



The Association of Business Media Companies

Update on Privacy Legislation

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As the 108th Congress reaches its midpoint, it appears evident that the possibility of enacting omnibus consumer privacy legislation is dim. On the other hand, several other pieces of legislation that had privacy ramifications saw a great deal of activity. Ultimately, however, the major issues of consumer privacy standards relating to opt- in versus opt-out for personal data were left unresolved during this session.

Congressman Cliff Stearns (R-FL-6) re-introduced privacy legislation (H.R. 1636) that included a strong pre-emption of state privacy laws and modest opt-out and consumer notice requirements. It also included provisions to control unsolicited emails, or spam, and to protect social security numbers.

To date, Stearns' omnibus privacy bill has found no traction, but the spam and social security number provisions became increasingly relevant, and bills in each house dealing with spam have gained considerable momentum. These bills, which would place reasonable limitations on the ability to send unsolicited commercial e-mails, have received generally favorable responses from business, but not from consumer groups. There is growing optimism that a bill will be passed this year.

Focusing on Social Security numbers, Senator Dianne Feinstein (D-CA) mounted a thus far unsuccessful campaign to have her identity theft bill (S.228) brought to the floor. Some businesses have raised serious concerns over the bill's unintended consequences. It is now on hold.

Clearly, these issues and others such as efforts to renew the Fair Credit Reporting Act have only a tangential relationship to the issue privacy for consumer information. Nevertheless, they provide an indication of the extent to which the debate over privacy issues has moved from the central concerns of opt-in versus opt-out to fringe issues, leaving much to be resolved in the second session of the 108th Congress.