

116TH CONGRESS
2D SESSION

H. R. 6227

To direct the Federal Trade Commission to issue privacy scores for certain interactive computer services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2020

Mr. LIPINSKI introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Federal Trade Commission to issue privacy scores for certain interactive computer services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Privacy Score Act of
5 2020”.

6 **SEC. 2. PRIVACY FRAMEWORK AND SCORES.**

7 (a) PRIVACY FRAMEWORK.—

8 (1) DEVELOPMENT.—The Commission shall de-
9 velop a framework for assessing the privacy prac-

1 tices of interactive computer services (in this section
2 referred to as the “privacy framework”).

3 (2) FRAMEWORK CRITERIA.—The privacy
4 framework shall include an assessment of the fol-
5 lowing criteria, with respect to an interactive com-
6 puter service:

7 (A) Whether the service collects, stores,
8 uses, and shares only covered information nec-
9 essary to perform a relevant user-facing pur-
10 pose.

11 (B) The level of transparency of the serv-
12 ice regarding the privacy practices of the serv-
13 ice, including the extent to which the service
14 communicates to users the following:

15 (i) What covered information may be
16 collected.

17 (ii) How such information may be
18 stored.

19 (iii) How such information may be
20 used.

21 (iv) With whom such information may
22 be shared.

23 (C) Whether the service offers users any
24 options to designate preferences for covered in-
25 formation collected, stored, used, or shared in

1 excess of the minimum information necessary to
2 perform a relevant user-facing purpose, and
3 whether such preferences are respected.

4 (D) The risk that covered information col-
5 lected by the service may be used to identify
6 users, while taking into consideration whether
7 the identification is necessary to perform a rel-
8 evant user-facing purpose of the service and
9 whether a reasonable user would be aware of
10 such purpose.

11 (E) The security of sensitive covered infor-
12 mation collected by the service.

13 (F) Any other criteria the Commission de-
14 termines necessary to protect the privacy of
15 users with respect to covered information.

16 (b) PRIVACY SCORES.—

17 (1) DEVELOPMENT.—The Commission shall use
18 the privacy framework to develop a system for
19 issuing a score for an interactive computer service
20 that reflects the extent to which the service protects
21 the privacy of the covered information of users, tak-
22 ing into consideration the purpose of the service and
23 options offered to users with respect to covered in-
24 formation (in this section referred to as a “privacy
25 score”).

1 (2) ISSUANCE OF SCORE.—The Commission—

2 (A) shall issue a privacy score for the 100
3 interactive computer services that have the
4 most unique United States users each year (as
5 determined by the Commission); and

6 (B) may issue a privacy score for inter-
7 active computer services not described in sub-
8 paragraph (A) with a high number of unique
9 United States users (as determined by the
10 Commission).

11 (3) EVALUATION OF SCORE.—Each year, the
12 Commission shall evaluate interactive computer serv-
13 ices to determine—

14 (A) whether the interactive computer serv-
15 ices required to be issued a privacy score under
16 paragraph (2)(A) have changed;

17 (B) whether the interactive computer serv-
18 ices eligible to be issued a privacy score under
19 paragraph (2)(B) have changed; and

20 (C) whether to modify a privacy score pre-
21 viously issued for an interactive computer serv-
22 ice based on changes in—

23 (i) the extent to which the service pro-
24 tects the privacy of the covered informa-
25 tion of users;

- 1 (ii) the purposes of the service; or
2 (iii) the options offered to users with
3 respect to covered information collected by
4 the service.

5 (4) PUBLICATION OF SCORE.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the date of the enactment of this Act, the
8 Commission shall publish on a public website of
9 the Commission the privacy scores issued pur-
10 suant to paragraph (2), the corresponding dates
11 of issuance, and a link to the online privacy pol-
12 icy of the interactive computer service.

13 (B) UPDATES.—Beginning on the date
14 that is 1 year after the date on which the Com-
15 mission initially publishes the privacy scores
16 under subparagraph (A), and annually there-
17 after, the Commission shall publish updates of
18 such scores based on the evaluation conducted
19 under paragraph (3) for the relevant year.

20 (C) DECLINE IN UNIQUE UNITED STATES
21 USERS.—Notwithstanding the Commission de-
22 termining that an interactive computer service
23 for which a privacy score has been issued pur-
24 suant to paragraph (2) no longer has a high
25 number of unique United States users, the

1 Commission may continue to publish the most
2 recently issued score and the corresponding
3 date of issuance.

4 (5) DISPUTE PROCESS.—Not later than 1 year
5 after the date of the enactment of this Act, the
6 Commission shall establish a process for resolving
7 disputes related to the issuance of privacy scores
8 that have been raised—

9 (A) by an interactive computer service for
10 which a privacy score has been issued; or

11 (B) by a third party.

12 (6) REPORT.—Not later than 2 years after the
13 date of the publication of the initial privacy scores
14 under paragraph (4)(A), and annually thereafter,
15 the Commission shall submit to Congress a report
16 that describes the following:

17 (A) The number of interactive computer
18 services evaluated with respect to the issuance
19 of privacy scores during the most recently com-
20 pleted year and in total.

21 (B) Trends related to privacy scores, in-
22 cluding the number of privacy scores that the
23 Commission issued or modified during the most
24 recently completed year and in total.

1 (C) Any common characteristics of inter-
2 active computer services with low privacy
3 scores, such as privacy policy terms, industry,
4 location where the service is based, type of serv-
5 ice offered, or ownership or control of the serv-
6 ice.

7 (D) If applicable, an identification of
8 trends in the practices of interactive computer
9 services with respect to the privacy of the cov-
10 ered information of users of such services, in-
11 cluding any potential emerging threats posed by
12 such practices.

13 (E) If determined necessary by the Com-
14 mission, recommendations for congressional ac-
15 tion to promote the privacy of users of inter-
16 active computer services.

17 (c) PUBLIC AWARENESS AND RECOGNITION.—The
18 Commission may—

19 (1) conduct public awareness campaigns to edu-
20 cate users about the privacy scores issued under
21 subsection (b); and

22 (2) establish a recognition program for inter-
23 active computer services with outstanding privacy
24 scores issued under such subsection.

25 (d) DEFINITIONS.—In this section:

1 (1) COMMISSION.—The term “Commission”
2 means the Federal Trade Commission.

3 (2) COVERED INFORMATION.—The term “cov-
4 ered information” means information that is linked
5 or that the Commission determines is reasonably
6 linkable to a unique user of an interactive computer
7 service, including—

8 (A) first and last name of the user;

9 (B) home or other physical address of the
10 user, including the name of a street, city, or
11 town;

12 (C) email address of the user;

13 (D) telephone number of the user; and

14 (E) Social Security number of the user.

15 (3) INTERACTIVE COMPUTER SERVICE.—The
16 term “interactive computer service” has the meaning
17 given the term in section 230(f) of the Communica-
18 tions Act of 1934 (47 U.S.C. 230(f)).

19 (4) SENSITIVE COVERED INFORMATION.—The
20 term “sensitive covered information” means any of
21 the following covered information:

22 (A) Financial information of the user.

23 (B) Biometric identifiers of the user.

24 (C) Citizenship or immigration status of
25 the user.

1 (D) Medical information of the user.

2 (E) Race, ethnicity, or religious affiliation

3 of the user.

4 (F) Criminal history of the user.

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