



DATA SECURITY & BREACH NOTIFICATION: PROTECTING CONSUMERS & CREATING A NATIONAL STANDARD

Issue: The United States needs a national standard for consumer data protection and breach notice requirements. CSIA strongly urges Congress to pass a federal law requiring business and government to (1) establish and maintain a data privacy and security program to ensure the confidentiality and integrity of personal information, and (2) establish uniform notification requirements when a security breach presents a risk of harm to consumers. While some 40 states have varying requirements that cover data security and breach notification, the vast majority of these laws only address the problem after personal data has been compromised.

Why Congress must act:

- Identity Theft Tops FTC List of U.S. Consumers Complaints
- Massive Data Leakage Will Continue Unless the Public and Private Sectors are Required by Congress to Implement Strong Security Measures to Prevent Breaches - a staggering 165 million records have been compromised due to data security breaches since 2005
- The Problem is Widespread and Impacts Every Demographic

Key Legislative Elements Supported by CSIA:

- **Establishing national standards for business and government to ensure the confidentiality and integrity of personal information;**
- **Incentives, including safe harbors, for businesses that implement strong, pre-breach security measures; and**
- **Promoting widely accepted dynamic security standards and methods, such as ISO 27001 and PCI, which will ensure that technology standards and methods correspond with evolving threats.**

Conclusion: With consumers facing growing threats to privacy and personal information, it is time for Congress to act. The increasing number of data breaches is a national problem requiring Congressional action. The absence of a national law leaves consumers vulnerable to identity theft and threatens the security of personal data. Moreover, without national standards there will continue to be confusion arising from the patchwork of state laws and regulations that cover data security and breach notification.

Strengthening the security of data and notifying consumers when breaches occur has bipartisan support in Congress. Several bipartisan bills currently under consideration would provide a realistic and effective legal framework for organizations of all sizes.

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