



The Data Care Act

WASHINGTON, D.C. - U.S. Senator Martin Heinrich, D-N.M., joined 15 senators Dec. 4 in reintroducing legislation to protect people's personal data online. The Data Care Act would require websites, apps, and other online providers to take responsible steps to safeguard personal information and stop the misuse of users' data.

"Private and sensitive information about health, family, religious views, and finances collected online through websites and apps should not be exploited due to online provider negligence," **Heinrich announced.**

"This bill will put in place reasonable measures to protect users' personal information and ensure that every American's fundamental right to privacy remains intact."

Doctors, lawyers, and bankers are legally required to exercise special care to protect their clients and not misuse their information. While online companies also hold personal and sensitive information about the people they serve, they are not required to protect consumers' data.

This leaves users in a vulnerable position; they are expected to understand the information they give to providers and how it is being used - an unreasonable expectation for even the most tech-savvy consumer. By establishing an explicit duty for online providers, Americans can trust that their online data is protected and used in a responsible way.

Heinrich cosponsors legislation to protect online personal data

Written by Staff Reports

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The Data Care Act establishes reasonable duties that will require providers to protect user data and will prohibit providers from exploiting it.

Here are the Duties enumerated in the act:

Duty of Care – Providers must reasonably secure individual identifying data and promptly inform users of data breaches that involve sensitive information;

Duty of Loyalty – Providers may not use individual identifying data in ways that harm users;

Duty of Confidentiality – Providers must ensure that the duties of care and loyalty extend to third parties when disclosing, selling, or sharing individual identifying data;

Federal and State Enforcement – A violation of the duties will be treated as a violation of a Federal Trade Commission rule with fine authority. States may also bring civil enforcement actions, but the FTC can intervene. States and the FTC may go after both first-and third-party data collectors.

Rulemaking Authority - FTC is granted rulemaking authority to implement the Act.

The Data Care Act is sponsored by U.S. Senator Brian Schatz, D-Hawai'i, and in addition to Heinrich, is co-sponsored by U.S. Senators Michael Bennet, D-Colo., Catherine Cortez Masto, D-Nev., Ed Markey, D-Mass., Tammy Duckworth, D-Ill., Tammy Baldwin, D-Wis., Joe Manchin, D-W.Va., Dick Durbin, D-Ill., Sherrod Brown, D-Ohio, Cory Booker, D-N.J., Amy Klobuchar, D-Minn., Maggie Hassan, D-N.H., Patty Murray, D-Wash., Bernie Sanders, I-Vt., and Chris Murphy, D-Conn.