

Federal Consumer Privacy Legislation – 112th Congress

(Includes bills that have been introduced and those that are pending)

Bill No. and Title	Sponsors	Key Provisions
U.S. House of Representatives Legislation		
H.R. 611 - BEST PRACTICES Act	Rep. Bobby Rush (D-Ill.) (sponsor)	<ul style="list-style-type: none"> ▪ Meaningful notice to consumers ▪ Consumer consent prior to data collection ▪ Express affirmative consent prior to third-party sharing or monitoring ▪ FTC-approved self-regulatory opt-out program to satisfy a Safe Harbor provision ▪ Must ensure data accuracy, and provide reasonable access to, and the ability to correct, certain information ▪ Data security safeguards and limits on data retention
H.R. 654 - Do Not Track Me Online Act of 2011	Rep. Jackie Speier (D-CA) (sponsor); Rep. Bob Filner (D-CA) (co-sponsor); Rep. Alcee Hastings (D-FL) (co-sponsor)	<ul style="list-style-type: none"> ▪ FTC to prescribe regulations on personal data collection and use ▪ Meaningful disclosures about data collection practices ▪ Online opt-out Do Not Track mechanism
H.R. 653 - Financial Information Privacy Act of 2011	Rep. Jackie Speier (D-CA) (sponsor); Rep. Bob Filner (D-CA) (co-sponsor); Rep. Alcee Hastings (D-FL) (co-sponsor)	<ul style="list-style-type: none"> ▪ Financial institutions must obtain affirmative opt-in consent prior to third-party sharing or selling of personal data ▪ Financial institutions could not discriminate against opt-in consent denials
H.R.____ - Consumer Privacy Protection Act of 2011	Rep. Cliff Stearns (R-FL) (co-sponsor); Rep. Jim Matheson (D-UT) (co-sponsor)	<ul style="list-style-type: none"> ▪ Clear and conspicuous notice regarding collection and use of personal information ▪ Concise and timely privacy statements that detail the extent to which personal information will be collected, used, and transferred ▪ Opt-out mechanism precluding the disclosure of personal information to non-affiliated third-parties ▪ Data security safeguards ▪ FTC enforcement authority ▪ FTC-approved five-year self-regulatory program that includes a consumer dispute resolution process
TBD - this bill has yet to be introduced.	Rep. Ed Markey (D-MA) (sponsor)	<ul style="list-style-type: none"> ▪ Online Do Not Track mechanism specific to children
TBD - this bill has yet to be introduced.	Rep. Mary Bono Mack (R-CA) (sponsor)	<ul style="list-style-type: none"> ▪ Transparency and meaningful notice to consumers
U.S. Senate Legislation		
S.____ - The Commercial Privacy Bill of Rights Act of 2011	Sen. John McCain (R-AZ) (co-sponsor); Sen. John Kerry (D-MA) (co-sponsor)	<ul style="list-style-type: none"> ▪ Timely notice on collection and use of personal data ▪ Opt-out consent for personal information used in an unauthorized manner; Opt-in consent for sensitive data ▪ Must ensure data accuracy, and provide reasonable access to, and the ability to correct, certain information ▪ Data security safeguards and limits on data retention ▪ FTC enforcement authority ▪ Safe Harbor program based on Dept. of Commerce codes of conduct; includes FTC oversight