



## PRESS RELEASE

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### **Senator Gillibrand Introduces Legislation to Establish U.S. Data Protection Agency** *EPIC Endorses Landmark Privacy Bill*

**WASHINGTON, DC** – Senator Kirsten Gillibrand [D-NY] today introduced legislation to create an effective, independent Data Protection Agency. The Electronic Privacy Information Center – or “EPIC” – has long advocated for a U.S. Data Protection Agency and endorsed Senator Gillibrand's bill.

“The US confronts a privacy crisis. Our personal data is under assault. Congress must establish a data protection agency. Senator Gillibrand has put forward a bold, ambitious proposal to safeguard the privacy of Americans,” said Caitriona Fitzgerald, EPIC Policy Director.

The Data Protection Act creates an agency that can utilize its resources to police the current widespread exploitation of consumers’ personal information and would be staffed with personnel who possess the requisite experience to regulate the field of data security.

“Businesses’ inconsistent approach towards compliance with the California Consumer Protection Act proves that enforcement of privacy regulations is critical,” EPIC Associate Director and former President of Californians for Consumer Privacy Mary Stone Ross said. “Thankfully Senator Gillibrand's Data Protection Act puts enforcement first.”

“The Data Protection Act of 2020 by Senator Gillibrand offers a crucial bulwark against the pervasive assault on privacy that now disfigures every aspect of daily life. An overwhelming majority of Americans now think that the rampant commercial collection of personal data poses more risks than benefits, even as there is little choice but to depend upon privacy-destroying commercial systems for effective social participation. With this Bill, Senator Gillibrand joins a history-making new wave of legislative and regulatory efforts in the US and Europe that promise to assert democratic governance over commerce in the digital age. Senator Gillibrand’s leadership is critical as we embark on the pivotal decade ahead,” said Shoshana Zuboff, Charles Edward Wilson Professor of Business Administration, Emerita, Harvard Business School.

“It is critical that Americans’ personal data and communications finally be protected through the coordinated expertise of a dedicated federal agency,” said Professor Anita L. Allen, Henry R. Silverman Professor of Law and Professor of Philosophy, University of Pennsylvania Law School and EPIC Board Chair.

“Data centers in the U.S. are vulnerable to attack, and as a country we need to do a much better job with data security. That's why the U.S. needs a data protection agency,” said Bruce Schneier, renowned security expert and Fellow and Lecturer, Harvard Kennedy School.

“Just like 19th-century Americans got a federal regulatory agency to curb the power of the railway magnates, 21st-century Americans deserve one to tackle the problems of the tech industry. This Data Protection Agency is a vital step for protecting privacy and liberty in today's digital economy,” said Professor Francesca Bignami, Leroy Sorenson Merrifield Research Professor of Law, The George Washington University Law School.

EPIC has repeatedly told Congress that the U.S. needs a Data Protection Agency because the Federal Trade Commission is an ineffective privacy agency. In April 2018 after the Cambridge Analytica scandal broke, EPIC [told](#) House and Senate lawmakers “The FTC has failed to protect the privacy interests of American consumer and the Commission’s inaction contributed directly to the Cambridge Analytica breach, and possibly the Brexit vote and the outcome of the 2016 Presidential election.” In recent congressional testimony, even Federal Trade Commission Chairman Joseph Simons conceded the agency lacked effective authority to safeguard consumer privacy, [saying](#) “on the privacy side, we have one hundred year old statute that was not in any way designed or anticipating the privacy issues that we face today.”

Last fall, EPIC released a report grading pending privacy legislation in Congress. [Grading on a Curve: Privacy Legislation in the 116th Congress](#) reviews recent developments, identifies key characteristics of privacy laws, provides a glossary of key terms, and assesses pending legislative proposals. The report has been updated as new bills have been introduced.

The EPIC Report also strongly recommends the creation of a federal data protection agency, noting that almost every democratic country in the world has an agency to help protect personal data. The EPIC Report contends that “the failure to establish a data protection agency in the United States has contributed to the growing incidents of data breach and identity theft.”

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## ABOUT EPIC

The Electronic Privacy Information Center (EPIC) is a nonpartisan, public interest research center in Washington, DC. EPIC was established in 1994 to focus public attention on emerging privacy and civil liberties issues and to protect privacy, freedom of expression, and democratic values in the information age. EPIC pursues a wide range of program activities including policy research, public education, conferences, litigation, publications, and advocacy. EPIC routinely files amicus briefs in federal courts, pursues open government cases, defends consumer privacy,

organizes conferences for NGOs, and speaks before Congress and judicial organizations about emerging privacy and civil liberties issues. EPIC works closely with a distinguished advisory board, with expertise in law, technology and public policy.

## LINKS

EPIC website  
[epic.org](https://epic.org)

EPIC: The U.S. Urgently Needs a Data Protection Agency  
<https://epic.org/dpa/>

Senator Kirsten Gillibrand: The U.S. Needs a Data Protection Agency  
<https://medium.com/@gillibrandny/the-u-s-needs-a-data-protection-agency-98a054f7b6bf>

Press Release, Sen. Kirsten Gillibrand: Confronting A Data Privacy Crisis, Gillibrand Announces Landmark Legislation To Create A Data Protection Agency (Feb. 13, 2020)  
<https://www.gillibrand.senate.gov/news/press/release/confronting-a-data-privacy-crisis-gillibrand-announces-landmark-legislation-to-create-a-data-protection-agency>

Data Protection Act:  
[https://www.gillibrand.senate.gov/imo/media/doc/2.11.2020\\_Data%20Protection%20Act.pdf](https://www.gillibrand.senate.gov/imo/media/doc/2.11.2020_Data%20Protection%20Act.pdf)

EPIC Report – *Grading on a Curve: Privacy Legislation in the 116th Congress*  
<https://epic.org/GradingOnACurve/>