Protection Hearing](#)
- [FCC Highlights Its Work on Robocalls During Senate Commerce Hearing](#)
- [House Subcommittee Chair David Cicilline \(D-RI\) Attacks Internet Platforms during Anti-Trust Hearing](#)
- [Senate Banking Committee Wades into the Data Privacy Debate](#)
- [Senate Judiciary Subcommittee Schedules Antitrust Hearing](#)

State Affairs

- [Nevada Enacts Data Privacy Law](#)
- [ANA Attends NCSL Executive Committee](#)
- [State Legislative Weekly Tracker](#)

News of Interest

- [States' Internet Privacy Fight with FCC Grows, With No End in Sight](#), *Law.com*, June 12, 2019
- [Protecting Competition Promotes Privacy, Antitrust Chief Says](#), *MediaPost*, June 11, 2019

- [States continue to fill federal data privacy void](#), *Compliance Week*, June 12, 2019
- [2020 Census citizenship question would hurt business decisions on jobs, stores and even TV](#), *USA Today*, June 11, 2019
- [Smith, Baldwin, Others Introduce Legislation to Cut Prescription Drug Prices](#), *WDIO*, June 12, 2019
- [French real estate company fined €400,000 for GDPR violations](#), *Compliance Week*, June 13, 2019

Upcoming ANA Events

- [Webinar: How to Use Social Influencers in New Media Marketing](#) - July 9, 2019
- [ANA Legal Affairs Committee Meeting](#) - July 24, 2019, New York, N.Y.
- [ANA Government Relations Committee Meeting & Capitol Hill Day](#) - September 11, 2019, Washington, D.C.

Federal Affairs

Data Privacy Becomes Central Focus of Final FTC Competition and Consumer Protection Hearing

On June 12, the Federal Trade Commission (FTC) held its final hearing in its series on "Competition and Consumer Protection in the 21st Century." During the hearing state attorneys general, state AG staff, attorneys, academics, and FTC officials took part in panel discussions and gave presentations and remarks on the topics such as potential regulation and enforcement in the tech and data spaces, data privacy and data security principles, digital advertising, data breaches and security incidents, existing privacy laws, emerging technologies including AI, the Internet of Things (IoT), and predictive analytics. A detailed summary can be found [here](#).

FCC Highlights Its Work on Robocalls During Senate Commerce Hearing

On June 12, the Senate Committee on Commerce, Science, and Transportation held a hearing entitled "Oversight of the Federal Communications Commission." The witnesses of the hearing were FCC Chairman Ajit Pai and FCC Commissioners Michael O'Rielly, Brendan Carr, Jessica Rosenworcel, and Geoffrey Starks. The hearing covered robocalls, consumer location data, net neutrality, and potential privacy threats of foreign telecommunication companies. Please click [here](#) for a detailed summary.

House Subcommittee Chair David Cicilline (D-RI) Attacks Internet Platforms during Anti-Trust Hearing

The House Committee on the Judiciary's Subcommittee on Antitrust, Commercial, and Administrative Law held a hearing entitled, "Online Platforms and Market Power, Part 1: The Free and Diverse Press." The witnesses included David Chavern (President, News Media Alliance), Gene Kimmelman (President, Public Knowledge) Sally Hubbard (Director of Enforcement Strategy, Open Markets Institute), Matthew Schruers (Vice President, Law and Policy, Computer and Communications Industry Association), David Pitofsky (General Counsel, News Corp), and Kevin Riley (Editor, Atlanta-Journal Constitution). During the hearing topics included potential antitrust enforcement in the digital space, targeted digital advertising, online platforms' conduct, potential "corrective" action that the Committee may take, and H.R. 2054, the "Journalism Competition and Preservation Act of 2019." A more detailed summary can be found [here](#).

Senate Banking Committee Wades Into the Data Privacy Debate

On June 11, the Senate Committee on Banking, Housing, and Urban Affairs held a hearing on "Data Brokers and the Impact on Financial Data Privacy, Credit, Insurance, Employment and Housing." Among other things, the hearing covered the potential development of federal data privacy legislation,

companies' collection and use of data, the Fair Credit Reporting Act (FCRA) and consumer reporting, GDPR. Serving as witnesses were Dr. Alicia Cackley (Director, Financial Markets and Community Investment, Government Accountability Office) and Pam Dixon (Executive Director, World Privacy Forum). A detailed summary can be found [here](#).

Senate Judiciary Subcommittee Schedules Antitrust Hearing

On June 12, the Senate Committee on the Judiciary's Subcommittee on Antitrust, Competition Policy, and Consumer Rights scheduled a hearing on "[Oversight of the Enforcement of the Antitrust Laws](#)" for July 23, 2019.

ANA will track this hearing and provide a summary.

State Affairs

Nevada Enacts Data Privacy Law

On May 29, Nevada Governor Steve Sisolak signed into law SB 220, a law amending Nevada's existing data privacy notice requirements. ANA engaged with a broad coalition of industry partners and companies to achieve significant improvements in the legislation following its introduction, including eliminating a private right of action, narrowing definitions of sale and personal information, and making other changes to make compliance easier when compared to neighboring California's Consumer Privacy Act (CCPA).

Although Nevada's law borrows many concepts from the CCPA, such as a "do not sell" opt-out right for specific personal information, the definition of "sale" is more limited than in California. Additionally, the Nevada law does not permit consumer access and deletion rights as does the CCPA.

The effective date of the Nevada act is October 1, 2019 three months sooner than the CCPA's effective date of January 1, 2020. A more detailed analysis can be found [here](#).

ANA Attends NCSL Executive Committee

Chris Oswald, ANA's Senior Vice President of Government Relations, attended the National Conference of State Legislatures' (NCSL) Spring Executive Committee meeting in Madison, Wisconsin.

The meeting marked the official appointment of Tim Storey to lead NCSL as its executive director, effective July 15. Storey succeeds longtime executive director William Pound, who announced his departure last year after leading NCSL for more than 42 years. After Pound announced his retirement in September 2018, the NCSL officers instituted an extensive search process to determine the organization's needs and identify high-quality candidates.

During a Q and A session with members of the NCSL Foundation (of which ANA is a member), Storey described NCSL as a 45-year-old house with a strong foundation that needed some minor touch-ups, but no major repairs.

Prior to his appointment as executive director, Storey was the director of State Services for NCSL. The State Services Division includes several core programs: fiscal research, the Center for Legislative Strengthening, institutional studies, leaders' services, legislative and staff training, staff services and redistricting and elections. He has spent the past 30 years working for and studying legislatures—specializing in elections, redistricting, legislative organization and leadership.

During the conference, Chris met with several ANA members, state legislators, and industry stakeholders and discussed the advertising industry's perspective on issues relating to data privacy and taxation of advertising services.

State Legislative Weekly Tracker

Click [here](#) for a summary report of this week's legislative activity in the states.

Contact Us

If you have questions on any of the issues mentioned in the ADviser, please feel free to contact ANA's Government Relations team in Washington, D.C.:

- Dan Jaffe, Group Executive Vice President, Government Relations (djaffe@ana.net)
- Chris Oswald, Senior Vice President, Government Relations (coswald@ana.net)
- David Buzby, Senior Director, Government Relations (dbuzby@ana.net)
- Meghan Salome, Director, Government Relations (msalome@ana.net)
- Travis Frazier, Coordinator, Government Relations (tfrazier@ana.net)

You can also reach the D.C. office at any time at 202.296.1883

Stay tuned for our next newsletter and [visit us at our website](#) or [follow us on Twitter](#) for the latest updates.

You are receiving this email as part of your committee membership with the ANA (Association of National Advertisers). If you no longer wish to receive content related to your committee, or feel that you are getting this in error, please contact David Buzby (dbuzby@ana.net) for removal.

Please send any comments about this email to info@ana.net.

Let us know what you think about our emails.

© Copyright 2019 Association of National Advertisers, Inc., 10 Grand Central, 155 East 44th Street, New York, NY 10017

HIGHER LOGIC