

# THE ADVISER ANA

A weekly roundup from ANA's Government Relations team

July 19, 2019



Highlights this week include the FTC's largest fine on a tech company in history and new support for federal privacy legislation.

## In this issue:

### Federal Affairs

- [Senate Banking Chairman Crapo Expresses Support for Federal Privacy Bill](#)
- [Rep. Cicilline Continues to Attack Tech in Antitrust Hearing](#)
- [FTC Asks for Comments on COPPA Amendments](#)
- [Sen. Merkley Introduces Bill on Data Collection and Deletion](#)

### State Affairs

- [Industry Representatives to Meet with Author of NJ Data Privacy Bill](#)
- [State Legislative Weekly Tracker](#)

## News of Interest

- [Reports: Facebook faces \\$5B FTC fine, largest ever in tech](#), *Associated Press*, July 13, 2019
- [Critics slam \\$5 billion Facebook fine as weak](#), *The Hill*, July 16, 2019
- [On Prescription Drug Prices, Will Trump Turn Words Into Action?](#), *Forbes*, July 15, 2019
- ['Embarrassing': Congress stumbles in push for consumer privacy bill](#), *Politico*, July 12, 2019
- [Senate Privacy Group Talks Data Security, Adding to FTC Role](#), *Bloomberg Government*, July 18, 2019

## Word on the Street

From Senate Majority Whip John Thune (R-SD)

*"[...] given the ever-increasing size of our digital footprint and the increased privacy dangers that come along with that, **the question isn't whether we'll have federal privacy legislation, it's what that legislation will look like** [emphasis added].*

*"I believe that any final bill should be bipartisan and should set a single national data privacy standard so that companies and consumers don't have to navigate 50 different sets of rules.*

*"We need to make consumer data privacy a priority, while also preserving companies' ability to innovate and deliver the cutting-edge services that we rely on.*

*"I also believe, as I mentioned, that any bill should include transparency provisions that give consumers a clear understanding of what's being done with their data.*

*"And I believe consumers should have the option to engage on internet platforms without being manipulated by algorithms powered by their own personal data."*

## Upcoming ANA Events

- [Legal Affairs Committee Meeting](#) - July 24, 2019, New York, N.Y.
- [Government Relations Committee Meeting & Capitol Hill Day](#) – September 11, 2019, Washington, D.C.
- [ANA/BAA Marketing Law Conference](#) – November 4 – 6, 2019, San Diego, Ca.

## Federal Affairs

### Senate Banking Chairman Crapo Expresses Support for Federal Privacy Bill

On July 16, during a Senate Committee on Banking, Housing, and Urban Affairs [hearing](#) on "Examining Facebook's Proposed Digital Currency and Data Privacy Considerations," Committee Chairman Mike Crapo (R-ID) expressed support for developing a federal data privacy law that enables consumers to opt out of data collection, as well as access and correct collected data. Chairman Crapo referred to consumers as the "rightful owners" of data and expressed interest in establishing a "new [federal] regulator" devoted to privacy matters.

### Rep. Cicilline Continues to Attack Tech in Antitrust Hearing

On July 16, the House Committee on the Judiciary's Subcommittee on Antitrust, Commercial, and Administrative Law held a hearing titled "Online Platforms and Market Power, Part 2: Innovation and Entrepreneurship." The hearing consisted of two-panels with witnesses that included representatives from major tech companies, academics, and others. During the hearing, Subcommittee Chairman David Cicilline (D-RI) derided tech companies for creating "de facto immunity" through self-regulation and

stifling the growth of new startups in the tech sector. Further topics discussed during the hearing included data use, digital advertising, platforms' privacy policies, data portability, and potential new antitrust regulations. A more detailed summary of the hearing can be found [here](#).

## FTC Asks for Comments on COPPA Amendments

On July 17, the Federal Trade Commission (FTC) issued a [press release](#) announcing that it is seeking comment on the FTC's [2013 amendments](#) to its Children's Online Privacy Protection Act (COPPA) Rule in advance of a scheduled October 7, 2019 FTC COPPA Rule [workshop](#). The press release stated that the FTC's 2013 COPPA Rule amendments were adopted in response to developments in childrens' internet use, including increased use of social media and mobile devices. ANA will file comments and would appreciate input from our members on issues to emphasize.

## Sen. Merkley Introduces Bill on Data Collection and Deletion

Senator Jeff Merkley (D-OR) introduced legislation on July 18 ([S. 2186](#)) that would allow consumers to stop data collection or use, as well as provide consumers a right of deletion of data. Text of the bill is not yet available, so we will provide an update in next week's ADviser if there are additional provisions that are troublesome.

## State Affairs

### Industry Representatives to Meet with Sponsor of NJ Data Privacy Bill

This Friday, July 19, representatives from business and industry will meet with NJ Senator Troy Singleton to discuss provisions of [NJ SB 2834](#), an omnibus data privacy bill, that includes a private right of action for violations. Previous interactions with Senator Singleton have proved beneficial in addressing several concerns with problematic aspects of the legislation as introduced. ANA will report the outcome of Friday's meeting with the Senator in next week's ADviser.

### 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.:

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

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