

115TH CONGRESS
2D SESSION

H. RES. 1039

Encouraging edge providers, broadband providers, and data brokers to include certain data protections in their policies.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2018

Mr. POE of Texas submitted the following resolution; which was referred to the Committee on Energy and Commerce

RESOLUTION

Encouraging edge providers, broadband providers, and data brokers to include certain data protections in their policies.

Whereas numerous data breaches and invasions of privacy have eroded the American public's confidence in the privacy protections of their data; and

Whereas this lack of confidence has eroded the perception of data security for United States companies both domestically and internationally: Now, therefore, be it

- 1 *Resolved*, That the House encourages edge providers,
- 2 broadband providers, and data brokers to include in their
- 3 data protection policies—
- 4 (1) requirements that—

1 (A) data processors have a legal basis for
2 processing the data of users;

3 (B) opt-in, freely given, specific, informed,
4 and unambiguous consent from users be a pri-
5 mary legal basis for purposes of subparagraph
6 (A);

7 (C) data processors design their systems in
8 a way that—

9 (i) minimizes the processing of data to
10 only what is necessary for the specific pur-
11 pose stated to the individual; and

12 (ii) by default, protects personal infor-
13 mation from being used for other purposes;

14 (D) entities processing the data of children
15 institute special protections, particularly with
16 reference to the use of the data of children for
17 marketing purposes;

18 (E) data processors and controllers ensure
19 compliance with relevant privacy rules; and

20 (F) data processors implement appropriate
21 oversight over third-party data processors; and

22 (2) the right of an individual—

23 (A) to revoke consent for data processing
24 at any time;

1 (B) not to be subject to automated deci-
2 sionmaking, including profiling, without human
3 intervention if the decisionmaking has legal or
4 otherwise significant effects on the individual;

5 (C) to know which entities have access to
6 the data of the individual and how that data
7 are being used;

8 (D) to correct the data of the individual if
9 it is inaccurate or incomplete; and

10 (E) to obtain and reuse the data of the in-
11 dividual for the purposes of the individual
12 across other services.

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