

US senators introduce online privacy 'bill of rights'

April 12 2011, by Chris Lefkow



US senators John Kerry and John McCain, shown here in 2010, introduced an online privacy bill Tuesday that seeks to strike a balance between protecting the personal information of Web users and the needs of businesses to conduct electronic commerce.

US senators John Kerry and John McCain introduced an online privacy bill Tuesday that seeks to strike a balance between protecting the personal information of Web users and the needs of businesses to conduct electronic commerce.

The former Democratic and Republican presidential candidates said the bipartisan legislation would require companies gathering data to allow a consumer to "opt-out" of having their [information](#) collected.

"Protecting Americans' personal, private information is vital to making

the Information Age everything it should be," said Kerry, the Democrat from Massachusetts who lost the 2004 White House race to George W. Bush.

Kerry, who chairs the Senate Subcommittee on Communications, Technology, and the Internet, said "Americans have a right to decide how their information is collected, used, and distributed and businesses deserve the certainty that comes with clear guidelines."

The Commercial Privacy Bill of Rights Act of 2011 "makes fair information practices the rules of the road, gives Americans the assurance that their personal information is secure, and allows our information driven economy to continue to thrive in today's global market," he said.

McCain, the Republican from Arizona who lost the 2008 presidential election to Barack Obama, said "[consumers](#) want to shop, browse and share information in an environment that is respectful of their personal information.

"Our legislation sets forth a framework for companies to create such an environment and allows businesses to continue to market and advertise to all consumers, including potential customers," McCain said.

"However, the bill does not allow for the collection and sharing of [private data](#) by businesses that have no relationship to the consumer for purposes other than advertising and marketing," he said. "It is this practice that American consumers reject as an unreasonable invasion of privacy."

The bill would direct state attorney generals and the [Federal Trade Commission](#) (FTC) to enforce its provisions and put a cap on fines for violations.

The legislation met with a mixed reaction from digital privacy groups.

"This is an important step toward the enactment of a comprehensive privacy law for this country," said Justin Brookman, director of the Center for Democracy & Technology's Consumer Privacy Project.

"With the proliferation of tracking technologies in recent years, consumers need basic protections to allow them to see how their data is being used, and to give them control over their own information," Brookman said.

A coalition of consumer groups and privacy advocates welcomed the bipartisan effort but said in a letter to the senators that the legislation needs to be "significantly strengthened if it is to effectively protect consumer privacy rights in today's digital marketplace."

"Consumers need strong baseline safeguards to protect them from the sophisticated data profiling and targeting practices that are now rampant online and with mobile devices," they said.

"We cannot support the bill at this time," said the letter signed by the Center for Digital Democracy, Consumer Action, Consumer Watchdog, Privacy Rights Clearinghouse and [Privacy Times](#).

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Citation: US senators introduce online privacy 'bill of rights' (2011, April 12) retrieved 20 April 2024 from <https://phys.org/news/2011-04-senators-online-privacy-bill-rights.html>

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