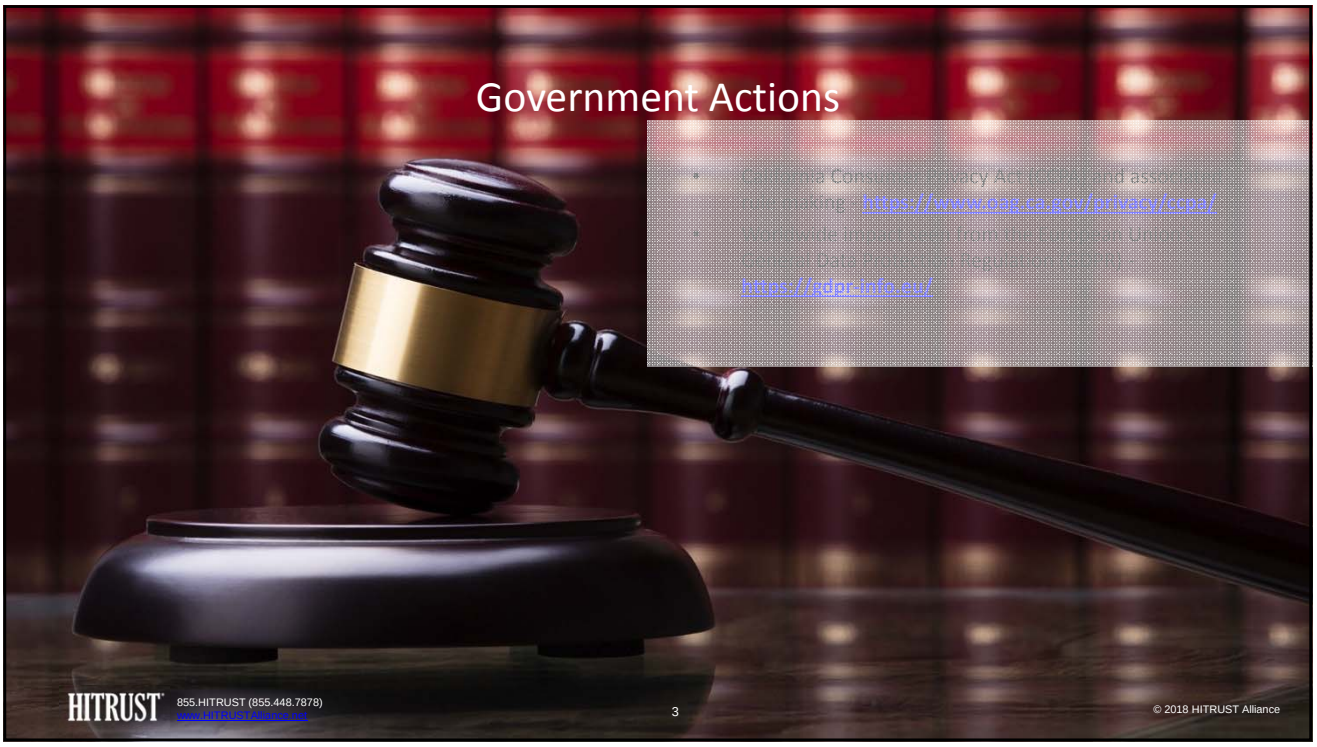
Governmental Initiatives

- FTC Hearings - https://www.ftc.gov/news-events/press-releases/2018/10/ftc-announces-sessions-consumer-privacy-data-security-part-its
- National Institute of Standards and Technology launces privacy framework development process - https://www.nist.gov/news-events/news/2018/09/department-commerce-launches-collaborative-privacy-framework-effort
- National Telecommunications and Information Administration (NTIA) Request for Comments on Administration's Proposed Approach to Privacy - https://www.ntia.doc.gov/federal-register-notice/2018/request-comments-developing-administration-s-approach-consumer-privacy
- Senate Commerce Committee hearings on data privacy - https://www.commerce.senate.gov/public/index.cfm/hearings?ID=2FF829A8-2172-44B8-BAF8-5E2062418F31; https://www.commerce.senate.gov/public/index.cfm/hearings?ID=3A98134B-6CCE-4491-B22B-BC831C3DFF5D



Major Existing Frameworks

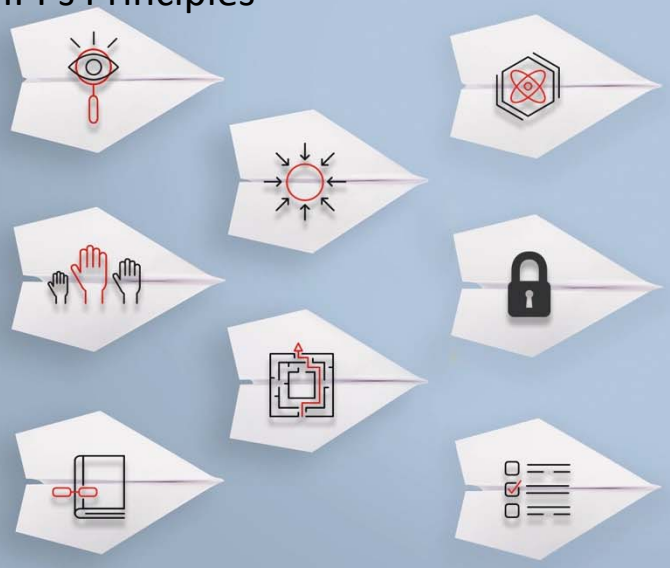
- American Institute of Certified Public Accountants and Candian Institute of Chartered Accountants Generally Accpted Privacy Principles (GAPP) - https://www.cpacanada.ca/en/business-and-accounting-resources/other-general-business-topics/information-management-and-technology/publications/business-and-organizational-privacy-policy-resources/gapp-in-privacy-policy-development
- Asia-Pacific Economic Cooperation (APEC) Privacy Framework and Cross-Border Privacy Rules - https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Electronic-Commerce-Steering-Group
- Council of Europe, Convention 108 - https://www.coe.int/en/web/data-protection/convention108-and-protocol
- Fair Information Practice Principles (FIPPs) - https://www.dhs.gov/publication/fair-information-practice-principles-fipps – basis for most other frameworks
- Madrid Privacy Declaration - https://thepublicvoice.org/TheMadridPrivacyDeclaration.pdf
- Organisation for Economic Co-operation and Development (OECD) Privacy Principles - http://www.oecdprivacy.org/

Sample of 2018 Privacy Frameworks

- BSA Software Alliance's Global Privacy Best Practices - https://www.bsa.org/~/media/Files/Policy/Data/2018_BSA_Global_Privacy_Best_Practices.pdf
- Consumer and Privacy Organizations' Draft Framework for Data Protection in the United States - https://epic.org/testimony/congress/CPOs_to_SCC_US_Data_Protection_Framework_Oct2018.pdf
- Internet Association Privacy Principles - https://internetassociation.org/internet-association-proposes-privacy-principles-for-a-modern-national-regulatory-framework/
- Google Framework for Responsible Data Protection Regulation - https://services.google.com/fh/files/blogs/google_framework_responsible_data_protection_regulation.pdf
- US Chamber of Commerce Privacy Principles - https://www.uschamber.com/issue-brief/us-chamber-privacy-principles

FIPPs Principles

- Transparency
- Individual Participation
- Purpose Specification
- Data Minimization
- Use Limitation
- Data Quality and Integrity
- Security
- Accountability and Auditing



Questions a US Privacy Law Would Need to Address

1. What counts as personal data?
2. What personal data is particularly sensitive?
3. How do we define a harm?
4. What should the timeframe for breach notifications be?
5. What level of control should individuals have over the use and disclosure of their data and in which contexts?
6. Should consent be based on an opt-in or opt-out model?
7. Should a federal standard preempt any state laws in the US?
8. What importance does global adequacy play in developing a framework (the EU and Japan, for example, allow cross-border exchange of personal data to countries whose data protection regime have been deemed adequate to provide equivalent levels of protection)?
9. What does privacy by design look like in practice?

Questions a US Privacy Law Would Need to Address

10. How does a proper privacy framework ensure that individuals are protected appropriately but the costs of compliance are bearable for small and medium businesses?
11. Does a federal standard exist along with the US's current sectoral approach to privacy or does it replace it?
12. Is a federal standard put in place through a guidance document, regulation, or legislation?
13. What role industry self-regulation should play?

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