

January 28, 2020

Dear Members of Congress:

January 28th marks International Privacy Day, the date that the Council of Europe Privacy Convention was first open for signature. Around the world, and in the United States, associations, advocates, and political leaders are marking this historic day. Indeed, the Congress has several times passed resolutions recognizing the need to support a “nationwide effort to educate and raise awareness about respecting privacy and safeguarding data.”¹

In recognition of International Privacy Day, EPIC urges Congress to take three steps to safeguard the personal data of Americans: (1) enact comprehensive baseline legislation, (2) establish a data protection agency, and (3) ratify the International Privacy Convention.

First, Congress should enact comprehensive baseline privacy legislation built on a familiar privacy framework, such as the original Code of Fair Information Practices and the widely followed OECD Privacy Guidelines. The rights and responsibilities set out in these frameworks are necessarily asymmetric: the individuals that give up their personal data to others get the rights; the companies that collect the information take on the responsibilities.²

Second, *the U.S. urgently needs a Data Protection Agency*.³ An independent agency could more effectively police the widespread exploitation of consumers’ personal data and would be staffed with personnel who possess the requisite expertise to regulate the field of data security.

Third, the U.S. should ratify the International Privacy Convention 108, the most-well established legal framework for international privacy protection.⁴ The Privacy Convention provides the opportunity for the United States to back a well-known and well regarded international framework that would both protect privacy and preserve cross border data flows.

Thank you for your consideration of our views.

Sincerely,

/s/ Marc Rotenberg
Marc Rotenberg
EPIC President

/s/ Caitriona Fitzgerald
Caitriona Fitzgerald
EPIC Policy Director

¹ S.Res.29 - A resolution recognizing January 28, 2017, as "National Data Privacy Day," 115th Cong. (2017).

² See EPIC, *Grading on a Curve: Privacy Legislation in the 116th Congress*, <https://epic.org/GradingOnACurve/>.

³ EPIC, *The U.S. Urgently Needs a Data Protection Agency*, <https://epic.org/dpa/>.

⁴ EPIC, Council of Europe Privacy Convention (2015), <https://epic.org/privacy/intl/coeconvention/>.