January 4, 2018

The Honorable Greg Walden  
Chairman  
House Energy & Commerce Committee  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Bob Latta  
Chairman  
Subcommittee on Digital Commerce and Consumer Protection  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Walden and Chairman Latta:

The undersigned organizations, representing companies across the American economy, take the stewardship and protection of customers’ personal information very seriously. That is why we support federal legislation to protect personal information and, in the event of a data breach that could result in identity theft or other financial harm, ensure consumers are notified in a timely manner.

We believe that Congress should enact legislation encompassing the following elements:

- A flexible, scalable standard for data protection that factors in (1) the size and complexity of an organization, (2) the cost of available tools to secure data, and (3) the sensitivity of the personal information an organization holds, as well as guarantees that small organizations are not burdened by excessive requirements.

- A notification regime requiring timely notice to impacted consumers, law enforcement, and applicable regulators when there is a reasonable risk that a breach of unencrypted personal information exposes consumers to identity theft or other financial harm.

- Consistent, exclusive enforcement of the new national standard by the Federal Trade Commission (FTC) and state Attorneys General, other than for entities subject to state insurance regulation or who comply with the Gramm-Leach-Bliley Act or the Health Insurance Portability and Accountability Act of 1996/HITECH Act. For entities under its jurisdiction, the FTC should have the authority to impose penalties for violations of the new law.

- Clear preemption of the existing patchwork of often conflicting and contradictory state laws.

Data security impacts every sector of the economy. We therefore look forward to working with you and your colleagues to ensure that all sectors employ sound data security and alert consumers when a breach may result in identity theft or other financial harm.
Sincerely,

ACT | The App Association
American Bankers Association
American Insurance Association
American Land Title Association
BSA | The Software Alliance
Consumer Bankers Association
Credit Union National Association
CTIA
Electronic Transactions Association
Financial Services Roundtable
Independent Community Bankers of America
Independent Insurance Agents and Brokers of America
Internet Commerce Coalition
National Association of Federally-Insured Credit Unions
National Association of Mutual Insurance Companies
National Business Coalition on E-Commerce & Privacy
Property Casualty Insurers Association of America
Reinsurance Association of America
Retail Industry Leaders Association
TechNet
Twenty-First Century Privacy Coalition
USTelecom