

DATA ACCOUNTABILITY AND TRANSPARENCY ACT OF 2020
PROPOSAL BY SENATOR SHERROD BROWN

Statements by privacy experts and civil rights and consumer organizations

“This bill sets a bold new agenda for privacy. If it becomes law, consumers can breathe a sigh of relief: rather than being expected to wade through a sea of unreadable terms of service and misleading corporate "privacy policies," we can rely on a Data Accountability and Transparency Agency to protect us from scams, discrimination, and surveillance. The bill puts the burden of privacy policy where it always should have been: on regulators to protect us from increasingly irresponsible, insecure, and invasive data collection. The bill's sponsors deserve enormous credit for their visionary data policy. This bill is now the gold standard for privacy reform: any future efforts here need to be measured against it.”

—Frank Pasquale, Professor of Law, University of Maryland Carey School of Law

“The Data Accountability and Transparency Act of 2020 sets a strong standard for data protection. Collection of personal data has expanded dramatically over the last ten years, yet we have no comprehensive federal data protection standards. Data breaches, identity theft, hacking, and data misuse are on the rise. Senator Brown’s bill creates enforceable privacy rights and limits the amount of data companies can collect and keep about us. Critically, it creates a data protection agency to ensure that these rules are followed. EPIC strongly supports Data Accountability and Transparency Act of 2020.”

*—Caitriona Fitzgerald, Interim Associate Director and Policy Director,
Electronic Privacy Information Center (EPIC)*

“Senator Brown's draft Data Accountability and Transparency Act rejects the notice and consent regime that serves data collectors well, but fails consumers. Instead of that system, which counts on consumers to surrender their data for vague down-stream uses, Senator Brown proposes a new and welcome paradigm: it limits data collection to certain permitted uses, and those alone.”

-Ed Mierzwinski, Senior Director, Federal Consumer Program, U.S. PIRG

“Senator Brown’s privacy bill is among the strongest and most comprehensive put forward in Congress. It contains strong prohibitions on unfair and discriminatory data practices, protects civil rights, has robust rulemaking authority for a new privacy agency and ensures that people can enforce their rights in court. Making the kinds of big changes to the data ecosystem we need, Senator Brown’s bill would help end some of the abusive practices that have made commercial surveillance so pervasive and profitable.”

—Free Press Action

“Finally, a comprehensive privacy bill that directly addresses the business model of online companies and limits the harm that behavioral advertising can cause. It would be a giant leap in the right direction toward protecting individual privacy and civil rights, essential for any meaningful data protection law.”

—*Eric Null, U.S. Policy Manager, Access Now*

“Sen. Brown’s bill breaks new ground for protecting privacy in the U.S. This legislation will shift the balance of power from powerful tech companies to individual citizens, by prohibiting discriminatory uses, requiring algorithmic accountability, safeguarding individual rights, and establishing a Data Protection Agency. If enacted, Americans will experience meaningful privacy protection because only “permissible” uses of their data will be allowed—versus today’s failed “Notice and Choice” model. This bill protects those groups of online users who are most disadvantaged by contemporary “Big Data” commercial surveillance practices. By prohibiting online tracking and profiling for targeted advertising and by requiring effective impact assessments, this legislation will go a long way curtailing how the digital giants deal with our data.”

—*Katharina Kopp, Ph.D., Director of Policy, Center for Digital Democracy*

“Any proposed privacy legislation needs to put the needs and rights of consumers over the tech giants’ business-as-usual market interests. This draft is a good start. It rebalances the use of personal data, making sure uses are beneficial to internet users rather than instruments of surveillance for tech giants. We are looking forward to the conversation this draft will begin.”

—*Lisa Gilbert, Executive Vice President, Public Citizen*

“Americans for Financial Reform applauds the introduction of the Data Accountability and Transparency Act of 2020 by Sen. Sherrod Brown. This legislation will create vitally needed new public protections by putting constraints on the collection, use, sharing, and selling of our personal data by financial services companies and all firms. The Data Accountability and Transparency Act's bright-line approach appropriately shifts the burden of privacy protection away from consumers, who have minimal resources to protect themselves, and toward corporations, which profit immensely from the aggregation of our data. The bill's ban on discriminatory uses of personal data, and the safeguards it would put in place against unfair algorithmic decision-making, address serious and growing dangers to equity. Finally, we welcome the prospect of working with a new, independent agency, modeled on the Consumer Financial Protection Bureau, to protect the privacy, security, and integrity of Americans' financial data.”

—*Raúl Carrillo, Fellow, Americans for Financial Reform*

“The Data Accountability and Transparency Act of 2020 is a bold, comprehensive response to the powerful incentives that companies currently have to violate the privacy and civil rights of individuals. Its fulsome conception of digital autonomy reflects careful attention to the biggest problems plaguing every layer of the technology ecosystem, as well as the specific obstacles that have prevented regulators from effectively holding wrongdoers accountable to the public. I admire the clarity and foresight of its vision, and can't wait to see it enacted into law.”

—*Lindsey Barrett, Staff Attorney and Teaching Fellow at the Communications & Technology Law Clinic, Georgetown Law*

“We give this privacy legislation high marks for the way it protects individuals from the unfettered collection, use and sharing of their personal information, for prohibiting discriminatory and other unfair data practices, for requiring accountability, and for giving people the ability to enforce their rights. We are especially pleased that it would create an independent agency with the necessary mandate, powers and resources to protect Americans’ privacy.”

—*Susan Grant, Director of Consumer Protection and Privacy, Consumer Federation of America*

We strongly support the Data Accountability and Transparency Act of 2020. Companies should only use and share personal data to deliver the services and products we ask for. This bill sets aside the old opt-in vs. opt-out debate and instead simply conforms data processing to consumer expectations. This innovative approach should inform all data privacy discussions going forward.

—*Justin Brookman, Consumer Reports*